People Pressure: Strategic Engineered Migration as an Instrument of Statecraft and the Rise of the Human Rights Regime

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ABSTRACT

Using a combination of historical case studies and insights from formal modeling, this study proposes and tests a new theory to explain one piece of a poorly understood phenomenon, namely the strategic use of population flows as political and military weapons. Specifically, after first demonstrating the existence and relative pervasiveness of this phenomenon, this study tackles the question of how—and under what conditions—outflows may be exploited to facilitate a kind of unconventional coercion, which I have termed political jujitsu. Political jujitsu may be thought of as a “coercion by punishment” strategy, whereby weak, often undemocratic, actors turn the strengths and virtues of their more powerful adversaries on their heads, in such a way as to make possible coercion of the strong by the relatively weak.

The theory posits that perpetrators seek to place their targets’ values and/or normative commitments in direct conflict with their (usually) competing and heterogeneous political imperatives, in the expectation that targets will choose to concede to perpetrators’ demands rather than suffer the anticipated political costs of resistance. Perpetrators do so, in part, by imposing “hypocrisy costs,” i.e., those symbolic political costs that arise when there exists a real (or perceived) disparity between a professed commitment to liberal values and/or international norms, and demonstrated actions that contravene such a commitment. A further implication of the theory is that, ironically and tragically, as humanitarian norms have grown in strength, so has the power of those who would exploit them, both for virtuous and nefarious purposes. While this study examines this kind of coercion in the context of refugee flows, the proposed theory is more widely generalizable, i.e., to any issue where states’ values and/or normative commitments may come into conflict with their material interests.

To test the theory, I have conducted four in-depth, longitudinal case studies, drawing upon a variety of primary and secondary sources, fieldwork, and interviews. Specifically, I examine outflows from Cuba (1965, 1980, 1994); Kosovo (1998-99); Haiti (1979-81; 1991-94); and North Korea (mid 1990s->). Additional cases from central Africa; Southeast Asia; and central Europe are also utilized, where appropriate, to provide constructive comparisons.

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"We have not journeyed all this way across the centuries, across the oceans, across the mountains, across the prairies, because we are made of sugar candy."

—Winston Churchill
Chapter 1

Introduction—Political Jujitsu and the Coercive Power of Refugee Crises

"One refugee is a novelty, ten refugees are boring, and a hundred refugees are a menace."

"...Statecraft is not just about power politics and deploying material resources. It is also about image and deploying symbolic resources. Power depends not only on physical abilities and coercion, but also on legitimacy and its symbolic representation."

This is a study about the nature of unconventional coercion. It tackles the question of how weak, often undemocratic, actors can successfully use the virtues of powerful democracies against them. It does so in the context of the uncomfortable and largely under-appreciated fact that human beings themselves make good coercive instruments, particularly when they cross borders and do so in great numbers. In short, this study examines how—and under what conditions—states' material fears of massive refugee flows can come into conflict with their normative commitments to the protection of refugees, and do so in ways that facilitate successful coercion of the strong by the relatively weak. In other words, it hypothesizes and then tests a theory I call "extortive engineered migration," an application of a larger concept I have termed "political jujitsu" to the domain of migration crises. As the case studies herein illustrate, this kind of coercion does not always succeed. Yet it does do so with greater frequency than one would likely intuit, given the relative distribution of power and capabilities that often exist between perpetrators and their targets. Although this study examines this kind of (generally asymmetric) coercion in the context of refugee flows, the theory it proposes is broader and more widely applicable. Namely, it may be applied to any issue where governments' lofty ideological pronouncements and/or normative commitments come into conflict with their material deeds...or with a failure to act at all.

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3 See Chapter 2: Strategic Engineered Migration—Refugees as Instruments of Statecraft, p. 29 for a precise definition of "refugee" and an explication of how the term is employed herein.

4 A complete definition and explication of political jujitsu can be found on pp. 9-10.

5 Additional applications include—but are not limited to—issues such as humanitarian military interventions, wartime rules of engagement, and policies regarding sanctions, embargoes, and other non-lethal instruments of persuasion. See also Leslie H. Gelb and Justine A. Rosenthal, "The Rise in Ethics in Foreign Policy," Foreign Affairs, vol. 82, no. 3 (May/June 2003), pp. 2-7, for a brief discussion of how, in the realm of foreign policy, issues of morality and universal values are growing in strength, tempered however by the battles "within
At the same time, this is necessarily also a study about the larger class of events of which extortive engineered migration is just one sub-variant; namely, the deliberate and instrumental use of population movements as means to political and military ends, a phenomenon I have termed "strategic engineered migration." Despite the fact that two decades have past since Myron Weiner first asserted that sending states exercise far more control over their out-migration than was previously thought and indeed may even visualize it as a kind of "national resource' to be managed like any other," remarkably little theoretical attention has heretofore been paid to the instrumental manipulation and exploitation of engineered population flows. As refugee expert Michael Teitelbaum remarked in 2001, "the most striking weakness in migration theories drawn from the social sciences is their failure to deal in a serious way with government action in initiating, selecting, restraining, and ending international migration movements." With the exception of a 1992 monograph by Gil Loescher and a 2001 volume co-edited by Weiner and Teitelbaum, there have been but a handful of articles and chapters that even mention the issue at all, much less address it in a systemic, theoretical way.

However, in order to analyze the coercive use of refugees, one must be able to situate this kind of exploitation within the wider class of events that comprise the universe of ways in which refugees

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9 Although a number of these articles are quite valuable as far as they go, none offers a testable theory as to why actors would view engineered migration as a national resource. Several offer useful typologies as well as myriad empirical examples, albeit only in snapshot form. See especially Teitelbaum, ibid.; Loescher, ibid.; Charles Keely, "How nation-states create and respond to refugee flows," The International Migration Review, vol. 30, no. 4 (Winter 1996), pp. 1046-66; Weiner and Teitelbaum, Political Demography, Demographic Engineering (New York: Berghahn Books, 2001); and Sharon Stanton Russell, Charles B. Keely, and Bryan P.
may be used instrumentally. Since so little has been written on this topic, no analytical framework that addressed this wider class of events existed; thus it was necessary that I create one. Thus herein I actually undertake two distinct, yet fundamentally inter-related tasks: one, primarily descriptive, and the other, principally theoretical, and it is the descriptive exercise that makes possible the theoretical exploration that follows. More specifically, in order to conduct a theoretical exploration of the coercive variant, I needed first to conceive and formulate a comprehensive heuristic framework for understanding the larger phenomenon of strategic engineered migration.

In the context of presenting the analytical framework and explaining the larger phenomenon, I also aim to augment our current limited understanding of strategic engineered migration in two additional ways. First, I aim to dispel the widespread myth that strategic engineered migration is a somewhat new and novel phenomenon. To that end, I show that at almost any given time in the last 50 years—in at least one location on the globe—population displacements were being used instrumentally, often by multiple actors simultaneously. Second, I provide a portrait of the kind of actors who would engage in the instrumental manipulation of population movements, and propose an explanation as to why they would resort to the use of this unconventional policy tool, despite the obvious reputational (and possibly retributive) costs of doing so. Essentially, I argue that the active generation of population outflows is generally favored by weak, illegitimate, or semi-legitimate actors who lack effective recourse to more conventional methods of influence. In contrast, the overt and tacit instigation and/or manipulation of outflows is a policy instrument utilized by all manners of actors—weak and strong, democrats and demagogues, individual states and state-less individuals. In other words, only weak, illegitimate actors will tend to actively drive people from their homes, but all kinds of actors will behave in ways that may indirectly provoke displacements and all will likewise exploit the existence of


The need to understand how extortive engineered migration fits into the larger class of events is particularly acute because many incidences of strategic engineered migration comprise multiple motivations and objectives, and are also utilized by multiple actors simultaneously. For instance, during the 1967-70 Nigerian civil war, both the Nigerian government and the Biafran insurgents employed strategic engineered migration as a weapon against the other side; they also used the instrument for a variety of political and military reasons. See, for example, interview with Kathleen Newland in "Refugees as Weapons of War," a program produced by America’s Defense Monitor, October 17, 1999. Found at: ADM-online. See also John Okpoko, The Biafran Nightmare: the controversial role of international relief agencies in a war of genocide (Enugu, Nigeria: Delta, 1986).
already extant outflows. Again, although principally descriptive, this piece of the study is critically important as it lays the foundation for the theory building and hypothesis testing that follows.

**The Theoretical Argument**

Why are relatively weak actors sometimes able to successfully influence the behavior of strong ones, particularly when very powerful states often have great difficulty coercing far weaker ones?\(^{13}\) One answer, I contend, lies in the ability of weak actors to turn the virtues of liberal (and liberalizing) states on their heads and use these virtues as weapons against them.\(^{13}\) In short, they engage in a kind of *political jujitsu* against their more powerful opponents. Jujitsu refers to “the ancient Japanese art of weaponless fighting employing holds, throws, and paralyzing blows to subdue or disable an opponent.”\(^{14}\) It emphasizes winning by using one’s opponent’s weight and strength as weapons against him; it embodies the principle that good technique can trump sheer strength. Thus, in a skillfully fought jujitsu match, a slight person can triumph over a heavier, stronger opponent.\(^{15}\)

Similarly, in *political jujitsu*—as in asymmetric warfare—states and non-state actors attempt to affect the behavior of their opponents by using the opponents’ own strengths and virtues against them. Given the West’s disproportionate and overwhelming power relative to most other states and non-state actors, it makes sense that many potential adversaries will perceive their comparative advantage against it not in technological terms, but in “the collective psyche and will of its people.”\(^{16}\) Although directed towards a discussion of conventional warfare, the remarks of a former North Vietnamese commander are instructive on this point: “The conscience of America was part of its war-making capability, and we were turning that power in our favor. America lost because of

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\(^{13}\) Which, as detailed in Chapter 2, also include dispossessive, exportive, and militarized sub-variants.


\(^{15}\) Of course, these virtues can also be used—and long have been—by powerful, liberal actors as cudgels against weak, illiberal states. But, as I make clear below, the use of this weapon by the strong can be dangerous, as liberal actors often get more than they bargained for, e.g., after the 1956 Hungarian Revolution, during the 1961 Berlin Crisis, and in the aftermath of the Vietnam War.


its democracy; through dissent and protest it lost the ability to mobilize a will to win.”7 Likewise, as Milosevic told German Foreign Minister Joschka Fischer in March 1999, “I can stand death—lots of it—but you can’t.” Hence, current and potential adversaries (as well as disgruntled allies) may derive powerful asymmetric bargaining leverage via exploitation of what liberal targets view as their virtues, i.e., their moral strengths and ethical standards.9

In the realm of refugee affairs, this means the exploitation of the contradictions between target states’ codified commitments to the protection of those fleeing violence and persecution, and the fact that many living within these states are often ill-disposed to adhere to those commitments. I contend that—under certain conditions—this gap between normative/ideological commitments and political imperatives can facilitate the creation of a bargaining lever that often allows would-be coercers to influence the behavior of their targets. Basically, perpetrators seek to place targets’ professed ideological values and/or moral commitments in direct conflict with their domestic political obligations, in the expectation that targets will choose to concede to perpetrators’ demands rather than suffer the political costs of resistance. For instance, as East German officials candidly put it in the midst of then President Erich Honecker’s ploy to extract economic aid from the West Germans in the mid-1980s by flooding the country with asylum-seekers, both from East Germany and farther afield, “They say they’ve got a liberal, free society over there. Let them prove it!”10

Extortive engineered migration can be conceived as a dynamic, two-level, coercive bargaining game, in which perpetrators on the international level seek to influence target behavior on the domestic

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8 Quoted in Ivo Daalder and Michael O’Hanlon, Winning Ugly: NATO’s War to Save Kosovo (Washington, DC: Brookings Institution, 2000), p. 94. As Gow and Tilsley put it when discussing the Bosnian conflict, “lessons involving what may be described as the ‘psychological’ weaknesses of Western societies were clearly understood and were used at the international level to good effect.” From James Gow and James Tilsley, “The Strategic Imperative for Media Management,” in Bosnia by Television, p. 103. See also Marjan Malesic (ed.), The Role of the Mass Media in the Serbian-Croatian Conflict (Stockholm: SPF, 1993), p. 11.
level by playing on an anticipated heterogeneity of interests within the target state (or its alliance). I further argue that perpetrators seek to influence their target via the imposition of what I term “hypocrisy costs”—i.e., those symbolic political costs that arise when there exists a real (or perceived) disparity between a professed commitment to liberal values (i.e., ideology) and/or to international norms, and demonstrated actions that contravene such a commitment. Because liberal democracies are as a rule both the most committed to the protection of refugees and the most exposed to the potentially politically-costly vagaries of heterogeneous domestic interests, they will be most vulnerable to extortive engineered migration, while closed, authoritarian societies will be the least vulnerable.

Nevertheless, refugee outflows are not always viewed as crises, nor do they always generate consternation within receiving states. Instead I assume hypocrisy costs only come into play—and thus extortive engineered migration can only succeed—when the crisis at issue has (or threatens to) become “negatively salient,” thereby creating a “policy panic,” which forces a government to turn sharply and suddenly in a direction at odds with existing policy to make the crisis go away, “or face a public relations disaster.” Policy panics can occur either suddenly and unexpectedly as the result of a single dramatic event, or as the result of sustained—and escalating—negative press coverage. In either case, panics stimulate policy flip-flops that are inconsistent with previously articulated policy or strategy, and which tend to redound to the benefit of perpetrators, thereby facilitating successful extortive engineered migration, albeit often in a sub-optimal way.

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33 This is akin to what human rights network advocates call “accountability politics,” which is to say “once a government has publicly committed itself to a principle...networks can use those positions, and their command of information, to expose the distance between discourse and practice. This is embarrassing to many governments, which may try to save face by closing that distance,” or by making the gap disappear by ending the crisis. Margaret A. Keck and Kathryn Sikkink, Activists Beyond Borders: Advocacy Networks in International Politics (Ithaca: Cornell University Press, 1998), p. 24.
34 Meaning that not only has the crisis permeated the target audience's consciousness, but it has also left a significant portion of that audience dissatisfied with the manner and/or quality of the leadership's response.
While the theory will be explained in much greater detail in Chapter 3, the crux of the argument is illustrated below in Figure 1.1:

**Theory of Political Jujitsu, in the Context of Refugee-driven Coercion**

I further argue that due to the perverse nature of this kind of coercion, ironically and tragically, the growth of the international human rights regime has actually inadvertently strengthened weak actors prepared to employ it, particularly—but not exclusively—against liberal democratic targets. This is because as the norms governing appropriate state behavior have grown in strength and in number, so has the leverage of those who seek to exploit these norms. While norms do "provide incentives and disincentives for different kinds of actions" for those who embrace them, they also provide incentives and disincentives for different kinds of exploitation of these selfsame norms; thus making the employment of extortive engineered migration more attractive over time. This can only be viewed as a case of the law of unintended consequences in action, whereby the growing strength of humanitarian norms has invested power in the hands of weak actors who would otherwise have little and has actually created perverse incentives for such actors to inflict humanitarian harm upon others. Furthermore, if recent history is any indication, those who seek to exploit these norms will increasingly seek to present liberal democratic leaders with moral and ethical conundrums, against which their superior power is of little use; the use of refugees as

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coercive bargaining tools via extortive engineered migration is a premier example of this phenomenon in action.\textsuperscript{37}

This argument is, broadly speaking, consistent with a bureaucratic politics model of decision-making. It shares its "two most predictively accurate and prescriptively useful propositions—that individual decision makers are driven by domestic political imperatives and that the process of coalition building influences the content of a state's foreign policy."\textsuperscript{38} At the same time, however, it differs from traditional models of bureaucratic politics—e.g., Allison's Models II and III—in that it does not posit that the domestic imperatives that matter are artifacts either of organizational routines or of structural constraints. Rather, it is the push and pull of political pluralism—and how its operational dynamic can create internal conflicts that may be exploitable by external actors—that is the theory's lynchpin.\textsuperscript{39} In a similar vein, the vulnerability that results from the contradiction I posit exists between normative commitments and political imperatives can be viewed as a converse of Keck and Sikkink's norms-driven boomerang effect, as elucidated in their groundbreaking study of the growing strength of transnational actors and the human rights regime. See Figure 1.2 below for a description and illustration of Keck and Sikkink's model and of my own model of the converse.

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\textsuperscript{37} Moreover, based on the greater rate of population growth in the developing world vis-à-vis the industrialized world, it is likely that the utility of this tactic will increase over time.


Keck and Sikkink's "Boomerang Pattern Diagram," which illustrates the premise that if State A blocks redress to organizations within it, these organizations can activate transnational networks, whose members then pressure their own states and (if relevant) third-party organizations, which in turn place pressure on State A. (From Margaret A. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998), p. 13)

Hypocrisy Costs in Action Diagram, which builds upon Keck and Sikkink's work to illustrate how, if State A and/or associated non-state actors fail to achieve its/their goals through traditional channels, due to State B's unwillingness to negotiate or concede to its/their demand(s), State A and/or the non-state actors may enhance his/their bargaining power by resorting to behaviors designed to impose hypocrisy costs on B, e.g., by generating massive refugee flows. As the diagram demonstrates, perpetrators may be helped in this endeavor by international NGOs and inter-governmental organizations. (What is not evident above is the fact that they may also be aided by foreign governments and domestic actors). **The bottom line, however, is clear: humanitarian norms can be used as coercive cudgels by "bad guys" as well as by "good"...sometimes simultaneously.**

**Theoretical Contribution**

Although little has been written on the phenomenon of strategic engineered migration, generally, or the coercive use of refugee flows, more specifically, the preceding discussion should make plain that this study builds upon the existing literature in both its formulation and its execution.
Similarly, the study's findings also bear directly on some of the larger theoretical questions that currently occupy the study of international relations and foreign policy. In short, the theoretical contributions of this study speak to four major questions/issues: the role of regime type; the nature of power; the power of norms; and the significance of the media in contemporary policy-making.

1) Regime type does matter; however, not the way many think it does. Specifically, this study challenges the idea the democracies are by definition more credible in the face of crises (Cowhey 1993; Fearon 1992, 1997; Gaubatz 1996; Keohane 1984; Schultz 2001, 2002; Van Belle 1997). Instead, the argument herein suggests that democracies may in fact be hobbled by their very nature in international crisis bargaining (see also Finel and Lord 2000; Rasmussen 1992; and on how this weakness may extend onto the battlefield, see Merom 2003). Similarly, I call into question the contention that societal cleavages are unimportant in “foreign political policy-making,” because of the independence of decision-makers from particular pressures within that arena, i.e., that the domestic structure of the state within the realm of foreign policy insulates decision makers from societal pressures (Krasner 1978, 1982; Nordlinger 1981; Welsh 1991). Instead, I argue that, at least in the realm of the highly politicized issue of refugee crises (Baldwin-Edwards and Shain 1994; Meyers 1995; Shain 1996), policymakers are highly vulnerable to societal pressures (see also Hampson 1985; Peterson 1996). In fact, I contend that it is the very existence of these societal pressures that makes coercive engineered migration possible.

2) Power does matter; however, not the way it is supposed to. Despite the intuitive soundness of Blainey's assertions to the contrary (Blainey 1988), this study suggests that relative material capabilities are not necessarily a good predictor of outcomes (see also Fearon 1992; Levy 1996; Mack 1973), or even for that matter a good predictor of crisis/conflict initiation (see also Paul 1994). The problem lies in the fact that in situations of conflict both parties often have inflated expectations of victory (Blainey 1988; Fearon 1992), and this occurs even in cases where information asymmetries do not exist (Paul 1994). However, history suggests that more powerful actors in asymmetric conflicts tend to be particularly susceptible to such hubris (Arreguin-Toft 2002; Mack 1975; Paul 1994). Confident of their superior strength and position, they fail to realize until late in the game that they
might lose. Targets are frequently forced to concede, at least in part, to perpetrator demands, in order to bring crises to an end. In the context of extortive engineered migration, this hubris not only frequently leads to concession to perpetrators' demands, but also to unnecessary political embarrassment, since evidence suggests that in a number of cases an earlier willingness to negotiate could have prevented embarrassing political messes (Davis 2000; Dupuy 1997; Engstrom 1998; Mitchell 1992; Peterson 1996).

3) Norms do matter and matter profoundly; however, not for the reasons many think they do. There is a large body of scholarship that suggests that leaders adhere to norms because they have internalized (or "socialized") them (Duffield 1992; Finnemore 1993, 1998; Goldstein et al. 1993; Keohane 1989, 2000; Nye 1987; Ruggie 1982, 1983; W. Thomas 2001).\(^\text{10}\) However, the argument offered herein contends there is little systematic evidence to support such propositions, at least with regard to refugee-related issues (see also Jesse 1998; Keely 1996). It is clear that leaders do modulate their behavior as a consequence of the growing strength of norms. Nevertheless, I argue that political leaders tend to yield to the pressure generated by policy panics not out of a sense of moral conviction, but rather only out of a fear of the political costs of failing to do so.\(^\text{9}\) To use Kant's phraseology, the available evidence suggests that in the realm of refugee affairs leaders behave more like "political moralists"—who "would concoct a system of morals such as the advantage of the statesman may find convenient"—than "moral politicians"—who "employ the principles of political prudence in such a way that they can coexist with morals."\(^\text{3}\) I am not suggesting that norm socialization never occurs—clearly sometimes norms do become

\(^{10}\) The findings of these studies vary significantly, in terms of their findings as to why states choose to behave in ways that are consistent with norms. Some argue that the norms are assimilated and internalized (Duffield 1992; Finnemore and Sikkink 1998; Nadelmann 1990; Nye 1987; Risse and Sikkink 2002). Some contend that states observe norms because they like to feel good about themselves and want others to think well of them (Anderson 2000; Fearon 1997). Others argue that states respond to material reasons rather than because of a desire for others' good opinion or legitimacy (Thomas 2001). And some argue states real reasons for observing norms are more or less irrelevant, as even if states adopt norms for material reasons in the short run, they will often take hold and become assimilated over time. This is because, they argue, the transnational networks supporting them become empowered by the states' original self-serving actions, which then allows them push for further strengthening of the norm (Khagram, Riker and Sikkink [eds.] 2002; Thomas 2002).

\(^{9}\) Consider, for instance, Axelrod's observations about altruism. While "altruism is a motive for action...certain kinds of behavior that may look generous may actually take place for reasons other than altruism. For example, giving to charity is often done less out of a regard for the unfortunate than for the sake of the social approval it is expected to bring." Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, Inc., 1984), p. 135.

\(^{3}\) This astute observation was originally offered in Robert W. McElroy, *Morality and American Foreign Policy: The Role of Ethics in International Affairs* (Princeton, NJ: Princeton University Press, 1992), p. 40. See also
internalized — only that in the realm of refugee policy, even liberal democracies do not seem to have moved beyond what Risse and Sikkink refer to as the “tactical concessions” phase of norm socialization. Thus, I contend that norms do matter, but for the most part they still matter mostly for material reasons.

Likewise, there have been a number of valuable studies of how norms can be utilized by states and non-state actors — both separately and collectively — to improve the behavior of norms-violating "illegitimate" states (Keck and Sikkink 1998; Finnemore and Sikkink 1998; Risse and Ropp 2001; Risse and Sikkink 1999; D. Thomas 2001; Waldorf 2002). However, heretofore there has been no systematic examination of the converse condition, namely how norms may be exploited by actors willing to violate them to influence the behavior of others who adhere to them. Nor has there heretofore been an examination of how the growing strength of norms may further increase norms-compliant actors’ vulnerability to such exploitation. (However, on the growing power of norms, see Khagram et al. 2001). As noted above, this study tackles both of these issues and explores as well the policy implications thereof.

4) Media coverage matters; but not the way many think it does. In contrast to the view that media — and especially television coverage — drives policymaking in the modern world, the argument herein adds to the body of recent research that suggests that the impact of the much-touted (and lamented) “CNN Effect” is not as straightforward as was previously believed (Gowing 1994; Holsti 1996; Strobel 1997). As Gowing cogently noted: the media’s “unquestioned ability to provide a contemporaneous, piecemeal, video ticker-tape service — a tip-sheet of raw, real-time images virtually instantly — must not be confused — as it usually is — with a power to drive policy-making.” Instead,
media coverage puts pressure on choice in crisis management, skews responses, and shapes the policy agenda. It "highlight[s] policy dilemmas but do[es] not resolve them."  

In addition, this study offers a first step towards plugging two holes in the theoretical literature. First, the study attempts to address, in part, the theoretical deficiency in the migration literature highlighted by Teitelbaum, i.e., the lack of a theory of the instrumental use of population flows. Second, it addresses what might be viewed as an analogous deficiency in the coercion literature, most of which grew out of the Cold War, in part as a prescriptive tool to aid policy-makers. Although some recent additions have "attempted to transcend the most idiosyncratic features" of the Cold War (Art, et al. 2003; Byman and Waxman 2001; Freedman, et al. 1998; Paul 1994), most of the coercion literature continues to focus solely on interstate threats, usually involving territorial aggression or intergovernmental intimidation via the threat of military force. However, as the previous discussion—or even a casual reading of the newspaper—makes evident, a non-trivial amount of contemporary coercion falls outside these traditional parameters. Thus the insights offered by this study—which examines less conventional methods of coercion, as well as attempted coercion by non-state actors—may prove useful additions.

**Practical Importance**

Refugee flows are curious things. While only rarely would they be appropriately classified as issues of "vital national interest," they have nevertheless emerged as a major issue in contemporary international relations and foreign policy, as well as—within many states—a significant domestic political problem. It is now widely recognized that refugee flows can trigger or exacerbate conflicts both within states and between them. Moreover, they can generate profound anxiety and precipitate violence not only in their countries of origin, but also in the countries that receive

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35 Nik Gowing, "Real-time TV Coverage from War: Does it Make or Break Government Policy?," *in Bosnia by Television* (London: British Film Institute, 1996), p. 86.  
36 See again fn 7.  
them. These underlying tendencies are exacerbated by the fact that not only has the number of refugees worldwide increased dramatically—from 1.5 million in 1951, when UNHCR was created, to 12 million in 2004—but also the existence of these flows and their potential consequences have become increasingly salient to publics worldwide.

Long before September 11th galvanized a new preoccupation with border security, issues surrounding refugees and illegal migrants had in many countries transmuted from a matter of "low politics" to a matter of "high politics," "involving a shift in the definition of national security threats and in the practice of security policy." In fact, refugee-related anxieties have been immutably on the rise since the early 1980s, when the number of asylum seekers trying to enter the West began a steep and prolonged ascent. In Western Europe alone the number of asylum seekers grew from under 70,000 in 1983 to nearly 700,000 in 1992, leading a majority of Europeans to declare "refugees and uncontrolled immigration" their most pressing security concern. In many Western European countries, the rising popularity of radical right parties can be directly linked with growing xenophobia and fears associated with being overrun by refugees. Likewise, in the US calls to increase the stringency of immigration policies—and tighten access to social services—have proven effective campaign fodder, especially in states with large immigrant populations, e.g., Florida, California.

40 A number which is somewhat lower than it was in the 1990s during the height of the wars of Yugoslav dissolution and the latter stages of the civil war in Afghanistan.
In short, since refugee flows can affect states' foreign and domestic policy, exacerbate internal and external conflicts, and noxiously influence international attitudes to the detriment of those most in need of protection, there is clearly a practical need for a better understanding of the instrumental use of refugee flows. The implementation of policies that may reduce the susceptibility of states to strategic engineered migration could have a pacifying effect in such a divisive political climate, as well as leave states better prepared to combat attempts to exploit their growing vulnerability to the coercive sub-variant of strategic engineered migration. Consider, for instance, the following example. The findings of this study suggest that many "coercive" refugee crises tend to follow a demonstrable pattern: Dissatisfied perpetrators threaten to unleash—directly or indirectly—an outflow. These threats are trivialized and under-valued by powerful, liberal targets. A modest flow ensues. Powerful targets greet it with derision and rhetorical escalation. The modest flow escalates into a massive flow, which is generally not the preferred outcome of the perpetrator, but is nevertheless preferable to the status quo ante. The resulting massive outflow creates fear and conflict as to how to respond within the target state or states, and encourages concession to at least some of the perpetrator's demands. A better understanding of this dynamic—and an assimilation of valuable lessons from past crises—could help potential target states better cope with future attempts at extortive engineered migration, as well as avoid the embarrassing political messes such attempts have frequently wrought. Consider, for example, US President Jimmy Carter's humiliating defeat in the 1980 election, a defeat that Carter largely attributes to the fallout from the Mariel boatlift crisis. Immediately after the election, Carter said, "the refugee question has hurt us badly. It wasn't just in Florida, but it was throughout the country. It was a burning issue. It made us look impotent when we received these refugees from Cuba."  

Methodology and Case Selection

Using a combination of inductive and deductive reasoning—and drawing on insights from formal modeling, history, and existing theoretical literature—I have formulated both a framework for the
study of strategic engineered migration and a testable theory of its coercive sub-variant. This theory is then tested herein against four in-depth, longitudinal case studies, which were conducted using both primary and secondary source research, including fieldwork, interviews, and archival study.\footnote{From Public Papers of the Presidents of the United States: Jimmy Carter, 1980, vol. 3 (Washington, DC: GPO, 1981), p. 2693.}

To achieve variation across space and time, I have chosen cases from three different regions—North America, Europe, and Northeast Asia—during the latter half of the twentieth century. The inclusion of cases from a variety of regions allows for demonstration of the proposition that this is in fact a global phenomenon, and a focus on the post-war period is also appropriate for a number of reasons. First, it was only after World War II that international rules and norms regarding refugees were developed and, as one specialist in asylum and immigration law put it, “refugees became a question of high politics.”\footnote{Some large-N analysis of flows since 1951 has also been conducted, but the results to date are of questionable value.} Second, a focus on the second half of the twentieth century facilitates the inclusion of cases that offer: 1) variation in geopolitical environment; 2) variation in economic conditions; 3) variation in ideological climate; 4) periods of both war and peace; and 5) periods with both permissive and restrictive immigration and asylum policies. Specifically, I examine population outflows—and the crises surrounding them—from Cuba (1965, 1980, 1994); Kosovo (1998-99); Haiti (1979-81; 1991-94); and North Korea (2002-). Additional cases—also chosen for their temporal and geographic diversity—from central Africa (Rwanda 1994); Southeast Asia (Vietnam in the mid 1960s; Vietnam and Cambodia in the mid to late 1970s), and central Europe (East Germany in the 1950s-1961; Albania 1991, 1997) have also been used, where appropriate, to provide constructive comparisons and demonstrate variance, e.g., to illustrate and account for the gross disparity in the US’s responses to the crises in Rwanda and in Haiti in the spring of 1994.

\textbf{Plan of the Study}

The next chapter provides a heuristic framework for understanding the phenomenon of strategic engineered migration, upon which the theoretical structure advanced in Chapter 3 rests. Chapter 2 introduces and sketches the broad outlines of each of the four variants of strategic engineered migration.

migration, including the one of greatest interest for this study, i.e., the coercive variant, or "extortive engineered migration." In the context of presenting each of the four sub-variants, I also seek to dispel the widespread myth that this kind of manipulation is a somewhat new and novel phenomenon via presentation of a sampling of evidence from the database I have created on engineered migrations since the conclusion of World War II. Chapter 2 also proposes a set of hypotheses about the kinds of actors who would engage in strategic engineered migration and offers an explanation as to what would motivate them to resort to this unconventional policy tool.

Chapter 3 provides a detailed explication of the theory of extortive engineered migration and both the mechanism and the logic behind it. It proposes an explanation as to how, why, and under what conditions this kind of unconventional coercion succeeds and fails, as well as why its employment appears to have been on the rise since the early 1970s. Chapters 4, 5, 6, and 7 test the proposed theory and the adduced hypotheses. Chapter 8 explores the contemporary policy implications of the study's findings and tackles the question of what current trends appear to portend for the future, as well as summarizes the study's findings, examines cross-case patterns, highlights remaining puzzles, and identifies issues for future research.
Chapter 2

Strategic Engineered Migration—Refugees as Instruments of Statecraft

*The nature of warfare has changed; now the refugees ARE the war.*

— Martha Minow, Harvard Law School

In the aftermath of Yugoslav President Slobodan Milosevic’s mass expulsion of Kosovar Albanians in the spring of 1999, it was widely argued that a new and different armament—i.e., the refugee as weapon—had entered the world’s arsenals. But just how new and different is this weapon? Can it only be used in wartime? Can only state-level actors use it? And, since in the end Milosevic capitulated, should the refugee weapon be dismissed as a dud?

Contrary to conventional wisdom, the fact is the instrumental exploitation of refugee flows is neither a new nor a particularly unusual phenomenon. Rather, such exploitation has had a long, influential, and often successful, history, one that includes both war and peacetime use, by both state and non-state actors. Furthermore, despite a widespread belief that the majority of refugee flows are simply the unintended consequences of man-made or natural humanitarian disasters—e.g., wars, floods, famines—in reality most are created as the direct result of political decisions taken by sovereign states, often for specific political and/or military ends.¹ Thus to view—as many do—the majority of outflows as simply the unintended consequences of internal conflicts and/or economic crises is to ignore the regularity with which many governments and non-state actors seek to affect the politics and policies of their neighbors and other states farther afield—as well as address their own domestic political problems—via the manipulation of such flows.²

Moreover, there are myriad ways to use refugees as instruments of statecraft. In the last decade alone, we have witnessed their use in wartime in multiple locations and in numerous ways. They have been pressed into service as soldiers (in the African Great Lakes region, for example), deployed as human

¹ Gil Loescher, “Introduction,” in Loescher and Laila Monahan (eds.), *Refugees and International Relations* (Oxford: Oxford University Press, 1989), p. 8. Loescher is one of the few scholars and practitioners who have recognized and written about this fact; others include Charles Keely, Michael Teitelbaum, and Myron Weiner. For an argument that the same can be said of modern famines, see Kurt Jonassohn, “Famine, Genocide, and Refugees,” *Society*, vol. 30, no. 6 (September/October 1993), pp. 72-6.
shields (such as in Afghanistan and Iraq), and used to create logistical logjams (in Kosovo and Sudan, for instance). They have likewise been employed as propaganda tools to elicit international sympathy and support (including by all parties to the conflicts in Bosnia). Historically, they have also been used with some regularity in peacetime, most frequently as bargaining chips/coercive instruments by actors like Cuban President Fidel Castro, Libyan leader Muammar al-Qadhafi and former East German and Ugandan Presidents Erich Honecker and Idi Amin.

Ironically, however, while such manipulation is not particularly unusual, neither is it particularly well understood. It is true that appreciation for the fact that displaced people can be used tactically as "refugee warriors" and "human shields" has been growing in currency in recent years. But this kind of tactical use is but one piece of the puzzle. The more interesting—and still under-appreciated—piece surrounds the strategic manipulation of flows themselves, something that can be accomplished through means as obvious as the employment of massive military force, or as subtle as the judicious use of financial inducements. Even after a decade in which the world witnessed orchestrated population outflows in regions as diverse and far-flung as the Balkans, the African Great Lakes Region, the Caribbean, and Southeast Asia, the manipulation of population movements as operational and strategic means to political and military ends—i.e., what I call "strategic engineered migration"—remains poorly understood and, remarkably, its very existence is sometimes even resisted.3 Such resistance is particularly unfortunate, as it appears that such manipulation and exploitation has grown easier and more frequent over time.4

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2 Such resistance is particularly surprising, given that some perpetrators of refugee-driven coercion have explicitly acknowledged their role in such manipulation. See, for instance, Frank Johnson, "East Germans' refugee ploy upsets the West," The Times (London), July 26, 1986, Issue 62519; Barbara Demick, "58 N. Korean Defectors Held; Authorities capture groups bound for South Korea and Japan at boat terminal in China," Los Angeles Times, January 20, 2003 Part 1, p. 3; and Steven Greenhouse, "Aristide Condemns Clinton's Haiti Policy as Racist," New York Times, April 32, 1994. Nevertheless, at a conference at which I spoke in January 2003 in Chiang Mai, Thailand, a well-known refugee expert acknowledged that while my theory was "all very logical and persuasive," he still did not believe that such manipulation actually occurred.
Why an appreciation for the scope and frequency of strategic engineered migration remains limited is itself a mystery. However, I suspect an explanation may be found in the old fable about the six blind men and the elephant, in which each of the men encountered a different part of the same elephant: one, its trunk; one, its torso; one, an ear; and so on. Being blind, not one of them—each having made contact with a physiologically discrete part of the animal—was able to correctly describe the whole of the elephant. So, I would argue, it often is with the study of refugee crises. Across both disciplines and sub-fields, scholars tend to focus on distinct questions and different levels of analysis. Those who study conflict—particularly from a large-N perspective—often examine events on the macro-level. And, while they note the fact that refugee flows often result from such events, they tend to ascribe their cause to the mere existence of conflict. Conversely, scholars and practitioners who focus on refugee crises tend to privilege issues surrounding their consequences. Thus they most often examine micro-level events, often from the perspective of the refugees themselves. Meanwhile, area specialists tend to examine both the macro- and micro-levels of events within their particular region, but generally only within that region. Thus they may fail to realize that analytically similar events have transpired elsewhere in the world. Finally, scholars trained as "strategists", such as myself—who are primed to look for patterns across space and time—have only rarely focused on the issue of population movements. I suspect this is why an appreciation and understanding of the strategies employed on the macro-level—which affect behaviors on the micro-level—over time and across many regions, has been limited.

In this chapter, I address this lack of understanding in three ways. First, I provide a heuristic framework for understanding the phenomenon of strategic engineered migration. Since no such framework currently exists, I essentially "map the terrain" of this issue and provide typologies and schema that act as the necessary blueprints and framing upon which the theoretical structure advanced in Chapter 3 rests. Second—using a combination of causal inference and illustrative

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7 See, however, Myron Weiner, "Political Demography: An Inquiry into the Political Consequences of Population Change," in Rapid Population Growth: Consequences and Policy Implications (Baltimore, MD: Johns
historical examples—I demonstrate that the instrumental exploitation of population flows—i.e., strategic engineered migration—is a real and pervasive phenomenon. And third, having established its existence, I provide a portrait of the identities of the kinds of actors that I hypothesize engage in strategic engineered migration, and I propose an explanation as to what motivates them to resort to the use of this unconventional policy tool, despite the obvious reputational (and possibly retributive) costs of doing so.

To outline the organization and argument presented: in the first section, I offer a brief exposition of the most common means by—and desired ends for—which refugees have been used as policy instruments. I argue that there are essentially four discrete, but not mutually exclusive, types of strategic engineered migration—each of which may be utilized by both state and non-state actors, though with greater or lesser ease depending on the circumstances. The four types are dispossessive, exportive, militarized, and—of greatest interest in this study—extortive engineered migration. I describe each of the four in turn, accompanied by illustrative examples of their use in practice. (As the majority of this study focuses on the coercive variant, its explication is somewhat more comprehensive than the others. But for reasons outlined at the conclusion of this section, a basic understanding of all four variants—and how they are often inter-related—can be critically important.) I also present a typology of the two modes—active and passive—and three variants of perpetrators of extortive engineered migration—namely, generators, agents provocateurs, and opportunists. Again, I present illustrative historical examples to help support the key hypothesis proposed in this section, i.e., this kind of coercion is real and prevalent. In addition, I present a selection of the myriad documented cases of engineered migration over the last half century, which demonstrates the relative frequency of strategic engineered migration over the last half century and illustrates the regularity with which such events have had overlapping motivations and objectives. In short, the available evidence suggests that at almost any given time in the last 50 years, some place in the world population displacements were being used instrumentally, and often by multiple actors simultaneously. Finally, I propose sources of evidence for testing whether extortive engineered migration has occurred, and if it has succeeded.

Hopkins University Press, 1971), which briefly outlines some of the political causes and consequences of
In the second section—drawing upon the existing literature on war initiation by weaker powers and crisis bargaining by weak states, as well as insights from the literatures on international law, democratic peace theory, and insurgency/counter-insurgency—I offer a set of hypotheses about what kind of actors will explicitly engage in the manipulation of population movements as a policy instrument, and why. I also explain the logic behind these hypotheses and provide illustrative examples, which help elucidate the conditions under which these hypotheses should hold. In short, I hypothesize that the active generation of flows is generally favored by weak, illegitimate, or semi-legitimate actors who lack effective recourse to more conventional methods of influence, whereas both the overt and tacit instigation and/or manipulation of refugee outflows generated by others is a policy instrument utilized by all manners of actors—weak and strong, democrats and demagogues, individual states and state-less individuals. And, finally, in the very brief third section, I recap the major hypotheses advanced in this chapter.

Though principally descriptive, this chapter is critically important as it lays the foundation for the theory building and hypothesis testing that follows. Because so little has been written about the instrumental exploitation of refugee flows—particularly by non-state actors—more extensive descriptive groundwork is necessary than would be the case in studies that explore more familiar, i.e., “better mapped” intellectual territory. At the same time, however, this chapter does advance a number of testable propositions about the nature and motivations of actors who engage in the use of population movements as policy instruments. Before proceeding further, it is worth noting that the case studies examined herein largely bear out these hypotheses. But further statistical analysis would be necessary to confirm that these findings are indeed significant.8

8 It is perhaps worth noting that some statistical analysis has been done by this author. The results, such as they are, are consistent with the conclusions suggested by the case studies examined herein. However, the available data are both sufficiently suspect and incomplete—given the issues outlined below—that I believe the inclusion of the analysis herein would raise more questions than it would answer. On the general unreliability of refugee data, see Jeffrey Crisp, “Who has counted the refugees?: UNHCR and the politics of numbers,” New Issues in Refugee Research, UNHCR Working Paper no. 12, (1999), available at www.unhcr.ch; Oliver Bakewell, “Can we ever rely on refugee statistics?,” Radical Statistician, no. 72 (Autumn 1999), @ http://www.radstatstats.org.uk/noc22/articles1.htm; and for a specific example, Philip Johnston, “Immigrant numbers jump by 400,000 in census confusion,” The Telegraph (UK), June 17, 2003. In this particular case, the task is further complicated by three additional problems: definitional issues; the self-hiding nature of the coercive variant of this phenomenon—i.e., because neither perpetrators nor victims may find it in their interest to admit that coercion has occurred; and the fact that the best available data are stock data, not flow data, which is what is really required. On the definitional problems, see Aridt Zolberg, et al., Escape from Violence: Conflict and the Refugee Crisis in the Developing World (Oxford: Oxford University Press, 1999); and D. Wong, “The Semantics of Migration,” Sojourn, vol. 4, no. 2, pp. 275-285; on the self-hiding nature of coercion, see Freedman, Strategic Coercion, p. 17 and fn 57 below; and on the issues associated with the non-existence of flow data, see Will H. Moore and Stephen Shellman, “Refugee or Internally Displaced
I. The Existence and Prevalence of Strategic Engineered Migration

A. Variants of Strategic Engineered Migration

Strategic engineered migration refers to those in- or out-migrations that are deliberately induced or manipulated by state or non-state actors, in ways designed to augment, reduce, or change the composition of the population residing within a particular territory, as means to political or military ends. As these population movements are strategic, they do not include externalities-driven population movements, i.e., those inadvertently generated as a consequence of other policies (e.g., construction of the Three Gorges Dam in China), or of conflict (e.g., the Belgian and French refugees who fled the German offensive in World War I). Nor do they include migrations that result from policies of neglect (e.g., the famine in Ethiopia in the early 1980s). The instruments employed in affecting these migrations run the gamut from threats and the use of military force (e.g., in the Vietnam and Bosnian Wars), to the promise of inducements and financial incentives (e.g., China, the US); and in some cases, they simply involve the opening of normally sealed borders (e.g., Cuba, East Germany).

In point of fact, only a subset of the people involved in such population movements would qualify for legitimate "refugee" status, based on the United Nations (UN) definition. According to the UN, a refugee is "any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, if outside their country of nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country." However, the issue of "who is a refugee" is a highly politicized one. Sometimes governments choose to call certain individuals or groups "refugees", when the UN would not recognize them as such. At other times governments may find it more politically expedient to

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9 See again Weiner and Teitelbaum, Political Demography, Demographic Engineering.

10 Because most forced mass movements of people after World War II have resulted from conditions other than persecution, attempts have been made to extend the refugee notion beyond the 1951/1967 UN standards. Both the Convention on Refugee Problems in Africa (adopted by the Organization of African Unity in 1969) and the Cartagena Declaration (adopted by Central American states in 1984), for instance, include in their definitions those fleeing external aggression, internal civil strife, or events seriously disturbing to public order. The UNHCR, too, has tended to interpret its mandate over the past several decades to include those who have been forcibly displaced from their countries due to armed conflict and/or internal upheavals. See, for instance, Loescher 1992, p. 6.
resist applying the term to people to whom most reasonable people would agree it should apply. I shall use the word “refugee” loosely to refer to “any individuals or groups involved in strategic engineered migrations, i.e., those induced to leave their homes in the service of others’ political or military goals.” In short, this should not be construed to imply that all groups referred to thus would (or did) qualify for refugee status, only that it is analytically easier to use one word than to apply myriad different terms. And, as the word “refugee” is a term that is familiar to most readers, the general gist of its meaning should be clear. Nevertheless—as will become clear in the case studies that follow—whether or not those involved in any given population movement are deemed worthy of legal refugee status is a critically important issue.

Building on earlier work by Myron Weiner and Michael Teitelbaum, I contend that strategic engineered migration is a real and relatively common phenomenon. I further argue that it comprises essentially four distinct, but non-mutually exclusive sub-types, which are as follows:

- **Dispossessive**—the class of events—including both in and out-migrations—in which the principal objective is the appropriation of the territory and/or property of another group or groups, and/or the elimination of this group or groups as a threat to the ethno-political or economic dominance of the perpetrators; this includes what is commonly known as ethnic cleansing;

- **Exportive**—those displacements undertaken either to fortify a domestic political position—by expelling political dissidents and other domestic adversaries—or to discomfit or destabilize foreign government(s);

- **Militarized**—those displacements conducted, usually during an active conflict, to gain military advantage against an adversary—i.e., via the disruption or destruction of an opponent’s command and control, logistics, or movement capabilities—or to enhance one’s own force structure, via the acquisition of additional (sometimes reluctant) manpower and/or resources; and

- **Extortive**—the class of events in which (real or threatened) outflows are used, as a foreign policy tool, to induce (or prevent) changes in political behavior and/or to extract side-payments from the target(s); extortive use includes the propagandistic use of refugees (which are often generated by others) for their own benefit.

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2. The one obvious possible alternative—migrant—seems inappropriate, as it carries for many the connotation of voluntariness, which is not consistent with the events described herein.
### Table 2.1: Character of the Targets and Objectives of Strategic Engineered Migration

<table>
<thead>
<tr>
<th>Type</th>
<th>Nature of the Target</th>
<th>Fundamental Goal</th>
</tr>
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<tbody>
<tr>
<td>Dispossessive</td>
<td>Foreign and/or Domestic</td>
<td>Societal Restructuring and/or Redistribution</td>
</tr>
<tr>
<td>Exportive</td>
<td>Foreign and/or Domestic</td>
<td>Internal Political Stabilization; External Destabilization</td>
</tr>
<tr>
<td>Militarized</td>
<td>Foreign and/or Domestic</td>
<td>Tactical Advantage</td>
</tr>
<tr>
<td>Extortive</td>
<td>Foreign</td>
<td>Coercion</td>
</tr>
</tbody>
</table>

1) *Dispossessive Engineered Migration*

Although the term “ethnic cleansing” did not become a household word until the mass expulsions associated with the Balkan wars of the 1990s, engineered migration designed to acquire territory or property and/or alter the ethno-religious-political balance within said territory has had a long and sordid history, one that is often associated with acts of genocide against the group(s) displaced.\(^4\) Dispossessive engineered migration has been carried out not only by the state and its surrogates, but also by opposition groups and rebel movements, warlords and others who aspire to power or control over people or territory.\(^5\) This kind of displacement—which probably goes back to the era of Assyrian imperial conquest in the eighth century B.C.—has included events as diverse and varied as the displacement of Native American tribes by the US government during the nineteenth and twentieth centuries,\(^6\) the expulsion of Armenians from the Ottoman Empire in 1915,\(^7\) and the early stages of the Nazi-engineered Holocaust several decades later.\(^8\) Of the four types, dispossessive engineered migration is the most commonly recognized and arguably also the most common. Nevertheless, few incidents of dispossessive engineered migration appear to be driven solely by the desire for territorial acquisition. Instead, they are frequently tied to other domestic political and foreign policy considerations; one notorious example of this was the extensive efforts first by the

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Russians, and then by the Soviets, to extend and solidify their imperial control through population redistribution policies.19

Despite the ancient vintage of this variant of engineered migration, it was not until the end of the nineteenth century—with the Congress of Berlin—that the idea of third-party intervention conducted explicitly to prevent, stop, or reverse such displacements first became legitimated.20 A century and a quarter later a growing number of people have begun to argue that such interventions are not only legitimate, but also are actually morally obligatory.21 Nevertheless, even today, international willingness to intervene to stop or reverse dispossessive engineered migration remains highly circumscribed, as many currently displaced Azeris, Burundians, and Chechens, among myriad others, can attest.

2) Exportive Engineered Migration

At least since the heyday of the Greek empire, expulsion has been used as a way of dealing with domestic dissidents and class enemies.22 Sometimes these political expellees have been individuals, but they have frequently been entire groups or social classes—e.g., Idi Amin’s expulsion of non-African Ugandans in 1972 and Sri Lanka’s Sinhalese government’s deportation of its Tamil tea estate workers.23 Exportive engineered migration has been particularly common in the aftermath of revolutions, as revolutionary regimes often view large-scale expulsions as a way to quickly transform

19 For instance, under Stalin’s reign there was at least one mass deportation—i.e., the forcible relocation of more than 1,000 individuals—every year between 1928 and 1952. From Terry Martin, “Stalinist Forced Relocation Policies: Patterns, Causes, Consequences,” in Myron Weiner and Sharon Stanton Russell (eds.), Demography and National Security (New York: Berghahn Books, 2001), p. 305.
22 Though he declined the offer, Socrates was, for instance, given the option of choosing exile over execution.
the country's social structure, as was seen, for instance, in Cuba between 1959 and 1962 and in Cambodia in the mid-1970s.

Exportive engineered migration has also allegedly been used against foreign governments, either simply to embarrass them or, more often, in attempts to undermine them. Some of the most widely known purported examples include East Germany and the USSR against West Germany in 1953, Pakistan against India in 1971, the USSR against Sweden in the 1980s, and Vietnam against Malaysia and Singapore in 1978-1980. Though finding definitive evidence is problematic, in some sense whether those generating the outflows actually intended to attempt to politically destabilize their neighbors via population outflows matters less than the fact that those on the receiving end perceived that this was the generators' intent and that these perceptions conditioned their responses—which in the Indian case led to a full-scale war and the secession of East Pakistan.

3) Militarized Engineered Migration

Militarized displacements are those conducted to gain military advantage against an adversary via the disruption or destruction of an opponent's command and control, logistics, or movement capabilities, or the enhancement of one's own force structure, via the acquisition of additional (sometimes reluctant) manpower and/or resources, as well as "draining the sea" in which insurgents swim through the use of "regroupment camps" or "strategic hamlets." They may be generated by both state and non-state actors and for the benefit of military operations both at home and abroad. For instance, during their occupation of Afghanistan, the Soviets provoked refugee flows into Iran and Pakistan to

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24 Political Demography, Demographic Engineering, p. 111.
deprive the guerrillas of bases of support and—in an ultimately failed attempt to create a cordon sanitaire along the Pakistani border—engaged in widespread carpet-bombing of the border areas. Likewise, in the early 1980s, Sandinista attempts to quash guerrilla resistance in Nicaragua through the use of regroupment camps back-fired, generating not only international outrage, but also a growth in the number of local inhabitants eager to join the insurgency.

Another, more opportunistic, type of militarized engineered migration surrounds the exploitation of outflows generated by others to serve the military purposes and national security interests of receiving states. For instance, in the 1980s the Thais played host to a quarter of a million fleeing Cambodians, while also using them as a human buffer zone to protect Thailand from the ongoing conflict within Cambodia. Similarly, in an ultimately unsuccessful attempt to quash an anti-governmental insurgency in the eastern part of his country, former Zairean President Mobutu Sese Seko armed many of the Hutu refugees and genocidaires who fled to Zaire from Rwanda in the wake of the 1994 genocide.

4) Extortive Engineered Migration

The type of engineered migration of greatest interest in this study is the extortive variant, in which (real or threatened) outflows are used to induce (or prevent) changes in political behavior—i.e., to compel or deter—and/or to extract economic side-payments from a target state or states. Like political jujitsu, more generally, extortive engineered migration may be thought of as a dynamic, two-level, coercive bargaining game, since it is “played” on both the international and the domestic levels, usually between actors who possess significantly disparate levels of power, as it is traditionally

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31 While the displacements did deprive the guerrillas of some sources of food, shelter, and protection, it also compounded the general condemnation of the Soviet invasion, as well as enhanced Western sympathy for the Afghan refugees. See Marek Sliwinski, "Afghanistan: The Decimation of a People," *Orbis*, no. 1 (1989).
34 See, for instance, Van Hear, *New Diasporas*, pp. 236-7. The Israelis were likewise unsuccessful in their attempt to crush the Lebanese guerrillas through the use of militarized migration in the spring of 1996. See, for instance, Human Rights Watch, "Operation Grapes of Wrath," *Israel/Lebanon*, vol. 9, no. 8 (September 1997).
understood. For reasons I shall explore in detail in the following chapter, such manipulation has been more effective than one would likely intuit, given the vast power asymmetries that regularly exist between perpetrators and their targets (receiving states).

In practice, extortive engineered migration bears a striking resemblance to more traditional forms of coercion. For instance, extortive engineered migration may be used by perpetrators both as an instrument of deterrence and of compellence, and for exercises in both coercion and counter-coercion—sometimes simultaneously. Operationally, it most closely resembles what Pape refers to as “coercion by punishment”—which functions by raising the costs or risks to a target’s civilian populations—as opposed to “coercion by denial”—which relies on the use of military force to prevent the attainment of political objectives or territorial ambitions. Circumstantial evidence suggests that most perpetrators of extortive engineered prefer to employ what, in traditional coercion, are usually referred to as risk strategies, which is to say they prefer to inflict costs at a gradually increasing rate, threatening bigger punishment later for non-compliance. Because the punishment is not inflicted all at once, the coercer “may interrupt operations temporarily in order to provide time for reflection or negotiation or to reward the target state for concessions, thus encouraging minor demonstrations or willingness to accommodate the [perpetrator’s] demands as well as major concessions.” I assume that risk strategies are preferred for several reasons. First, because too large an outflow may itself destabilize a regime. Fears of just such a collapse, for instance, led to the construction of the Berlin Wall in the early 1960s. Second, because—at least, recently—massive outflows increase the probability of military intervention to stop or reverse them. Evidence suggests—for instance—that Milosevic recognized that a massive outflow could only hurt him in the period leading up to the NATO bombing campaign. Thus perpetrators generally—but not universally—prefer minimal or limited outflows to massive outflows.

36 Extortion is an appropriate term for this kind of coercive bargaining, as—according to Webster’s Collegiate Dictionary—it includes the acquisition of what one wants from another not only via the use “of force or illegal or undue power,” but also via “ingenuity.”
37 Pape, Bombing to Win, p. 13.
39 See, for instance, Digital National Security Archive, Department of State, “Telegram from Berlin to Secretary of State, Subject: Refugee Problem May Deter Soviets from Going Ahead with Treaty,” July 24, 1961.
However, two factors tend to impede the successful employment of a risk strategy by perpetrators of extortionate engineered migration: the refugees themselves and the nature of risk strategies. As Schelling argued, "the ideal compellent action would be one that, once initiated, causes minimal harm if compliance is forthcoming and great harm if compliance is not forthcoming." The problem is that refugee flows are often "a gift that keeps on giving." Once an outflow has been initiated, perpetrators often lose some degree of control over it, due to principal-agent problems associated with the self-guided, "cluster bomb" nature of this kind of coercive instrument. The fact that generators can lose control is not surprising. Those who conduct ethnic cleansing may be irregulars or even simply "bands of thugs," who lack discipline and may even pursue their own self-serving strategies, which may be to the detriment of the perpetrators' own strategies. Likewise, too, refugees have their own agendas, and once out of the sending state/territory, they are frequently capable of autonomous action—actions that are not necessarily compatible with the goals of the perpetrators, and which can undermine stable equilibria as well as torpedo potential deals between the states generating refugees and targets. Moreover, as is the case in traditional coercion, risk strategies are often viewed as incredible. "Instead of being convinced of the perpetrator's resolve to inflict maximum damage if demands are not met, the opponent is more likely to be convinced that the coercer will never escalate far above current restrained levels." In short, for reasons discussed more fully in section II of this chapter, targets frequently fail to take seriously perpetrators' threats

40 Schelling, Arms and Influence, p. 89.
41 In other words, a significant downside of extortionate engineered migration is that it is a blunt—and frequently, imprecisely targeted—instrument.
42 For example, as one Yugoslav journalist put it when discussing the 1999 offensive in Kosovo: "there were differences between the police and the army. The police were in favour of expulsions because they could steal money from people. The intelligence guys were against it because they said it was bad for us." Quoted in Tim Judah, Kosovo: War and Revenge (New Haven: Yale University Press, 2000), pp. 241-2. See also John Mueller, "The Banality of Ethnic War," International Security, vol. 25, no. 1 (summer 2000), pp. 42-70.
43 Several recent high profile examples that will be explored in greater detail in the case studies that follow include the KLA in the aftermath of the 1998 October Agreement over Kosovo (Chapter 5), the NGO network trying to overthrow the North Korean regime (Chapter 7), and Cuban hijackers trying to stimulate a new mass exodus from Cuba in the spring of 2003 (Chapter 4).
44 Pape, Bombing to Win, p. 28. For instance, the US failed to anticipate that the 1980 Mariel boatlift would become as large as it did because it felt certain Castro would close the borders after a limited outflow for fear of the political consequences of a massive one. See, for instance, James Earl Carter Library, DPS Eisenstat, Box 178, File: Cuban Refugees [CF, O/A 730], "Memorandum for ZB, SE/FW, and JW, from Robert Pastor," May 9, 1980; Barry Sklar, Cuban Exodus, Congressional Research Service Report p-5, -30; and Mario Antonio Rivera, Decision and Structure: US Refugee Policy in the Mariel Crisis (Latham, MD: University Press of America, 1992), Chapters V-VII.
until a massive outflow has been initiated.\textsuperscript{45} Thus, the kind of graduated approach upon which risk strategies are predicated often fails.

At the same time, extortive engineered migration also differs from traditional coercion in some crucial ways. In traditional military coercion, the aim is to achieve political goals “on the cheap.”\textsuperscript{46} In extortive engineered migration, by contrast, the general aim for weak actors is to achieve political goals that would be utterly unattainable through military means. For instance, the idea of states such as Cuba, Haiti, and Mexico successfully coercing their neighbor, the US, with the threat of military force is absurd. But doing so via the (tacit or explicit) threat of demographic bombs is a different story. In other words, in traditional coercion, potential assailants tend to be deterred from even attempting coercion unless they possess superior military capabilities that can protect them from victim’s retaliation. In the case of extortive engineered migration, however, perpetrators are frequently undeterred, because target military retaliation is only rarely an option. This is due to the fact that—as also unlike traditional coercion—targets generally value the issues at hand less than do the coercers, who (as will become clear in section II) tend to be highly dissatisfied with the status quo and more highly resolved than targets.\textsuperscript{47} (Their dissatisfaction often stems from the fact that even before any outflow has occurred, targets and/or others are often themselves engaged in trying to coerce the perpetrators, via the use of sanctions, embargoes, or diplomatic pressure.) Also, unlike in traditional military coercion, coercion by punishment does work and works frequently, despite the fact that the balance of material capabilities most often favors the target.\textsuperscript{48} This makes sense in light of Pape’s observation that punishment strategies can only succeed when the target state has minor interests at stake in the dispute—at least relative to the perpetrator, that is. While such situations may indeed be rare in

\textsuperscript{45} This in and of itself represents a bit of a puzzle, in that this chronic lack of \textit{ex ante} credibility often leads to sub-optimal bargaining outcomes for both sides. Neither game theoretic logic nor common sense suggests that this should happen. Because it is so easy for perpetrators to lose control of outflows, and because the costs associated with absorbing large numbers of refugees clearly exceed those of absorbing fewer or none, it seems self-evident that both sides should avoid such an outcome. Yet in most cases, they do not. See Chapter 8 for a discussion of the reasons why this pattern has likely emerged.

\textsuperscript{46} Pape, \textit{Bombing to Win}, p. 19.

\textsuperscript{47} Ibid., pp. 6-7. This makes logical sense in that perpetrators are often fighting for their political survival, whereas for targets the issues at hand tend to be of limited importance—at least until/unless they turn into domestic political fiascos. See Chapter 3, Section II for a detailed explanation of this problem.

\textsuperscript{48} Also, for reasons associated with the credibility of the perpetrators \textit{ex ante}, contrary to traditional coercion, coercive threats tend to be more, not less, credible than deterrent threats. See, for instance, Pape, \textit{Bombing to Win}, pp. 6-7. The implications of this fact are explored in detail in Chapter 8, in the section on the pernicious consequences of “cheap talk” and bluffing in the context of extortive engineered migration.
traditional coercion—hence, punishment's poor record on that front—they are far more common in the realm of extortive engineered migration.\footnote{Ibid., p. 21.}

For instance, Cuban President Fidel Castro has thrice (in 1965, 1980, and 1994) successfully persuaded the US to change its position and come to the bargaining table through the use of demographic bombs. By exploiting the extant contradictions between the US's stated policies on refugees—particularly refugees fleeing Communism—and the steps taken by different administrations anxious to stop floods of Cubans streaming into South Florida, Castro was able to extract new immigration accords and promises of future concessions from a previously recalcitrant US.\footnote{See, for instance, Tad Szulc, \textit{Fidel: A Critical Portrait} (New York: Morrow, 1986); Jorge I. Dominguez, “Cooperating With the Enemy? US Immigration Policies toward Cuba,” in Christopher Mitchell (ed.), \textit{Western Hemisphere Immigration and United States Foreign Policy} (University Park: Penn State University Press, 1992), pp. 31-88; and Human Rights Watch, \textit{Repression, the Exodus of August 1994, and the U.S. Response} (New York: HRW, 1994).} Nevertheless, this kind of unconventional coercion does not always succeed. For instance, Libyan leader Muammar al-Qadhafi failed in a 1995 attempt to use the threat of a mass expulsion of Palestinians against his neighbors.\footnote{Suni Khalid, “Qaddafi Expels Palestinians, Arab League May Step In,” \textit{All Things Considered}, September 13, 1995, transcript # 1969-3.} Similarly, during World War II, the Polish government-in-exile's attempts to gain greater leverage over the post-war distribution of spoils by supplying the Allies with Polish refugee-staffed units during the war was also a failure, as Soviet supremacy in Poland for the next half century demonstrates.\footnote{The Polish government-in-exile directed people fleeing the Nazi onslaught to England—obviously not the most direct path of escape—where they were enlisted in the Allied war effort. See, for instance, Anita Przemsowska, “Polish refugees as military potential: policy objectives of the Polish government in exile,” in Marus (ed.), \textit{Refugees in the Age of Total War}, pp. 219-232.}

B. Modes and Variants of Extortive Engineered Migration

The employment of extortive engineered migration has not been limited to those actively generating refugee flows.\footnote{There may also be a secondary kind of extortion at play in refugee crises, whereby actors may extract money from would-be refugees in exchange for allowing them to flee. We have seen this throughout Africa, in parts of Southeast Asia, and in the Balkans. But it is distinct from the phenomenon studied herein. See, for instance, Samuel Sirini, “UN refugee agency in Kenya probes refugee extortion claims,” \textit{The Lancet}, vol. 357, no. 9273, June 23, 2001; Bruce Grant, \textit{The Boat People: An "Age" Investigation} (New York: Penguin Books, 1979); and \textit{As Seen, As Told, Part I}.} It has also been utilized by enterprising opportunists who exploit the existence of outflows generated by others, as well as by \textit{agents provocateurs}, who may themselves act in ways designed to provoke the generation of flows, which they may then exploit for their own ends. See
Table 2.2 below for an illustration of the variants of extortionate engineered migration and examples of each variant.

### Table 2.2: Two Modes and Three Variants of Extortive Engineered Migration

<table>
<thead>
<tr>
<th>ACTIVE</th>
<th>Provocateurs</th>
<th>PASSIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Generators</strong>&lt;br&gt;Threaten to (or actually unleash) flows if a desired action is not taken, or offer to cease and desist, if desired action is taken or side-payment is made (e.g., Castro in 1965, 1980, &amp; 1994; Haiti's Baby Doc Duvalier in 1981; East Germany's Erich Honecker in the early 1980s, Slobodan Milosevic in 1999; N. Korea throughout the 1990s; Belarus in 2002)&lt;br&gt;Or encourage refugee flows as a stimulant to regime change (e.g., the West during the Cold War; NGOs vs. China via N. Korean refugees 2002→)</td>
<td>Attempt to incite “generators” to create refugee flows for their own benefit (e.g., via evocation of international sympathy and support) (e.g., Algerian rebels from 1958-62; Biafran insurgents from 1967-70; Bosniaks from 1992-95);&lt;br&gt;Or seek to turn an existing background refugee problem into a full-scale political crisis via lobbying/publicity (e.g., King Hussein of Jordan in 1967; Haiti’s Jean-Bertrand Aristide in 1994);</td>
<td>Threaten to close border and/or create refugee emergency unless target takes action and/or proffers side-payments (e.g., Macedonia in 1999, Thailand in the late 1970s);&lt;br&gt;Or offer to alleviate existing emergency in exchange for political or monetary pay-off (e.g., Laurent Kabila in the DRC; General Zia ul-Haq of Pakistan vis-à-vis Afghani refugees during the 1980s)&lt;br&gt;Or utilize existing refugee flows for propaganda purposes (e.g., the West during the Cold War; the US vis-à-vis Cuba since 1959; all parties to the conflicts in the Balkans in the 1990s)</td>
</tr>
</tbody>
</table>

Although the aims and specific tactics employed vary, in the majority of cases these three variants share a common and significant feature: namely, asymmetric coercion of the strong by the relatively weak, through the employment of techniques that may render the power and influence differentials between them significantly less meaningful than is the norm; namely, by using their strengths against them.\(^4\)

To be clear, and as the table above illustrates, extortive engineered migration also can be (and has been) employed by strong actors against each other and against weaker actors. In those cases where strong

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\(^4\) Though weak vis-à-vis their targets, perpetrators are generally strong relative to their victims, i.e., would-be refugees.

\(^5\) BBC journalist, Nik Gowing, makes an analogous argument about the emergence of a ubiquitous—and very visual media—has created greater transparency in conflicts, which undermines large, strong countries’ information superiority, often in favor of weak (and non-state) actors, the credibility of whom is often difficult to discern. From “Conference Notes,” *Forgotten Humanitarian Crises: The Role of the Media, Decision-makers, and Humanitarian Agencies*, October 23, 2002.
actors have been the perpetrators, the goal appears to be the achievement of political goals at an even lower cost than they could be achieved through military means. For instance—to use a contemporary case—the US possesses the military might to topple the North Korean regime, but the anticipated costs of doing so are extraordinarily high. President George W. Bush thus favors trying to bring down the regime of Kim Jong-Il by encouraging massive outflows.66 (See Chapter 7 for a detailed examination of this on-going episode.) Historically the use of this weapon by the strong against the weak has been far less common than its converse; however, limited anecdotal evidence—including the aforementioned case—suggests this may be changing.

C. Overlapping Motivations and Objectives

Although this study focuses principally on the extortive variant, an understanding and appreciation for all four types of strategic engineered migration is useful for several reasons. First, the four are not mutually exclusive—i.e., many outflows comprise multiple motivations and objectives. For instance, during the 1992-95 Bosnian war, all four types of engineered migration—dispossessive, exportive, militarized, and extortive—were employed, and they were employed by all three sides—i.e., the Bosniaks, the Croats, and the Serbs—but to varying degrees and with significantly disparate levels of success.77 Likewise, during the Vietnam War, the North Vietnamese (NVN) employed exportive, militarized, and extortive engineered migration against the South, the US, and its own people, while the US and the South Vietnamese engaged in militarized engineered migration against NVN and Viet Cong forces via its use of resettlement campaigns and strategic hamlets, and in extortive engineered migration via their attempts early in the war to incite North Vietnamese to flee to areas controlled by the South.78 Because of the existence of overlapping motivations and objectives, any analysis of one type of engineered migration must take into account the possible impact of the others when evaluating the success or failure of any

66 Dao, “US Is Urged to Promote Flow of Refugees From North Korea.”
67 See, for instance, Susan L. Woodward, Balkan Tragedy: Chaos and Dissolution after the Cold War (Washington, DC: Brookings Institution, 1995); Nik Gowing, “Real-time TV Coverage from War: Does it Make or Break Government Policy?,” in Bosnia by Television (London: British Film Institute, 1996); and James Gow and James Tilley, “The Strategic Imperative for Media Management,” in Bosnia by Television, p. 103.
given attempt to use refugees strategically. At the same time, it must be noted that such overlaps can make disentangling primary and secondary motivations profoundly difficult.

Second, and more critically, it bears noting—as it still further complicates post hoc analysis of incidents of strategic engineered migration—that the existence of overlapping motivations and objectives may have also undermined the potential resolution of crises at the time they transpired. Put in strategic interaction terms, during a crisis overlapping objectives may lead to perpetrators and targets holding mutually exclusive assumptions. A powerful target assumes there will be no challenge to it, as such a challenge would appear to be irrational, and thus the target fails to make immediate (and/or credible) deterrent threats or to resolve the underlying dispute with concessions that would be sufficient to reassure the perpetrator. Thus neither effective deterrence nor reassurance is provided to dissatisfied would-be perpetrators. Instead the two end up in a situation often referred to as “strategic ambivalence”—i.e., a situation in which a defender’s policy does not provide an unequivocal statement of intent to protect the status quo or provide concessions that can satisfy a challenger’s ambitions.59 For instance, during the 1998-99 Kosovo crisis, evidence suggests that NATO’s focus on the dispossessive component of Serbian behavior may have blinded the alliance to Milosevic’s attempt to signal his intent to use Kosovar Albanian refugees coercively. Moreover, one should also keep in mind that overlapping motivations and objectives may also exacerbate the situation on the ground for the true victims in these crises, the refugees themselves. Consider, for instance, the fact that the Thais’ successful use of extortive engineered migration against the US in the late 1970s—i.e., via threats to close border camps housing Indochinese refugees—then precipitated the subsequent use of these self-same refugees as a military buffer zone in the years that followed.60

59 See, for instance, Paul, Asymmetric Conflicts, p. 150.
60 See again Neher, Southeast Asia in the New International Era; and Terry, Condemned to Repeat.
D. The Frequency of Strategic Engineered Migration—Neither New Nor Novel

Table 2.3 below presents a selection of the myriad documented cases of engineered migration over the last half century. Drawn from the database of post-World War II strategic engineered migrations I have created as part of this study, the data within the table illustrate the relative frequency of overlapping motivations and objectives, as well as the pervasiveness of this phenomenon more generally. It bears noting that this table is neither exhaustive nor comprehensive; rather it is designed only to illustrate that engineered migration is both relatively common and a global phenomenon.

<table>
<thead>
<tr>
<th>Year</th>
<th>Identifying crisis, event, or refugee population</th>
<th>Perpetrator(s), (Variant)</th>
<th>Target(s)</th>
<th>Type of Engineered Migration</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dispossessive</td>
</tr>
<tr>
<td>1953</td>
<td>E. Germans</td>
<td>W. Germany (O)</td>
<td>United States [US]</td>
<td></td>
</tr>
<tr>
<td>1954</td>
<td>French-Algerian War*</td>
<td>a) France (G); FLN (AP)</td>
<td>a) FLN; b) French allies</td>
<td>a) X</td>
</tr>
<tr>
<td>1956</td>
<td>Hungarian Revolution*</td>
<td>USSR/Hungary</td>
<td>W. Europe &amp; US</td>
<td>X</td>
</tr>
<tr>
<td>1957</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1959</td>
<td>Cuban Revolution*</td>
<td>Cuba (G)</td>
<td>Batista loyalists</td>
<td>X</td>
</tr>
<tr>
<td>1960</td>
<td>Belgian Congo</td>
<td>&quot;Zairens&quot; (G)</td>
<td>Belgians</td>
<td>X</td>
</tr>
<tr>
<td>1961</td>
<td>Berlin E. Germans</td>
<td>W. Germany (O,AP)?</td>
<td>US</td>
<td>X</td>
</tr>
<tr>
<td>1962</td>
<td>Algerian Independence</td>
<td>Algerians (G)</td>
<td>Pied noirs</td>
<td></td>
</tr>
<tr>
<td>1963</td>
<td>Karnaphuli Dam Project</td>
<td>East Pakistan</td>
<td>Chakma minority</td>
<td>X</td>
</tr>
<tr>
<td>1964</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1965</td>
<td>Camarrioca</td>
<td>Cuba (G)</td>
<td>US</td>
<td>X</td>
</tr>
<tr>
<td>1966</td>
<td>Vietnam*</td>
<td>a) NVN (G); b) US (O, G)</td>
<td>a) SVN, US; b) NVN</td>
<td>a) X</td>
</tr>
<tr>
<td>1967</td>
<td>Six Day War</td>
<td>Jordan (O)</td>
<td>Israel</td>
<td>X</td>
</tr>
<tr>
<td>1968</td>
<td>Biafran Civil War*</td>
<td>a) Nigeria (G); b) Biafran insurgents</td>
<td>a) Igbos; b) the IC—targeted by both sides</td>
<td>a) X</td>
</tr>
<tr>
<td>1969</td>
<td>Soccer War</td>
<td>Honduras (G)</td>
<td>Salvadorans</td>
<td>X</td>
</tr>
<tr>
<td>1970</td>
<td>Coup by Lon Nol</td>
<td>Cambodia (G)</td>
<td>Vietnamese</td>
<td>X</td>
</tr>
<tr>
<td>1971</td>
<td>East Pakistani secession</td>
<td>W. Pakistan (G)</td>
<td>a) E. Bengalis, b) India</td>
<td>a) X</td>
</tr>
<tr>
<td>1972</td>
<td>Idi Amin’s expulsion</td>
<td>Uganda (G)</td>
<td>Ugandan Asians</td>
<td>X</td>
</tr>
<tr>
<td>1973</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1974</td>
<td>Turkish-Cypriot War</td>
<td>a) Turkey (G); b) Greek Cyprus (G)</td>
<td>a) Greek Cypriots; b) Turkish Cypriots</td>
<td>X</td>
</tr>
<tr>
<td>1975</td>
<td>Morocco</td>
<td>Morocco (G)</td>
<td>Spanish Sahara</td>
<td>X</td>
</tr>
<tr>
<td>1976</td>
<td>Khmer Revolution*</td>
<td>Cambodia (G)</td>
<td>Cambodians, Vietnamese</td>
<td>X</td>
</tr>
<tr>
<td>1978</td>
<td>Nagarnun Operation*</td>
<td>Burma (G)</td>
<td>Arakan Muslims</td>
<td>X</td>
</tr>
<tr>
<td>1979</td>
<td>Indocheesean refugees*</td>
<td>ASEAN countries (O)</td>
<td>US and W. Europe</td>
<td>X</td>
</tr>
<tr>
<td>1980</td>
<td>Mariel boatlift</td>
<td>Cuba (G)</td>
<td>US</td>
<td>X</td>
</tr>
<tr>
<td>1981</td>
<td>Haitian boat people*</td>
<td>a) Haiti (G); b) NGOs (AP)</td>
<td>a) US; b) Haiti</td>
<td></td>
</tr>
<tr>
<td>1982</td>
<td>Falklands War</td>
<td>Argentina (G)</td>
<td>U.K.</td>
<td>X</td>
</tr>
<tr>
<td>Year</td>
<td>Event</td>
<td>Country (G)</td>
<td>Perpetrators</td>
<td>Response 1</td>
</tr>
<tr>
<td>------</td>
<td>----------------</td>
<td>-------------</td>
<td>--------------</td>
<td>------------</td>
</tr>
<tr>
<td>1983</td>
<td>The Contra War</td>
<td>Honduras (O)</td>
<td>a) US, b) Nicaragua</td>
<td>X</td>
</tr>
<tr>
<td>1984</td>
<td>Chittagong Hill Tribes*</td>
<td>Bangladesh (G)</td>
<td>a) Chakmas; b) India(?)</td>
<td>X</td>
</tr>
<tr>
<td>1985</td>
<td>Colombia*</td>
<td>a) Colombian government forces and paramilitaries; b) FARC and other guerrilla groups</td>
<td>a) Insurgent groups; b) Colombian government forces and civilians</td>
<td>X</td>
</tr>
<tr>
<td>1983</td>
<td>E. German crisis*</td>
<td>E. Germany (G, AP)</td>
<td>W. Germany</td>
<td>X</td>
</tr>
<tr>
<td>1987</td>
<td>Miskitos*</td>
<td>US, Miskito contras (AP)</td>
<td>Miskito civilians</td>
<td>X</td>
</tr>
<tr>
<td>1988</td>
<td>Papua New Guinea</td>
<td>OPM guerrillas (G)</td>
<td>Indonesia</td>
<td>X</td>
</tr>
<tr>
<td>1989</td>
<td>VN boat people*</td>
<td>Malaysia (O)</td>
<td>US, Vietnam</td>
<td>X</td>
</tr>
<tr>
<td>1990</td>
<td>Persian Gulf (Yemenis)</td>
<td>Saudi Arabia (G)</td>
<td>Yemen</td>
<td>X</td>
</tr>
<tr>
<td>1991</td>
<td>Albanians</td>
<td>Albania (G)</td>
<td>Italy</td>
<td>X</td>
</tr>
<tr>
<td>1992</td>
<td>Bosnian War*</td>
<td>a) All parties; b) W. Europe, US</td>
<td>a) All parties; b) W. Europe, US</td>
<td>X</td>
</tr>
<tr>
<td>1993</td>
<td>Abkhazia</td>
<td>Abkhaz separatists (G)</td>
<td>Georgians</td>
<td>X</td>
</tr>
<tr>
<td>1994</td>
<td>Coup in Haiti*</td>
<td>Aristide, NGOs (AP)</td>
<td>US</td>
<td>X</td>
</tr>
<tr>
<td>1995</td>
<td>Palestinians</td>
<td>Libya (G)</td>
<td>Egypt</td>
<td>X</td>
</tr>
<tr>
<td>1996</td>
<td>Great Lakes II (Zaire/DRC)*</td>
<td>a) Rwandan Tutsi (G); b &amp; c) Zaire (G, O)</td>
<td>a &amp; b) Rwandan Hutu; c) IC</td>
<td>X</td>
</tr>
<tr>
<td>1997</td>
<td>North Korean famine*</td>
<td>N. Korea (G)</td>
<td>China, Russia</td>
<td>X</td>
</tr>
<tr>
<td>1998</td>
<td>Kosovo*</td>
<td>a) KLA (AP); b) FRY (G)</td>
<td>a) IC; b) the KLA</td>
<td>X</td>
</tr>
<tr>
<td>1999</td>
<td>East Timor*</td>
<td>Indonesia (G)</td>
<td>Timorese rebels/civilians</td>
<td>X</td>
</tr>
<tr>
<td>2000</td>
<td>Post-war Kosovo*</td>
<td>Kosovo; Albanians (G); Serbs (G)</td>
<td>Serbs; Albanians; Roma</td>
<td>X</td>
</tr>
<tr>
<td>2001</td>
<td>Southwest Asians</td>
<td>Nauru (O)</td>
<td>Australia</td>
<td>X</td>
</tr>
<tr>
<td>2002</td>
<td>Belarus</td>
<td>Belarus (G)</td>
<td>Poland &amp; EU</td>
<td>X</td>
</tr>
<tr>
<td>2003</td>
<td>North Korea*</td>
<td>N. Korea (G); NGOs (AP); US (O)</td>
<td>China, S. Korea, N. Korea, UNHCR</td>
<td>X</td>
</tr>
</tbody>
</table>

* Please note: a) Crises with an asterisk [*] represent multiyear events/outflows; b) In identifying types of perpetrators, G=Generators, AP=Agents Provocateurs, and O=Opportunist; c) IC=international community/world opinion; and d) "X's" in bold indicate suggestive, but murky, cases.

Again, although Table 2.3 is far from exhaustive, it should nevertheless make amply clear that at almost any given time in the last 50 years, population displacements were being used strategically, and often by multiple actors simultaneously. Moreover, from even a cursory examination it will be evident to many readers that several well-known, recent cases are absent from the table—e.g., the 1991 Iraqi Kurdish crisis, the 1994 Cuban balseros crisis, the 1999 Kosovo crisis—thus suggesting that a comprehensive accounting would be very large indeed. In short, the evidence presented in Table 2.3 belies claims that the instrumental use of refugees is either new or novel. It also suggests that the conventional wisdom that the majority of population outflows are simply the unintended consequences of human and natural disasters should be considered suspect, at best.
E. Evidence of the Existence of Extortive Engineered Migration

Having established that this kind of unconventional coercion exists generally, how can one determine whether it has occurred in a particular case? As Pape suggests, coercion occurs whenever a state must choose between making concessions and suffering the consequences of continuing its present course of action.\(^{61}\) As such, there are at least two distinct bases of evidence that may be used: perpetrator(s) and/or target(s). Why direct evidence from perpetrator-related sources can demonstrate attempted coercion is fairly straightforward and obvious; however, such evidence may not be readily available. Given the self-hiding nature of this phenomenon, in some cases much of available evidence may be indirect and some of it, only circumstantial.\(^{62}\) Nevertheless, as Pape has rightly argued,

> Although it is often pursued deliberately, coercion is not defined by the intentions, or even the behavior, of the coercer but by the nature of the decisions faced by potential target states. Targets decide whether to make concessions and, as independent actors, can surrender without formal negotiations or explicit demands by the coercer. Even if the coercer makes no threats, no demands, and does not even imagine that the target might make concessions before being...defeated, if the coercer’s actions cause the target to make concessions, coercion has succeeded.\(^{63}\)

In other words, evidence of attempted extortive engineered migration derived from target sources is equally valid.\(^{64}\) For even if there is no direct evidence to indicate that a perpetrator is attempting to influence a target’s behavior, if there is evidence that said target perceives that attempted coercion is taking place, it is. **Definitive** evidence that perpetrators tried to influence target behavior includes:

- Insider “testimony” of the desirability, or necessity, of using refugee flows to influence the target and/or recognition that in the absence of flows the target’s behavior will be unaffected. (Such testimony may include reference to past successes with extortive engineered migration, both by this perpetrator and by others.)
- Explicit recognition of the potential for conflict within the target state, in the event of outflows; and/or
- Explicit—or at least, veiled—threats to instigate or unleash flows, if an action is taken or not taken.

**Suggestive** evidence that perpetrators tried to affect target behavior includes:

- A congruence between the timing and execution of threats, which appears to be related to the response of the target, or lack thereof; and/or
- Commencement and cessation of outflows, timed to correspond to target behavior.

**Definitive** evidence that targets perceived they were being coerced includes:

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\(^{62}\) As noted previously, few actors wish to appear to be weaklings, and some perpetrators may not wish to be viewed as bullies. In fact, some may even actively cultivate the identity of “victim,” in order to more effectively elicit international sympathy and support, even while engaging in extortive engineered migration against potential targets. See also Freedman, *Strategic Coercion*, Chapter 1.

\(^{63}\) Pape, *Bombing to Win*, p. 12.

\(^{64}\) Ibid., p. 12.
• Testimony/documentation that the target feels the perpetrator may be trying to influence his behavior by launching outflows;
• Demonstrated recognition that a change in the target behavior could prompt a favorable response by the perpetrator; and/or
• Explicit reference to past attempts at extortive engineered migration by this or other perpetrators.

Hence, while isolating and identifying evidence of attempted extortive engineered migration from both perpetrators and targets is desirable, it is not necessary; either in isolation is sufficient to demonstrate that it has occurred.

F. But Did it Work?: Measuring the Success of Extortive Engineered Migration

Again, coercion occurs whenever a state must choose between making concessions and suffering the consequences of continuing its present course of action. Conversely, coercion fails whenever the coercer stops its coercive actions prior to concessions by the target, when the coencer's attacks continue but do not produce compliance by the target, or when the coencer imposes its demands only after complete defeat of the target.\(^\text{65}\) Hence, there are two ways to demonstrate the success of extortive engineered migration. One is if the target publicly changes a previously articulated position. The second is if the target gives the perpetrator what has been demanded, whether publicly or privately. This is not to suggest that policy shifts might not be caused by multiple factors or that—on occasion—policies might not shift for exogenous reasons. Nevertheless, as Pape has argued, coercion will still have succeeded if the perpetrator's demands are met, in whole or in part.

G. Alternative Explanations

While determining the existence or absence of evidence of (attempted and/or successful) extortive engineered migration itself provides a test of whether the theory offered herein is convincing, a further test lies in whether there are alternative explanations that can better explain the observed behavior. So what are the plausible alternatives? I would argue that there are essentially three. One is that the outflow in question is the result of some non-rational, and certainly non-strategic, action that has little or nothing to do with coercion. For instance, some have suggested that Cuban President Fidel Castro's decision to launch the 1980 Mariel boatlift was simply the consequence of a "Fidel fury," an exercise of

\(^{65}\) Ibid., p. 15.
pique catalyzed by inflammatory comments made by US President Jimmy Carter. A second alternative explanation is that outflows may in fact be strategic, albeit not coercive, in nature. In other words, an outflow may be driven by dispossessive, exportive, and/or militarized motivations, but not coercive ones. For instance, several scholars have argued that Slobodan Milosevic's decision to loose refugees on his neighbors was driven in varying degrees by all three of these other motivations, but not by an intention to deter or coerce. Finally, a third alternative is that a given outflow may be the result of forces largely outside of the control of the principals, i.e., that the refugees have agency and they themselves dictate when they leave and where they go. For instance, it has been argued that between 1991 and 1994, it was the Haitian boat themselves—wholly without guidance from their exiled leader, President Jean-Bertrand Aristide—who decided if and when to leave the island of Hispaniola and head to the United States. In conducting the case studies presented in Chapters 4-7, I entertain and evaluate each of these alternative explanations and ask whether one or more of them can better account for the observed behavior on the part of both the presumed perpetrator and the target than my proposed theory.

II. Hypotheses about the Most Likely Perpetrators of Engineered Migration

This section offers hypotheses about the likely identities of perpetrators of extortive engineered migration and proposes an explanation as to why some actors would resort to this kind of unconventional policy instrument. These hypotheses have been inferred by building on earlier work from a variety of literatures, including asymmetric and guerrilla warfare, bargaining and negotiation, international law, and democratic peace theory. However, further statistical analysis would be necessary to confirm that these findings are indeed significant.

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68 For instance, the Zuckers argue that in the aftermath of the September 1991 coup, Haitians held on for a month and then decided it was time to go. From Naomi Flink Zucker and Norman L. Zucker, "US Admission Policies towards Cuban and Haitian Migrants," in Robin Cohen (editor), The Cambridge Survey of World Migration (Cambridge, UK: Cambridge University Press, 1995).
69 Although many will be valid for other variants of strategic engineered migration as well.
A. Generators

It is a widely accepted axiom in international politics that, paraphrasing Thucydides, “the strong do what they can; the weak endure what they must.” Yet as Dwight D. Eisenhower also famously noted, “It’s not the size of the dog in the fight. It’s the size of the fight in the dog.” In other words, with a well-chosen strategy and the right set of circumstances, highly motivated and resolute, albeit weak, actors can triumph over more powerful ones. Thus for such actors, a resort to unconventional, asymmetric methods—such as the manipulation of population movements—may appear both eminently rational and very attractive. Hence, I hypothesize that those who actively generate refugee flows are most likely to be weak, illegitimate, or semi-legitimate actors, who lack effective recourse to more conventional methods of influence. I further suggest that they will be drawn to this instrument for four distinct, and wholly rational, cost-benefit driven reasons.

1) Asymmetric Leverage

A variety of scholars who have done research on the negotiating strategies of weak actors have found that they often view crisis generation—refugee or otherwise—as a necessary precursor to negotiations with their more powerful counterparts. This is likely a relic of the fact that in the absence of crisis-generating incentives, powerful states tend to be reluctant to yield concessions—particularly to weaker challengers—for two distinct reasons.

One, they tend to doubt the credibility of weaker actors’ threats. There are two reasons for this. First, powerful actors frequently cannot fathom the idea that their weaker counterparts would initiate a crisis or conflict they seem destined to lose, based on relative capabilities. This tendency

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70 See again fn 7.
72 Exceptions to this general rule tend to occur in the context of civil wars—e.g., Turkey’s use of dispossessive, exportive, and militarized migration against its Kurdish population—and counter-insurgency campaigns—e.g., the militarized use of refugees by the French in the French-Algerian War and by the US in the Vietnam War. Between 1990 and 1999, the Turkish army burned, leveled or forcibly evacuated more than 3,000 Kurdish villages. There are large swaths of territory in southeastern Turkey depopulated at the village level. By forcing the Kurds out of the rural areas, the government effectively cut off all logistical support to the PKK, which has been an effective military strategy. Frelick interview in “Refugees as Weapons of War,” a program produced by America’s Defense Monitor, October 17, 1999. Found at: ADM-online.
73 See again Snyder, Negotiating on the Edge, especially Chapter 3. See also Hans Binnendijk, How Nations Negotiate (Washington, DC: National Defense University, 1987), and Paul, Asymmetric Conflicts.
may be further exacerbated by the fact that targets may also underestimate the magnitude of the threats facing weak actor(s) when the issues at stake seem so small to them, thus leading them to further discount the probability of crisis initiation.\textsuperscript{74} Second, because the majority of targets would not themselves initiate refugee flows, they tend to find perpetrators' threats to do so incredible. Even cursory examination of statements about the behavior of "rogue" and "rogue-like" states—such as Castro's Cuba, Kim Jong-Il's North Korea, and Milosevic's Yugoslavia—illustrates that powerful actors do have a tendency to dismiss aggressive crisis negotiation on the part of weak actors as "irrational" and "crazy" and therefore lacking in credibility.\textsuperscript{75}

Two, powerful targets may feel that concessions to weaker adversaries will be viewed as a sign of weakness by others—allies and adversaries alike. It is questionable as to whether such concerns are warranted. Nevertheless, history provides ample evidence that powerful states sometimes view tough posturing, even on issues of small consequence, as essential for the purposes of signaling their intentions to—and maintaining their reputation with—both friends and adversaries.\textsuperscript{76}

Nevertheless, weak actors do have a tried-and-true strategy for overcoming powerful actors' reluctance to negotiate and leveling the playing field: the generation of crises. Crisis generation represents one of the few areas in which weak, illegitimate actors may possess relative strength vis-à-vis other more powerful target states...and certainly—in the case of refugee crises—vis-à-vis their even weaker domestic victims. After creating crises, weak actors can then offer to make them disappear in exchange for financial or political pay-offs. As Korea scholar Scott Snyder has quipped about North Korea's decision to threaten to withdraw from the Non-Proliferation Treaty [NPT]:

the instigation of a crisis...was an effective way [of]... making direct dialogue with the United States unavoidable.... Without [it] North Korea would not have attained its goal of a direct bilateral dialogue with Washington. The United States had already inadvertently sent the signal that under normal circumstances, without fundamental (and possibly regime-threatening) policy change in North Korea, the best North Korea could hope for was a one-time, one-way discussion with the United States—not a dialogue through which mutual interests might be explored.\textsuperscript{77}

\textsuperscript{74} Paul, \textit{Asymmetric Conflicts}, p. 17. See also George, \textit{The Limits of Coercive Diplomacy}.
\textsuperscript{75} See, for instance, on Cuba, Jeri Laber, "U.S. Needs New Approach to Cuban Repression," \textit{The Washington Post}, May 5, 2003; on North Korea, see Snyder, \textit{Negotiating on the Edge}, p. 43; on the FRY, see Louise Branson, "Finger-pointing as "Albright's war" deepens," \textit{The Straits Times (Singapore)}, April 9, 1999, p. 10.
\textsuperscript{76} Paul, \textit{Asymmetric Conflicts}, p. 17.

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In short, crisis generation allows weak actors to increase their leverage relative to their aggregate power. As Snyder has noted: "this kind of crisis diplomacy has proven an effective way for weak states to "force [their] way to the top of the negotiating agenda." Indeed, negotiators report a recognizable pattern of 'drama and catastrophe.' And in the face of catastrophe, an overlapping bargaining space may develop rapidly where before there was none.

Put another way, crisis generation acts as a kind of force multiplier for weak states, thereby enhancing their credibility and improving their coercive capabilities. In a discussion of more traditional methods of coercion, Alexander George has argued that the key to successful coercive diplomacy is finding a way of injecting the message of the challenger’s (read perpetrator’s) threats into the adversary’s calculations and leading him to comply with the demand(s) made. Whether he will succeed is contingent upon the significance of the demand made, the determination of the opponent and the extent to which the opponent feels that the threatened punishment is both sufficiently credible and potent to cause him to comply. However, because the traditional means of influence at the disposal of weak states generally do not favor their success, a resort to unconventional methods—such as the generation of refugee crises—can enhance the "potency" of their threats for several reasons. For one thing, via the generation of massive outflows refugee generators may inflict a punishment upon targets disproportionate to the costs of compliance. Although targets may be reluctant to concede ex ante, in the grand scheme of things the demands being made by weak actors are often nominal compared with the costs of managing a sustained, large-scale outflow. In addition, because in-kind retaliation is rarely an option for targets—and alternate responses may also be problematic—refugee generators may achieve a kind of escalation dominance over potential targets. Finally, despite the fact that warnings tend to precede them, for reasons articulated above, refugee

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79 Snyder, *Negotiating on the Edge*, p. 69.
80 Ibid., p. 43.
82 From George, *Limits of Coercive Diplomacy*.
83 For instance, launching a war to counter outflows may be an option in certain circumstances, but often the expected costs associated with escalation to that level far exceed the expected costs of concealing to perpetrators’ demands in whole or in part. Likewise, if the perpetrator is already internationally isolated, the methods short of war that powerful states may employ in response may be slow-acting—e.g., sanctions—and
outflows—or at least the scope of their potential consequences—tend to take targets by surprise. For instance, in the aftermath of the 1999 Kosovo crisis, the forewarned German foreign minister Joschka Fischer later said “he regretted not having taken Milosevic seriously” when he said he could empty Kosovo in a week.64

2) Expected Marginal Costs versus Expected Benefits: The Paradox of Liberalism

There exists an ever-growing belief—in both academic and policy circles—that liberal democracies possess particular characteristics that make them (and their leaders) behave differently than other regime types. Those in liberal democratic states see themselves as distinct and frankly superior to those of other regime types. As Michael Doyle has put it, “because non-liberal governments are in a state of aggression with their own people, their foreign relations become for liberal governments deeply suspect. In short, fellow liberals benefit from a presumption of amity; non-liberals suffer from a presumption of enmity.” Moreover, authoritarian states are expected to “aggress against others if given the power and the opportunity.”

Because contemporarily illegitimate and/or illiberal actors will already be viewed with suspicion and contempt by the most powerful members of the international community at large, it is logical that they will also believe they have little left to lose by abrogating the moral norms associated with the generation of refugee flows. As Louis Henkin notes, “for any nation, the cost and advantage of law observance or violation must be seen largely in the context of its foreign policy as a whole... Nations generally desire a reputation for “principled behavior, for propriety and respectability,... They do not wish to be accused or criticized. They “know that violation will bring protest, will require reply, explanation, and justification.” However, for actors that are already isolated and outside the “club,” the cost of violating international laws may be regarded as low relative to the costs of compliance. As

64 Marlowe, “War and peace revisited.” Nevertheless, the factor of surprise is not always a good thing. In cases where perpetrators have been trying to get the target to concede in the absence of any outflow, the fact of surprise indicates that the threat was not being heard. Obviously, if the target is tone-deaf to the threats being conveyed, coercion—conventional or otherwise—has no chance of succeeding.


Henkin notes, "since law is generally a conservative force, it is more likely to be observed by those more content with their lot. Nations that believe they have a particular stake in world order will themselves attend to law, and their compliance will establish a comfortable position from which to insist that others do the same." In short, states and/or non-state actors that are already viewed as internationally illegitimate—e.g., "rogue" and "pariah" states—have significantly less reason to "fear the moral wrath of the 'international community' than states with reputations to protect." As Susan Woodward has put it in reflecting on the Bosnian case:

Those parties who already had widespread international support were more vulnerable to international opinion but less likely to be exposed, whereas those who were most accused of such atrocities and on whom media attention focused—the Bosnian Serbs in the case of Bosnia-Herzegovina—were far less susceptible because they had little international support to lose or to try to maintain.

In short, non-democratic, and hence, "illegitimate" states and non-state actors face a double-whammy. As noted previously, they are frequently neither strong enough to impel others to take them seriously under normal conditions, nor are they likely to be trusted to negotiate in an above the board manner. Hence, the reputational barriers to resorting to norms-violating tactics (e.g., the use of refugees as weapons) are lower, while the bargaining advantages of doing so are far greater—at least in part because specific reciprocity (threatening a counter-refugee crisis) is not an available option for most targets.

3) Operational Advantages

Particularly in cases where multiple objectives are being pursued simultaneously, engineered migration can also be a relatively cost-effective policy tool. Compared with more conventional military operations, the generation of refugee flows is usually relatively cheap, particularly as the number of troops required is frequently small, and the manpower necessary to effect successful population displacement need not be highly trained or well-equipped. In fact, the use of regular troops is often not even necessary; it can also be done with paramilitary "shock troops" and even

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87 Ibid.
88 Henkin, How Nations Behave, p. 53; See also Alvaro de Soto, Political Advisor to the Special Representative for the United Nations Secretary-General, quoted in "Revolution on the 37th Floor," BBC News and Current Affairs, on BBC Radio 4, April 22, 1993, 8pm.
89 Terry, Condemned to Repeat, p. 34.
90 Woodward, Balkan Tragedy, p. 322.
bands of thugs, as the recent wars in the Balkans demonstrate. The inducement of engineered migration does not rely on direct combat, but instead on the expectations associated with the demonstrative capacity of the violence that can be brought to bear. Sometimes no force need be used at all. Little more than the fear of future violence may be sufficient to cause people to flee.

Conversely, waging a successful campaign for the hearts and minds of a local population is much costlier and time intensive. In the case of national control, it may also necessitate ceding some amount of power, which engineered migration does not. Moreover, history illustrates that engineered migration can be a very effective way to consolidate control over territory. Consider, for instance, Mao’s conquest of China, Israel’s successful territorial consolidation during the 1947-48 war of independence, and King Hassan of Morocco’s 1975 “Green March” into the disputed territories of Spanish Sahara—an operation that required no troops at all. In short, engineered migration may offer weak actors substantial rewards for a relatively small investment—as long as it does not precipitate an international response, that is—e.g., the 1999 Kosovo war.

4) Straightforward Economic Benefits

Finally, strategic engineered migration can be economically quite remunerative to generators. There are the straightforward potential pay-offs they may reap from engaging in extortive engineered migration. But there are also benefits to be accrued from other potential sources as well. For instance, those in the sending state can appropriate the assets of the displaced, as happened after Idi Amin’s expulsion of Ugandan Asians in 1972, among myriad other cases. Likewise, in cases when only some members of a group, class or population are expelled or have fled, the sending state may benefit from direct or indirect access to future remittances from those have fled to those who remain. For example, remittances have been a major source of income for the Cuban government in recent years; in the late 1990s, remittances from the US to Cuba reportedly reached annual levels of $500-800

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6 See, for instance, Mueller, “The Banality of Ethnic War.”
7 See, for instance, James Gow, “Coercive Cadences: Yugoslav War,” in Strategic Coercion, Chapter 11.
8 There is also the danger that expelled populations will return with a vengeance, as, for instance, did the Ugandan-based and Tutsi-dominated, Rwandan Patriotic Front (RPF), which wrested power from Hutu-dominated Rwandan regime in 1994. See, for instance, Gerard Prunier, The Rwanda Crisis: History of a Genocide (New York: Columbia University Press, 1995).
million dollars.\textsuperscript{94} Finally, sometimes refugee generators (and/or those carrying out the operations) profit handsomely from the acquisition of bribes from would-be refugees.\textsuperscript{95} For instance, in Vietnam, where it is widely-acknowledged that in the late 1970s the military extracted “departure taxes” from many of those it pushed out, it has been estimated that, during 1978 alone, Hanoi’s receipts from the refugee traffic totaled $115 million USD, or 2.5% of the total estimated gross national product.\textsuperscript{96} Similarly, a US State Department team that traveled to Haiti in the late 1970s discovered that local authorities would “crack down on departures only if not adequately paid to ignore the activity.”\textsuperscript{97}

In sum, weak and illegitimate actors face fewer behavioral constraints and more material incentives to engage in strategic engineered migration than do more powerful and internationally legitimate actors. Thus, while morally reprehensible, it is hardly surprising that such actors should sometimes resort to this unconventional policy tool.\textsuperscript{98} What is perhaps more surprising is how readily all manners of actors—weak and strong, democrats and demagogues—are willing to provoke the creation of refugee flows by others and/or exploit already extant flows for their own benefit, often in the name of greater freedom and democracy.

B. Agents Provocateurs

With the exception of those cases where outflows are encouraged only for propagandistic purposes—a tactic favored by powerful liberal states—I hypothesize that the same type of actors that are attracted to the generation of refugee flows—namely, weak, illegitimate, and disenfranchised—will also be drawn


\textsuperscript{95} It is also worth noting that because refugee crises that trigger humanitarian intervention may lead to the rapid reclassification of unwanted ‘illegal migrants’ into bona fide refugees with temporary protection status—who are greeted with offers of shelter and assistance—crises reduce the number of services provided by smugglers necessary for successful entry. Thus smugglers can take advantage of refugee crises to expand their operations at the expense of state efforts to control clandestine migration. From Andreas and Snyder (eds.), \textit{Wall Around the West}, p. 211.


\textsuperscript{97} From the James Earl Carter Presidential Library, “Department of State Memorandum, June 19, 1979, Subject: State Department Study Team on Haitian Returnees;” CR&J—White Box 23, Cubans and Haitians [8].
to becoming agents provocateurs. However, agents provocateurs will resort to the exploitation of refugee flows for a different set of reasons than will generators, namely because the instigation of flows is seen as the best way to garner the attention of (and action by) the powerful. In fact, unlike most generators, evidence suggests many agents provocateurs see themselves as engaging in a kind of altruistic Machiavellianism, whereby the ends (e.g., autonomy, independence, or the restoration of democracy) justify the means (the creation of large-scale refugee flows). As one recent perpetrator, the leader of an international NGO that is trying to bring about the fall of North Korea, bluntly put it: “[Yes,] some people will perish, but the majority will get out...There will be a continuous flow until the end”—i.e., the fall of Kim Jong-Il's government.99

One can usefully identify three varieties of agents provocateurs, namely, those that attempt to incite “generators” to create refugee flows for their own benefit; those who seek to turn existing background refugee problems into full-scale political crises via lobbying/publicity and the imposition of hypocrisy costs on target regimes or third-party actors; and those who may also encourage refugee flows as a stimulant to regime change, or for political propaganda purposes.

1) Instigators

As has been argued elsewhere, rebels trying to overthrow their governments, and secessionist groups that stand little chance of winning their independence alone, may act in ways designed to generate international political, economic and/or military support for their causes.100 The key to engendering such support is two-fold: a) generate visible international “moral outrage” on one’s behalf and b) be

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98 This is not to suggest that such attempts will always be successful or will go unchallenged. The instigation of flows may generate robust resistance among those targeted (and even strengthen their resolve), as well as precipitate international intervention on behalf of the victims.
100 As Bill Frellick, then of the US Committee on Refugees argued, “the KLA which was not in a position to fight a straight out battle between standing armies, used their civilian population as part of its tactic to win international support and to really bring the international community as an ally in their struggle against the Serbs.” From Bill Frellick interview in “Refugees as Weapons of War,” a program produced by America's Defense Monitor, October 17, 1999. Found at: ADM-online. See also Alan J. Kuperman, Tragic challenges and the moral hazard of humanitarian intervention: how and why ethnic groups provoke genocidal retaliation, PhD dissertation (MIT, 2002); Kelly M. Greenhill, “The Use of Refugees as Political and Military Weapons in the Kosovo Conflict,” in Raju G. C. Thomas (editor), Yugoslavia Unraveled: Sovereignty, Self-Determination, and Intervention (Lanham, MD: Rowman and Littlefield, 2003), pp. 205-42; and Clifford Bob, “Beyond Transparency: Visibility and Fit in the Internationalization of Internal Conflict,” in Finel and Lord.
viewed as a victimized group.\textsuperscript{103} But victims only become “victims” when their oppressors have “been perceived and labeled as tyrants” by the international community.\textsuperscript{102} It has long been recognized that conventionally superior forces could be made to act in ways that entailed great political costs for the governments they served.\textsuperscript{103} Hence, the most efficient way for insurgent groups to garner the requisite sympathy for themselves and derision for their government is to provoke attacks upon themselves by said governments—attacks that frequently lead to the generation of refugee flows.\textsuperscript{104} Such flows not only provoke outrage and evoke sympathy, but also generate fear of inflows within potential recipient states, and thus may precipitate international action on the part of the international community—or, more likely, of a “coalition of the willing, i.e., the exposed). For instance, reports have surfaced that Bosnian forces did not defend the safe area of Gorazde, in the expectation that the consequences would lead to increased NATO involvement in the war for Bosnia-Herzegovina.\textsuperscript{105} Likewise, there is ample evidence to suggest that the Kosovar Albanians behaved in a manner calculated to bring down the wrath of the Serbian government upon them, because they had credible reason to believe NATO would intervene on their behalf. As the fact of the 1999 war for Kosovo demonstrates, this turned out to be a wise gamble on the part of the KLA.\textsuperscript{106}

However, such gambles do not always pay off. For instance, during the Algerian bid for independence, the rebels suffered greatly—at least in the short run—from their miscalculation that the West would intervene in the face of the French brutality they brought upon themselves. Although some French actions generated an international stir—and, in the case of the bombing of the refugee camp at Sakiet-Sidi-Youssef in Tunisia, generated a ministerial crisis—the international community was not prepared


\textsuperscript{102} Ibid., Braumann., p. 144.

\textsuperscript{101} Gandhi’s strategy of using peaceful civil disobedience as a foil for British conventional superiority is but one example. Several decades later, in The Wretched of the Earth, Fanon articulated the proposition that the more violently a government could be made to act against an insurgent element, the more the government’s legitimacy would be compromised. Frantz Fanon, The Wretched of the Earth (New York: Grove Press, 1969); Alistair Horne, A Savage War of Peace: Algeria, 1954-1962 (London: Macmillan, 1977).

\textsuperscript{104} As one Kosovar Albanian demonstrator said in March 1998—a year before the commencement of the NATO bombing campaign—“We are going to have to spill a lot more of our own blood before we can expect the outside world to risk getting heavily involved here... But I can’t see any other way that we can hope to give better lives to our people. I don’t believe Milosevic is ever going to do anything for us or give us any freedom to do it for ourselves.” Geoff Kitten, “The Killing Fields Of Blackbirds,” Sydney Morning Herald, March 21, 1998, p. 41.

\textsuperscript{105} See, for instance, Oliver Rambotham and Tom Woodhouse, Humanitarian Intervention in Contemporary Conflict: A Reconceptualization (Cambridge, UK: Polity, 1996), p. 186. See also Terry, Condemned to Repeat, Chapter 1.

\textsuperscript{106} See again fn 74.
to intervene on behalf of the guerrillas...even if they were refugees.\textsuperscript{107} In short, by 1999, Yugoslav President Slobodan Milosevic was acknowledged to be an international “tyrant,” while the leaders of the French Fourth Republic in the 1950s were not, and that made all the difference. (Nevertheless, the Algerians did in the end achieve their goal, and it was largely because of the political costs the war inflicted on the French. So perhaps it was not such a failure after all, just a far more costly success.)

2) Exploiters

Agents provocateurs may also seek to turn an existing background refugee problem into a full-scale political crisis, often with the active assistance of international NGOs—whose members themselves may be acting as provocateurs. Essentially what such actors attempt to do is to raise the negative salience of a problem and turn it into a crisis for the target, thereby compelling the target to act. As Gow and Tilsley put it when discussing the Bosnian conflict, “lessons involving what may be described as the ‘psychological’ weaknesses of Western societies were clearly understood and were used at the international level to good effect.”\textsuperscript{108} Likewise, exiled President, Jean-Bertrand Aristide—with the help of Randall Robinson and the Congressional Black Caucus, the US media, and the expectation of a “sticky” endless stream of refugees—forced the US’s hand and propelled him back into power in Haiti.\textsuperscript{109}

Here again, however, not all such gambits are successful. For instance, in the case of the aforementioned attempt by a coalition of NGOs bring down Kim Jong-Il’s regime by turning a low-level North Korean migrant problem into an embarrassing refugee crisis for the Chinese, the international spotlight has heretofore not had the desired effect. In fact, it has backfired. While previously Chinese authorities “turned a blind eye” to the “refugees” that managed to cross the

\textsuperscript{107} Jean-Christophe Rufin, \textit{Le piège humanitaire, suivi de Humanitaire et politique depuis la chute du Mur}, revised edition (Paris: Jean-Claude Lattès, 1993), pp. 119–20. As Asprey put it in his seminal work on guerrilla warfare: “In choosing force, however, the rebels also displayed an arrogance of ignorance... They underestimated both the umbilical cord linking Algeria to France in the minds of the great majority of public opinion in metropolitan France ... and naively failed to realize that France’s allies, however disapproving, would neither interfere nor proffer advice until French public opinion had reconciled itself to the eventuality of Algerian independence.” Robert Asprey, \textit{War in the Shadows: The Guerrillas in History}, p. 661.

border and allowed those NGOs that kept a low-profile to quietly help some of them get asylum in other countries, the recent high-profile escapes and accompanying publicity have compelled China to shut down what was in essence a functioning underground railroad.

3) Promoters

Finally, agents provocateurs may also encourage refugee flows as a stimulant to regime change. This was, for instance, the express policy of the West during the Cold War, when it embraced an explicit rhetorical policy of open-arms for “freedom-fighters” who were “voting with their feet.”10 A 1953 National Security Council Memorandum, for example, portrayed the US Refugee Relief Act of 1953 as a means of encouraging defection and thus inflicting economic as well as psychological damage on the Soviet Bloc.11 However, despite a purported commitment to the use of the refugee weapon, the behavior of Western government leaders in the face of significant outflows—e.g., during the 1953 East German refugee crisis,12 the 1956 Hungarian Revolution,13 the 1961 Berlin Crisis14, and the 1965 Cuban Camarioca crisis15—suggests that Western (and especially US) leaders really did not want to embrace all of those eager to demonstrate just how “bankrupt” Communism was.16 As a long-classified 1957 US

15 Digital National Security Archive, “Telegram to Secretary of State from US Embassy, Berlin on Fulbright’s Statement on Refugee Flows,” August 2, 1961, no. 124, received 2:13pm; and Digital National Security Archive, “Telegram to Secretary of State from US Embassy, Berlin, on Reaction in West Germany to Fulbright’s Statements on Berlin,” August 2, 1961, no. 252, 3:36pm. Interestingly, in this second telegram, one West German ministry official was quoted as saying Fulbright’s statement that the West should consider not taking more East Germans “represented the greatest mistake yet made by Western leaders during the current crisis over Berlin.”
16 See Chapter 4 for details.
17 For instance, the US ultimately did far less for the beleaguered Hungarians than it initially promised, leading then Senator Hubert Humphrey to declare US policy a “miserable failure” and “a far cry... from what we preach.” From Hubert Humphrey, in a speech before the International Rescue Committee meeting, Miami, Florida, 8th Congress, Second Session, January 31, 1958, Congressional Record, p. 1473. On a per-capita basis, ten other nations actually took in more refugees and donated more financially than did the US, despite its rhetorical commitment to the Hungarians. It is worth noting that a survey conducted at the time found that 32 percent of Americans believed the refugees would be a bad influence on American society; 21 percent felt they would have no effect; and only 26 percent believed the country would benefit from their presence.
National Security Council Memorandum put it: “The United States should take no action to encourage the departure of large numbers of nationals from countries in the Sino-Soviet orbit [text still classified]...[as] serious problems would arise as the results of the departure of larger numbers of nationals than could be successfully resettled in the Free World.” Instead, evidence suggests Western leaders wished to exploit the propaganda value of their rhetoric while remaining protected from the potential refugee-generating consequences thereof, and they were usually successful, since Communist totalitarian regimes only rarely permitted would-be refugees to leave.18

Evidence suggests we may be witnessing a renaissance of the use of this tool by powerful actors, who believe that engineered migration can be used to achieve regime change at relatively low cost.19 For instance, US President George W. Bush favors trying to bring down the regime of Kim Jong-Il by encouraging massive outflows.20 (See Chapter 7 for a detailed examination of this on-going episode.) In addition, there has been some speculation that since 2002 Otto Reich has entertained similar ideas for Cuba, but the data on this front are very sketchy.

C. Opportunists

In contrast to agents provocateurs and generators, I hypothesize that opportunists—who take advantage of flows generated by others for their own benefit—may be of any political persuasion or strength. Opportunists need only believe that they can manipulate an existing refugee situation to their advantage. Sometimes they do so out of perceived necessity, sometimes just because they can.

Consider, for instance, the East German refugee crisis of 1953 during which German Chancellor Adenauer made much of the rising tide of refugees from the East in an attempt to pressure the US to increase its financial aid to West Germany.21 Although the Eisenhower administration appears to


18 Keely, “How nation-states create and respond to refugee flows.”

19 Author’s private discussion with UNHCR official, December 2002.

20 Dao, “US Is Urged to Promote Flow of Refugees From North Korea.”

21 Herbert Blankenhorn, one of Adenauer’s key foreign policy advisors, traveled to Washington on a secret mission in March 1953 to ask for $100 million. Then during Adenauer’s own visit to Washington the following month, he requested $250 million in economic aid—to be divided between West Germany and West Berlin—to address the refugee problem. Negotiating Paper, "Berlin: Aid and Refugees, US German Political Talks, Washington," April 2, 1953, RG 59, 762A.00/4-653, Box 3862, National Archives, Washington, DC.
have believed that Adenauer's real motivations were more parochial—i.e., that he sought American economic assistance to improve his re-election chances in the autumn of 1953—it was nevertheless prepared to reward him for his pro-Western stance and support for the European Defense Treaty. Sometime, opportunists take a proactive role in crisis exploitation. For instance, some actively threaten to close borders and/or create refugee emergencies unless targets take action and/or proffer side-payments, as did several Southeast Asian littoral states—e.g., Thailand, Indonesia, and Malaysia—during the Indochinese refugee crisis of the late 1970s. Although the initial response of the West was to deem the Vietnamese not “refugees” but “boat people”—in the hope that the neighboring states would accept responsibility for them—their refusal to do so inevitably generated enormous Western media attention and public concern. In response, the Southeast Asian countries “skillfully exploited the new public interest, effectively evoking the Western concern for refugees and, by means of a dialectic of threat and response, they finally succeeded in almost entirely transferring the onus of settling these people onto the Western countries.

Nevertheless—as noted in the previous section—the threat to close one’s borders is not usually an option available to liberal targets, so only illiberal actors and/or those liberal actors who can plausibly claim that they are compelled to close their borders for the sake of their national security can generally pull off such a maneuver. At the same time, the converse of this same gambit may also be successfully used. Some opportunists—eager or simply desperate for international recognition or legitimacy—may offer to alleviate an existing emergency—rather than create a new one—in exchange for political or monetary pay-offs. Two well-known exemplars of this were the leaders Mobutu Sese

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122 Memorandum, Edward M. Martin to Harold Stassen, April 20, 1953, FRUS, 1952-4, VI, p. 538. See also “Negotiating Paper,” in ibid.
115 For instance, Australia tried unsuccessfully in the aftermath of the Tampa incident and incited international criticism. However, the criticism was insufficiently negatively salient to cause the Australians to change their policy. On Australia’s international reputation, see, for instance, “Australia’s uncertain place in the world: Immigration has dominated the election campaign to the dismay of Asian neighbors and some business leaders,” Financial Times, November 9, 2001, p. 19. Also see “Dirty duo left out in the cold,” The Australian, September 6, 2002, p. 11, in which the author suggests that Australia’s behavior towards asylum seekers could lead it to become a new international pariah, as South Africa was during the apartheid era. On the Tampa incident specifically, see, for instance, “Soldiers frog-march asylum seekers off ship: Tough tactics off Pacific isle of Nauru rebound on Australia,” The Guardian, October 2, 2002, p. 14. See also Chapter 8: Policy Implications for a detailed discussion of this incident.
Seko of Zaire and General Zia ul-Haq of Pakistan, who were "turned by refugee flows from international pariah[s] into a 'respectable' statesmen."\textsuperscript{116}

Finally, opportunists may use the existence of refugee flows as a low-cost propaganda tool and as a bargaining lever against the sending state. For instance, during the height of the outflow of Palestinians in the aftermath of the Six Day War, Harold Wriggins told Walt Rostow and Mac Bundy

> The continued flight of refugees out of Israel gives us a remarkably opportune justification for condemning Israel on an issue, which will help to indicate to moderate Arabs that we are sensitive to the needs of the Arab people without costing us politically at home.\textsuperscript{117}

Nevertheless, however active or passive their level of exploitation, opportunists are generally are not responsible for the creation of flows, either directly or indirectly. Instead, they exploit existing outflows in ways that redound to their benefit. An appreciation for the role of opportunists is important, as they often serve as the critical lynchpin that determines whether or not those playing more direct coercive roles will succeed or fail. For instance, Panama's sudden withdrawal of its offer to host many thousand Haitian refugees in July 1994 was a critical variable in the Clinton Administration's decision to move forward with the reinstallation of exiled President Jean-Bertrand Aristide that fall.\textsuperscript{118}

### III. Summary of Key Hypotheses

The theoretical exploration that follows in Chapter 3 assumes the validity of the following, principally descriptive hypotheses. To the extent that one can satisfactorily test universalistic hypotheses within the context of a limited number of case studies, these hypotheses are tested in the narrative-driven chapters that follow.


\textsuperscript{117} "Informal Memorandum to Walt[er] Rostow and Mac[George] Bundy" on 'Israel's Approach to the Refugees," June 26, 1967. From Lyndon B. Johnson Presidential Library, National Security Files of the Special Committee of the National Security Council, Box 11, 12, 13, Refugees Folder. It is clear that the some in the Arab world also recognized the propaganda value of this crisis, as when US Ambassador Burns told Jordan's King Hussein that "the ball was in his court" to move the process forward, Hussein reportedly retorted that this was in fact not the case, and he "could launch a very effective international propaganda campaign against the government of Israel," if he so chose. In this same conversation, Hussein also accused the government of Israel of using the refugee crisis to try to force direct Jordanian-Israeli talks—implying that he believed Israel was engaged in extortive engineered migration...or at least that he believed it prudent to say he believed it. From "Telegram from Ambassador to Jordan, Burns to the Secretary of State," (circa) July 31, 1967, From Lyndon B. Johnson Presidential Library, National Security Files of the Special Committee of the National Security Council, Box 11, 12, 13, Refugees Folder.

\textsuperscript{118} See Chapter 6 for a detailed discussion of this event.
Existence and Character of the Phenomenon

H1: Extortive engineered migration is a real phenomenon, and one that comprises a non-trivial number of "refugee" outflows. It is a kind of political jujitsu that resembles what is known in traditional coercion as "coercion by punishment." It relies on the infliction of unacceptable costs on the target's civilian population to succeed. (How, why, and, under what conditions, it will succeed and fail are examined in detail in Chapter 3.)

Nature of the Perpetrators

However, because the facilitation of this kind of coercion itself usually requires the violation of norms and tends to engender substantial reputational and/or retributive costs, it tends to be favored by weak actors who lack recourse to more traditional methods of influence.

Hence,

Pancity of effective policy tools $\rightarrow$ resort to unconventional methods

H2a: The weaker and less legitimate the actor, the greater its tendency to generate outflows as means to political and military ends, i.e., to actively use refugees as coercive instruments.

H2b: Historically, the same has been true of agents provocateurs. However, over time their character is becoming more consistent with that of opportunists.

H2c: Opportunists may be any manner of actor—weak or strong, democrat or demagogue, individual state or state-less individuals.
Chapter 3

Extortive Engineered Migration—How and Why it Works

Democracies cannot dispense with hypocrisy any more than dictatorships can with cynicism.

It deprives [us of our] just influence in the world—enables enemies of free institutions, with plausibility, to taunt us as hypocrites—causes the real friends of freedom to doubt our sincerity.

In a seminal 1983 paper, political scientist Myron Weiner observed that, contrary to conventional wisdom, sending states exercise far greater control over their out-migration than was previously believed and also noted that the number of these out-migrations—or “emigration push-outs”—had been rising since the early 1970s. Weiner did not speculate as to the cause of this increase, offer an explanation of the mechanism behind these “push-outs,” or propose a theory as to what ends or objectives they might be directed. In this chapter, I do all three. First, building on the descriptive framework advanced in Chapter 2, I propose a theory of “extortive engineered migration,” an application of the concept of political jujitsu I introduced in Chapter 1 to the domain of refugee crises. Extortive engineered migration is a coercive strategy—albeit an unconventional one—which relies on the threat and use of demographic bombs—or “people pressure”—rather than on more conventional ordnance. Second, I also offer an explanation as to how, why, and under what conditions, this kind of unconventional coercion succeeds and fails, as well as why liberal democracies—the majority of whom have made explicit normative commitments to the protection of refugees—may be particularly vulnerable to it. In the context of explaining the nature and efficacy of extortive engineered migration, I also advance a corollary argument that accounts for the rise in “push-outs,” one that suggests that the increasing prevalence of extortive engineered migration is tragically and intimately connected to the concomitant growth of the human rights regime.

2 US President Abraham Lincoln on slavery.
4 See Chapter 1, pp. 3-4 for my definition, and a brief explication, of this brand of unconventional coercion.
To summarize the argument that follows: extortive engineered migration can be conceived as a coercive, two-level bargaining game, in which perpetrators on the international level seek to influence target behavior on the domestic level by playing on an anticipated "heterogeneity" of interests within the target state (or its alliance). Specifically, perpetrators of extortive engineered migration seek to place targets' professed moral and ideological commitments in direct conflict with their political interests/imperatives, in the expectation that targets will choose to concede to perpetrators' demands rather than suffer the international and/or domestic political costs of resistance. They do so in part by imposing what I have termed "hypocrisy costs"—i.e., those symbolic political costs that arise when there exists a real (or perceived) disparity between a professed commitment to liberal values (i.e., ideology) and/or to international norms, and demonstrated actions that contravene such a commitment. In the realm of refugee affairs, this means exploitation of the contradictions that frequently exist between target states' codified commitments to the protection of those fleeing violence and persecution, and the fact that many living within these states are often disinclined to accept the costs associated with fulfilling those commitments. Because liberal democracies are as a rule both the most committed to the protection of refugees AND the most exposed to the potentially politically-costly vagaries of "heterogeneous" domestic interests, I hypothesize that they will be most vulnerable to extortive engineered migration, while closed, authoritarian societies will be the least vulnerable.

Nevertheless, refugee outflows are not always viewed as crises, nor do they always generate consternation within receiving states. Instead I assume hypocrisy costs only come into play—and thus extortive engineered migration can only succeed—when the crisis at issue has (or threatens to) become "negatively salient," thereby creating a "policy panic," threatening to "blow apart [the] government's ability to maintain its iron will" and forcing it to shift its policy, or "face a public relations disaster." Policy panics can occur either suddenly and unexpectedly, or as the result of

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7 Meaning that not only has the crisis permeated the target audience's consciousness, but it has also left a significant portion of that audience dissatisfied with the manner and/or quality of the leadership's response.

8 UN Secretary General Kofi Annan, cited in Nik Gowing, "Real-time TV Coverage from War: Does it Make or Break Government Policy?" in *Bosnia by Television* (London: British Film Institute, 1996), p. 86. The term "policy panic" has been in common use for sometime—and is frequently found in journalistic
sustained, but escalating, negative press coverage.\footnote{For instance, an instant panic occurred in Washington following the Srebrenica massacre in Bosnia in July 1995. In its aftermath, “Clinton [reportedly] often sounded more moved by the damage the fall of Srebrenica was doing to his presidency than by its effects on the lives of defenseless Muslims...He recognized that he was finally in danger of paying a political price for nonintervention. In a forty-five minute rant strewn with profanities, Clinton said, “This can’t continue...We have to seize control of this...I’m getting creamed!” From Mary Battiata, “War of the Worlds,” Washington Post Magazine, June 30, 1996, p. 8, quoted in Samantha Power, A Problem from Hell: America and the Age of Genocide (New York: Basic Books, 2002), pp. 436-7.} In either case, they catalyze “normatively-appropriate” policy flip-flops that are inconsistent with previously articulated policy or strategy, but flip-flops which—I hypothesize—result not from a sense of moral conviction, but from a fear of the anticipated political costs of failing to act. Moreover, I further hypothesize, these flip-flops tend to redound to the benefit of perpetrators of extortive engineered migration and facilitate successful extortive engineered migration, albeit frequently in a sub-optimal way. For a perverse set of reasons I outline below, generating such panics in the realm of refugee crises is often easier than one would expect.

Finally, I further argue that refugee-driven policy panics—beyond being easier to generate than one would intuit—have also increased over time, thus accounting for the rise in emigration “push-outs” Weiner highlighted two decades ago.\footnote{For instance, a gradual panic happened in Rome, in the wake of the pyramid scheme collapse and growing instability in Albania between January and March 1997. This led to the launch of Operation Alba, which was designed to staunch the flow of Albanians across the Adriatic. See Ettore Greco, “Delegated Peacekeeping: The Case of Operation Alba,” Istituto Affari Internazionali Working Paper Series (1998), available at: http://www.ciaonet.org/wps/greco/; and Ted Permuter, “The politics of proximity: The Italian response to the Albanian crisis,” The International Migration Review, vol. 32, no. 1 (Spring 1998), pp. 203-22.} Why should this be the case? Due to the perverse nature of this kind of coercion, ironically and tragically, the growth of the international human rights regime has actually inadvertently strengthened weak actors prepared to employ it, particularly—but not exclusively—against liberal democratic targets.\footnote{See again fn 3.} This is because as the norms governing appropriate state behavior have grown in strength and in number, so has the leverage of those who seek to exploit these norms. While norms do “provide incentives and disincentives for different kinds of actions”\footnote{Sanjeev Khagram, James V. Riker, and Kathryn Sikkink, Restructuring World Politics: Transnational Social Movements, Networks, and Norms (Minneapolis, MN: University of Minnesota Press, 2002).} for those who embrace them, they also provide incentives and disincentives for different kinds of exploitation of these self-same norms, thus making the employment of extortive engineered

writing—but Gowing was the first to offer a concrete definition of the phenomenon and treat it analytically.
migration more attractive over time. Thus it is probably no accident that the rise in “push-outs” that Weiner detected commenced in the early 1970s, when it is also widely acknowledged that the human rights regime really began to flourish.\footnote{For a concise and engaging history of the rise of the transnational human rights advocacy network and the strength of the human rights regime more generally, see Margaret A. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998), Chapter 4. See also Lisa L. Martin and Kathryn Sikkink, “US Policy and Human Rights in Argentina and Guatemala, 1973-1980,” in Peter Evans, Harold Jacobson, and Robert Putnam (eds.), *Double-Edged Diplomacy: International Bargaining and Domestic Politics* (Berkeley: University of California Press, 1993); and Risse and Sikkink, “The socialization of international human rights norms,” pp. 35-47.} This can only be viewed as a case of the law of unintended consequences in action, whereby the growing strength of humanitarian norms has invested power in the hands of weak actors who would otherwise have little. Furthermore, if recent history is any indication, those who seek to exploit these norms will increasingly seek to present liberal democratic leaders with moral and ethical conundrums, against which their superior power is of little use—at least symmetrically;\footnote{As Weiner and Teitelbaum note, “States that are capable of defending themselves against missile, tank, and infantry attacks are often unable to defend themselves against the intrusion of [those] seeking employment or safety.” From *Political Demography, Demographic Engineering* (New York: Berghahn Books, 2001), p. 109.} the use of refugees as coercive bargaining tools via extortive engineered migration is a premier example of this phenomenon in action.

I. Political Jujitsu via “People Pressure”: The Mechanism behind Extortive Engineered Migration

A. What is Extortive Engineered Migration?

As defined in Chapter 2, extortive engineered migration refers to that subset of strategic engineered migrations in which (real or threatened) outflows are used by state and/or non-state actors to induce changes in political behavior\footnote{As introduced in Chapter 2, strategic engineered migration refers to those in- or out-migrations that are deliberately induced or manipulated by state or non-state actors, in ways designed to augment, reduce, or change the composition of the population residing within a particular territory, as means to political or military ends.}—i.e., to compel or deter—and/or to extract economic side-payments from a target state or states.\footnote{This is to say that it refers to a brand of coercion designed to persuade a target: a) to change his behavior, b) not to change his behavior, and/or c) “to give up something of value without putting up resistance,” which George calls a “blackmail strategy.” Alexander L. George, “Coercive Diplomacy: Definitions and Characteristics,” in Alexander George and Williams E. Simons, *The Limits of Coercive Diplomacy* (Boulder, CO: Westview Press, 1994), p. 7.} When the target comprises multiple states, they may be targeted either bilaterally and separately—e.g., as China and South Korea have been vis-à-vis North
Korea\textsuperscript{18}—or multilaterally and collectively—\textit{e.g.}, as was the NATO alliance in Kosovo.\textsuperscript{19} Like other forms of \textit{political jujitsu}, extortive engineered migration may be thought of as a dynamic, two-level—and usually asymmetric—coercive bargaining game, since it is "played" on both the international and the domestic levels, most often between actors who possess significantly disparate levels of power, as it is traditionally understood.\textsuperscript{20} As a political instrument, it has been utilized not only by those actively generating refugee flows, or \textit{generators}, but also by enterprising \textit{opportunists} who exploit the existence of outflows generated by others, as well as by \textit{agents provocateurs}, who may themselves act in ways designed to provoke outflows, which they then exploit for their own ends.

Operationally, extortive engineered migration resembles what is commonly known as "coercion by punishment," because its success is predicated on the effective manipulation of the costs or risks imposed on a target's civilian population.\textsuperscript{21} Success in this context is defined as persuading a target—in line with the coercer's/s' demands—to change a previously articulated policy, stop or reverse an action already undertaken, and/or to disburse significant side-payments to active and/or more passive extortionists. In traditional coercion, costs are inflicted through the threat and use of military force in order to achieve political goals "on the cheap." In extortive engineered migration, by contrast, costs are inflicted through the threat and use of "people pressure" to achieve political goals that would be utterly unattainable through military means.

The underlying hypothesis here is that the perpetrator's aim is to create domestic conflict and/or public dissatisfaction within the target state, in an attempt to convince the target's leadership to concede to the perpetrator's demands rather than incur the expected domestic and/or international political costs of resistance.\textsuperscript{22} Why, how, and under what conditions this is effective are explored in detail below. As one scholar has put it, "Sending nations can sometimes structure emigration so

\textsuperscript{18}See Chapter 7: Burgeoning Border Brouhaha—The Case of North Korea (2002→).
\textsuperscript{19}See Chapter 5: Blackmail in the Balkans—the Kosovo Conflict (1998-1999).
\textsuperscript{20}Coercive games, in general, are defined as "series of moves and countermoves in which each side acts not only based on and in anticipation of the other side's moves, but also based on other changes in the security [as well as more general, I would argue] environment." From Daniel Byman and Matthew Waxman, \textit{The Dynamics of Coercion} (Oxford, UK: Oxford University Press, 2001), p. 37-8.
\textsuperscript{22}In short, perpetrators try to inflict costs on the population that are higher than the stakes in dispute. "The hope is that the government will concede or the population will revolt." Ibid., p. 21.
that receiving states are very likely to respond with inconsistent administrative action," which can then be used as a lever against those who had “in effect brushed [them] off” previously.\textsuperscript{33}

The creation of such a lever—and the generation of “inconsistent” policy responses—is possible as a consequence of the fact that refugee influxes are frequently viewed as threatening and are associated with three major reactions within receiving states: 1) perceived or real increases in economic and environmental burdens, including an inability to provide food, shelter, employment, or social services for the refugees; 2) perceived or real increases in cultural disruption and dilution, which may include the exacerbation of ethnic, racial, religious, linguistic, or ideological tensions; and 3) perceived increases in political risks, including internal instability.\textsuperscript{34} Although exceptions to this generalization do exist, advanced, industrialized states are generally more concerned with potential economic disruptions, while developing countries are generally more worried about the potential for political destabilization. At the same time, other groups (sometimes domestic, sometimes international)—which tend to be small, yet extremely vocal, publicly savvy, and rhetorically skillful, e.g., lawyers and advocacy groups—seek to pressure targets to do “the morally appropriate thing” and accept the refugees. This conflict between norms and politics can pose serious and potentially political costly dilemmas for target states and significantly narrow their leaderships’ room for maneuver, which is of course exactly the intent of the perpetrator(s).

B. The Character of Dynamic, Two-Level Coercion

The fact that some actors may exploit others’ domestic constraints for their own bargaining advantage has long been recognized,\textsuperscript{35} as has the significance of the dynamic, “intertwined”—and sometimes synergistic—interactions between what happens on the domestic and international levels.

\textsuperscript{33} Christopher Mitchell “Implications,” in Mitchell, Christopher (ed.), \textit{Western Hemisphere Immigration and United States Foreign Policy} (University Park, PA: Pennsylvania State University Press, 1993). Mitchell makes this important observation in passing—as part of a larger discussion of Western Hemisphere migrations and US foreign policy. But he does not explore the issue further, other than to note that an earlier willingness to negotiate would have likely allowed the US to avoid the embarrassing political messes these outflows began.

during bargaining games. However, most previous "two-level analyses" have treated as axiomatic the assumption that—at least on the international level—both parties are trying to reach a negotiated settlement, albeit one that is most beneficial to them. Similarly, many treat the domestic level as simply a ratification process, after the "real" international game has resulted in an agreement. In contrast, I contend that under some conditions actors on the international level—i.e., perpetrators—may try to force or blackmail a reluctant counterpart—i.e., target(s)—into a negotiated settlement to which they are ex ante (at Time 0) opposed, by leveraging the anticipated reactions (at Time 1 and beyond) of the reluctant parties' domestic constituencies against him/them. In short, I assume that a target's responses to threats issued or actions taken are intimately tied to—and influenced by—simultaneous and/or subsequent actions taken by actors within the target state or alliance.

Although modeling this proposition formally would be difficult at best, this set of dynamic interactions may still be usefully envisaged as a kind of multi-player, two-level bargaining game, with both simultaneous (international and domestic) and sequential moves (over time within the same game). See Figure 3.1 below for a schematic of this dynamic in action.

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27 Thomas Schelling, "American Foreign Aid Assistance," World Politics (July 1955); and Schelling, Strategy of Conflict.
29 However, this idea is not a new one. In terms of implementation, it can be traced back at least as far as the conquests of Ghengis Khan. In terms of documentation, it goes back at least to the writings of Italian air warfare theorist Giulio Douhet, who argued in favor of targeting adversaries' civilian populations in the belief that the infliction of high costs would shatter civilian morale and undermine resistance, so that citizens would pressure their governments into changing their policies. See, for instance, Pape, Bombing to Win, p. 60. See also Giulio Douhet, Command of the Air, translated by Dino Ferrari (New York: Coward-McCann, 1942). This theory of victory through civilian punishment was further developed by Hugh Trenchard, the first Chief of Britain's Royal Air Force, who argued "the end of the war is usually attained when one nation has been able to bring such pressure to bear on another that public opinion oblige[s] the government to sue for peace." Cited in Pape, Bombing to Win, p. 61. See also Glenn H. Snyder and Paul Diesing, Conflict Among Nations: Bargaining, Decision Making, and System Structure in International Crises (Princeton, N.J): Princeton University Press, 1977).
30 See, for instance, Byman and Waxman, The Dynamics of Coercion.
31 As several discussions with formal modelers have made evident.
Using Putnam's two-level game heuristic, this dynamic may be understood as follows: on Level I (the international level), coercive (and often, tacit) negotiations take place between Player "P"—the perpetrator or perpetrators—and Player "T"—the leader(ship) of the target state. In short, the perpetrator wants something that the target is *ex ante* reluctant to deliver. Whether the perpetrator will eventually succeed is largely predicated on the nature and scope of (anticipated) conflict between competing, "heterogeneous" interests within Player T's state on Level II (the domestic level). As shall be explored in section II below, the core of this "heterogeneous" conflict often arises from the contradictions that tend to exist between states' normative (or ideological) commitments to refugees and human rights and the target government(s)' and/or some of their domestic constituents' disinclinations to fulfill them. And on those occasions when foreign policy bleeds into the realm of domestic politics—as it so frequently does where asylum seekers are involved—the implications of these contradictions become particularly acute.\(^1\) As Under Secretary of State in the Carter

\(^1\) As one scholar put it: "It's always been true of our refugee policy, and to an extent our immigration law, that [refugees have] been jerked around by a combination of our foreign policy and domestic political
Administration, David Newsom, put it when trying to explain the US government's disastrous response to the 1980 Mariel boatlift: "Any time you have a phasing in of a foreign policy issue which becomes a hot domestic issue, you have got very complicated problems because the capacity of the government to deal with [the problem] is far less simple and recognized than if it was simply a foreign policy issue."\(^{13}\)

The perpetrator's objective is to influence targets by force majeure, i.e., a choice dictated by overwhelming circumstances. As Freedman suggests in his study of strategic coercion, targets will always have a choice, but one that is skewed if they believe the consequences of non-compliance will be a denial of future choice.\(^{14}\) Thus perpetrators try to narrow a target's set of Level II policy responses to an outflow—or, in game theory terms, narrow the target's "win-set"\(^{35}\)—such that concession to their demands begins to appear more attractive, at least relative to the possibility that the future will hold still less auspicious choices. Thus, in contrast to traditional two-level games in which actors seek to convince each other that their respective win-sets are small,\(^{16}\) in the case of extortive engineered migration, exactly the opposite is true. Namely, the fewer policy options the target has—i.e., the smaller his win-set—the more likely he will be forced to concede to the perpetrator's demands. This is simply because with fewer policy options available, the target's capacity to reconcile its internal conflicts is far more circumscribed. Hence, whereas in traditional two-level games, targets seek to convince perpetrators that their domestic range of maneuver is narrow, in the case of extortive engineered migration, by contrast, targets endeavor to convince perpetrators that their range of maneuver is sufficiently broad that they need not concede to perpetrators' demands, or even negotiate. How might targets do so?

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16 This is because in traditional two-level games, it is assumed that the larger an actor's perceived domestic win-set, the more he can be "pushed around" by his international counterparts.
As Figures 3.1 above and 3.2 below suggest, faced with a real or threatened refugee crisis, targets have essentially five non-mutually exclusive choices: 1) domestic acceptance and/or assimilation of the refugees; 2) international third-party bribery via side-payments; 3) military intervention to stop the flow at the source; 4) interdiction and/or border closure; or 5) concession to the perpetrator’s demands. Targets attempt to convince perpetrators’ that some combination of options 1, 2, 3, and 4 are open to them, and thus concession is unnecessary; unfortunately for them, however, this is frequently not the case.\footnote{As outlined below, even very powerful targets are apt to face a variety of legal, normative, and political obstacles that limit their available options; moreover, many perpetrators know it\cite{note1}, making bargaining credibility a significant problem for many targets.} Therefore, by default, concession tends to become more attractive than one would probably intuit, particularly when crises appear to be enduring in time and significant in size.

\begin{center}
\textbf{Figure 3.2: Options Available to Target States}
\end{center}

\begin{center}
\begin{tikzpicture}
    \node[shape=rectangle,draw=black] (Engineered Migration/Border Opening) at (0,0) {Engineered Migration/Border Opening};
    \node[shape=rectangle,draw=black] (Third Party Bribery) at (-4,-2) {Third Party Bribery};
    \node[shape=rectangle,draw=black] (Assimilation) at (-1,-2) {Assimilation};
    \node[shape=rectangle,draw=black] (Border Closure) at (1,-2) {Border Closure};
    \node[shape=rectangle,draw=black] (Concession) at (4,-2) {Concession};
    \node[shape=rectangle,draw=black] (War) at (0,-4) {War};
    \draw[->] (Engineered Migration/Border Opening) -- (Third Party Bribery);
    \draw[->] (Engineered Migration/Border Opening) -- (Assimilation);
    \draw[->] (Engineered Migration/Border Opening) -- (Border Closure);
    \draw[->] (Engineered Migration/Border Opening) -- (Concession);
    \draw[->] (War) -- (Third Party Bribery);
    \draw[->] (War) -- (Assimilation);
    \draw[->] (War) -- (Border Closure);
    \draw[->] (War) -- (Concession);
\end{tikzpicture}
\end{center}

\begin{enumerate}
    \item \textit{Third-Party Bribery}
    Evidence suggests that generally—if they can afford to do so—targets’ first preference is third-party bribery, i.e., to convince another state or states to admit (or at least, temporarily host) those in flight via the use of political and monetary side-payments, thereby shielding the target’s population from direct exposure to an influx.\footnote{States’ desires to insulate themselves from the effects of refugee crises has led to the practice of warehousing of refugees in the region and/or in states of first asylum, euphemistically called safe havens.} Two well known recent examples include Panama’s offer—later
\end{enumerate}

\footnote{And even within these choices, there generally exists a hierarchy of preferences.}

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rescinded—to host Haitian boatpeople in 1994, and Macedonia's begrudging offer to shelter fleeing Kosovars in 1999. But this kind of buck-passing is often not an option, particularly if the refugees are already inside the target country and/or if other potential asylum states themselves fear destabilizing consequences of an influx. In fact, Panama's decision to retract its offer—despite the attractiveness of the US offer—was driven in large part by the Panamanian president's fears of a domestic backlash.

2) Acceptance/Assimilation

Secondarily, history suggests, targets generally prefer to accept and/or assimilate the refugees. And in the face of an anticipated influx, leaders of target states will often make significant and—very vocal—proclamations of their staunch commitment to the protection of those fleeing violence or "voting with their feet." This was, for instance, the express policy of the West during the Cold War, during which leaders frequently called upon those living behind the Iron Curtain to flee to the West. However, in the event a massive influx is forthcoming, domestic political prerogatives often

This has caused a number of problems in these states in periods of slow and steady immigration. But it has also given them added leverage/bargaining power in periods of refugee emergencies. Most front-line asylum states recognize this fact and may opt to become opportunists when opportunities arise, as they can threaten to close their borders and/or refuse to warehouse refugees, as Macedonia did during the early stages of the Kosovo crisis. Political incentives are also possible, if not always effective, as the US's offer in late 2002 to help Turkey gain entrance to the EU, in exchange for cooperation on Iraq, suggests.


Thus, for instance, during the Cold War in those cases where the stability of allies or sympathetic neutral countries was threatened by the presence of large numbers of involuntary or politically motivated migrants, states were forced to create programs aimed at relieving pressures caused by mass influxes, including Hungarians, Czechs and Poles into Austria and Indochinese into Thailand, Malaysia, and the rest of Southeast Asia. From Gil Loescher and Laila Monahan (eds.), Refugees and International Relations (Oxford, UK: Oxford University Press, 1989), p. 12. At the same time, however, in rare circumstances third-parties may be themselves legally obligated to accept those fleeing, so no distribution of side-payments is necessary. One recent example is South Korea's legal responsibility to accept all fleeing North Koreans, whether they wish to or not. See, for instance, John Pomfret, "N. Korea Refugees Leave China; Beijing's About-Face Ends Embarrassing Month-long Standoff," Washington Post, June 24, 2002, p. A16; and Valerie Reitman, "Leading His Flock of Refugees to Asylum; A missionary helps North Koreans flee via China and Mongolia. Risking death, the escapees brave the elements and jail," Los Angeles Times, October 27, 2002, Part 1, p. 1.


In the US context, see, for instance, President Lyndon Baines Johnson's speech at the Statue of Liberty, October 3, 1965; President Jimmy Carter's "hearts and minds" speech during the early days of the Mariel boatlift in May 1980; and President Bill Clinton's "Why Kosovo Matters" speech, given at the White House, December 13, 1998.
make fulfilling such promises problematic at best, even if the target government is willing and able to distribute generous side-payments to its affected citizenry.⁴⁴

3) Military Intervention

Third, depending on the identity of the perpetrator and the prevailing geopolitical situation, another option may be military intervention to stop an outflow at its source. Historically, sometimes such intervention has been deemed necessary, particularly in those cases where the target leadership has made public promises regarding refugee protection it has proven unable to keep, e.g., the US-led 1994 intervention in Haiti, the Australian-led 1999 intervention in East Timor, and the NATO-led 1999 intervention in Kosovo. However, the use of force carries with it its own set of risks and potential costs, so historically states have generally preferred to eschew this option.

4) Border Closure and Interdiction

Fourth, under certain conditions, targets may also choose to stop the flow by closing the border and/or interdicting refugees at sea, as Australia has attempted to do on several occasions in recent years.⁴⁵ However, this strategy is rarely an option for liberal democratic targets, which usually suffer retribution from other states or international organizations, if not a spate of lawsuits, whenever they attempt this.⁴⁶ Conversely, illiberal regimes are in principal more disposed to adopt this

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⁴⁴ Contrary to conventional wisdom, this was as true for much of the Cold War as it is today. For instance, during the 1956-58 Hungarian refugee crisis, the Eisenhower Administration spent $71 million (in 1956 dollars) to settle 38,000 Hungarian refugees, or a total of $1,868.42/refugee, which was only marginally less than the 1956 US per capita income of $2,016. It also felt it necessary to hire a prestigious public relations firm to "sell" the refugees to the American public. See Marten A. Bursten, *Escape From Fear* (Syracuse, NY: Syracuse University Press, 1958), pp. 157-63; and Valerie O'Connor Sutter, *The Indochina Refugee Issue and National Interests*, Ph.D. dissertation, University of Virginia, 1985, Chapter Two. 1953 US Income data found at: http://cher.bus.utk.edu/bca/pcinc01.pdf. Even then, the US ultimately did far less for the beleaguered Hungarians than it initially promised, leading then Senator Hubert Humphrey to declare US policy a "miserable failure" and a "far cry...from what we preach." See Hubert Humphrey, "Speech before the International Rescue Committee meeting," Miami, Florida, 8th Congress, Second Session, January 31, 1958, *Congressional Record*, p. 1473. On a per-capita basis, ten other nations actually took in more refugees and donated more financially than did the US, despite its rhetorical commitment to the Hungarians. Bursten, *Escape From Fear*, p. 126. The initially generous offer to resettle most of the 200,000 who fled was ultimately undermined by Congressional opposition. These critics questioned the legitimacy of the refugee status of many of the Hungarians and highlighted concerns about US national security. See, for instance, Melvin J. Lasky (ed.) *The Hungarian Revolution* (New York: Praeger, 1957); Bursten; and O'Connor Sutter.


strategy, although in a good many cases their capacity to seal porous borders is limited. Thus, in general, at least today, those who have the physical capacity to close their borders lack the freedom to do so, while those who do have such freedom lack the ability to exploit it.47

5) Concession
This leaves concession, an undesirable—but often eventually resorted to—option, when the other four are either infeasible, or eventually deemed more costly than concession. Thus, surprisingly perhaps, despite their superior strength and influence, in many instances, targets do in the end concede to at least some of the perpetrator’s demands. For instance, of the 28 documented cases of extortive engineered migration highlighted in Table 2.2, the target(s) conceded at least in part in no fewer than 20 of them, or 71% of the cases.48 This would be appear to be a consequence of the fact that, as is often the problem with coercive strategies that promise escalating punishment, “instead of being convinced that the perpetrator’s resolve to inflict maximum damage if demands are not met, the opponent is more likely to be convinced that the coarser will never escalate far above current restrained levels.”49 In short, targets frequently fail to take seriously perpetrators’ threats until a massive—and potentially very damaging—outflow has been initiated.50 Confident of their superior strength and position, powerful targets fail to recognize until late in the game that they might lose.

Thus instead of addressing the problem while the flow is still modest—i.e., Time 1-3 in Figure 3.2 above—they wait until flows become massive, and their range of options has narrowed or disappeared completely.

despite widespread public clamor for fewer refugees and asylum seekers; the recent British High Court decision forbidding the denial of benefits to would-be asylum seekers is just one example. See, for instance, Rosemary Bennett, “Britain may opt out of human rights convention,” The Times (London), February 20, 2003. Moreover, recent research suggests such tightening may simply lead to increased and more aggressive people smuggling. See, for instance, the chapter by Khalid Koser in Edward Newman and Joanne van Selm, Refugees and Forced Displacement: International Security, Human Vulnerability, and the State (United Nations University, 2003).


48 While not statistically robust—given the limited sample size—this figure is nevertheless suggestive.

49 Pape, Bombing to Win, p. 28. For instance, the US failed to anticipate that the Mariel boatlift would become as large as it did because it felt certain Castro would close the borders after a limited outflow for fear of the political consequences of a massive one.

50 This in and of itself represents a bit of a puzzle, in that this chronic lack of ex ante credibility often leads to sub-optimal bargaining outcomes for both sides. Neither game theoretic logic nor common sense suggests that this should happen. Because it is so easy for perpetrators to lose control of outflows, and because the costs associated with absorbing large numbers of refugees clearly exceed those of absorbing fewer or none, it seems self-evident that both sides should avoid such an outcome. Yet they do not.
Exceptions to the tendency towards concession are two-fold. The first is those cases where the political costs of concession become so high that a leader feels his credibility will be irreparably undermined if he concedes and that the costs of conflict will be relatively low (e.g., Kosovo 1999).\textsuperscript{11} The second exception lies in those cases where concessions to the generator of the outflows are not expected to end the crisis and, in fact, may exacerbate it (e.g., Haiti 1994). Evidence suggests that such situations usually arise in those cases where non-state \textit{agents provocateurs} are generating political costs for the targets' leadership, while the refugee flows are being created by state-level others—usually "others" that the \textit{provocateurs} would like to see removed from power; in other words, in cases where those engaging in extortive engineered migration are not synonymous with those generating the flows. I assume that, in such cases, military intervention to stop a flow at its source will become more attractive and probable, as both the aforementioned examples illustrate.

\section*{II. The Logic behind the Mechanism: The Rising Power—and Unintended Consequences—of Norms}

The mechanism outlined above relies upon exploitation of discord and heterogeneity within the target. But why is discord significant? Why should this kind of coercive pressure work? The answer, I hypothesize, lies in the ability of weak actors to turn the virtues of liberal (and liberalizing) states on their heads and use these virtues as weapons against them.\textsuperscript{12} As archetypal realist George F. Kennan has argued, "the interests of the national society for which government has to concern itself are basically those of its military security, the integrity of its political life, and the well-being of its people. These needs have no moral quality."\textsuperscript{13} Yet, the same George F. Kennan has likewise heralded the "moral power" that liberal democratic states can exercise through the example of freedom and popular

\textsuperscript{11} As Donald Kagan has noted in his study of ancient and modern wars, "[One] may be surprised by how small a role...considerations of practical utility and material gain, and even ambition for power itself, play in bringing on wars, and how often some aspect of honor is decisive." Donald Kagan, \textit{The Origins of War} (New York: Doubleday, 1993).

\textsuperscript{12} Of course, these virtues can also be used—and long have been—by powerful, liberal actors as cudgels against weak, illiberal states. But, as I make clear below, the use of this weapon by the strong can be dangerous as liberal actors often get more than they bargained for, e.g., after the 1956 Hungarian Revolution, during the 1961 Berlin Crisis, and in the aftermath of the Vietnam War.

\textsuperscript{13} George F. Kennan, "Morality and Foreign Policy," \textit{Foreign Affairs}, vol. 64 (Winter 1985-86), p. 206. And as Robert Art and Kenneth Waltz have put it: "states in anarchy [simply] cannot afford to be moral. The possibility of moral behavior rests upon the existence of an effective government that can deter and punish illegal actions...The preconditions for morality are absent in international politics." Robert J. Art and Kenneth Waltz, "Technology, Strategy, and the Uses of Force," in \textit{The Use of Force}, p. 6.
government, and further asserted that the US bears "an obligation as a political society to our own national ideals, and through these ideals to the wider human community of which we are an ever increasing measure a part."

For reasons I shall detail below, it is the competing prerogatives and ensuing tensions between these two demands—i.e., the necessity of eschewing moral considerations when pursuing the national interest, while simultaneously heeding those moral obligations that membership in the "club" of liberal democracies pose—that makes possible the kind of unconventional coercion outlined above.

A. Source of Vulnerability: Hypocrisy Costs
This conflict between a target's international commitments and domestic political imperatives has—since the end of World War II—given rise to a new class of symbolic political costs, which I call "hypocrisy costs." Hypocrisy costs are defined as "those symbolic political costs that arise when there exists a real (or perceived) disparity between a professed commitment to liberal values (i.e., ideology) and/or international norms, and demonstrated actions that contravene such a commitment. They are "operationalized" in a manner akin to what human rights network advocates call "accountability politics," which is to say "once a government has publicly committed itself to a principle...networks can use those positions, and their command of information, to expose the distance between discourse and practice. This is embarrassing to many governments, which may try to save face by closing that distance," or by making the gap disappear by ending the crisis.

As journalist and author Michael Ignatieff has put it—in what can be seen as an attempt of his own to impose hypocrisy costs on the British government—"Come off it. Liberalism means something. It commits you to protecting the rights of asylum-seekers to a hearing, legal counsel and a right of appeal. Either you treat asylum-seekers as rights-bearing subjects, or as an alien horde. You can't have it both ways. When British liberal tradition has [Home Secretary Kenneth] Baker and the

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54 George F. Kennan, *American Diplomacy: 1900-1950* (Chicago: University of Chicago Press, 1951); and


Daily Mail as its friends, it needs no enemies."\textsuperscript{57} Under certain conditions, this conflict between lofty norms and venal politics—and the concomitant imposition of damaging hypocrisy costs—can create a particularly nettlesome dilemma for a target’s leadership, as well as significantly narrow its room for maneuver.\textsuperscript{58} This can make concession to perpetrator’s demands more attractive, which is of course exactly the intent.

Hypocrisy costs can dictate behavior even where active coercion is not taking place. For example, it appears that Italy’s 1997 decision to launch Operation Alba—to staunch an Albanian exodus across the Adriatic—was driven by its “need to take into account both Italian popular opinion regarding Albanians, [which was, to put it mildly, not positive] and Italy’s aspirations in joining the EMU.” At the time, Romano Prodi’s government justified its intervention, “or at least their not backing away from [their] commitment to Albania, in terms of how the Europeans would see them.”\textsuperscript{59} (Even though—it is worth noting—these same Europeans were unwilling to assist Italy in dealing with this problem.)\textsuperscript{60} Moreover, targets need not even be political actors; rather, attempts to impose hypocrisy costs may arise whenever and wherever actors endeavor to promulgate seemingly contradictory policies that appear designed to allow them to “have their cake and eat it, too.” Consider, for instance, that the British energy company, BP, was recently targeted, when its high-minded rhetoric was not matched by corresponding action. As one journalist has described the situation:

> It may seem unfair that BP is the target of environmental and social-responsibility movements. [Some might ask whether] Greenpeace et al. be [shouldn’t be] going after Exxon Mobil, which still tries to sow public skepticism towards global warming theories and has reportedly worked behind the scenes to remove a prominent scientist from the United Nations climate change panel and still refuses to pay $5 billion in punitive damages ordered by an Alaskan court after

\textsuperscript{57} Michael Ignatieff, “Mythical hordes in a lurid fantasyland,” The Observer, October 13 1991, p. 31.

\textsuperscript{58} This accords with Ullman’s view of a threat to national security as any “action or sequence of events that i) threatens dramatically and over a relatively brief span of time to degrade the quality of life for the inhabitants of the state, or 2) threatens to significantly narrow the range of policy choices available to the government of a state or to private non-state government entities (persons, groups, corporations) within the state.” Richard Ullman, “Redefining Security,” International Security, vol. 8, no. 1 (Summer 1983), p. 19.


\textsuperscript{60} See Chapter 5 for a discussion of how a number of Italy’s European “friends” sought to portray the Albanian refugee issue as a bilateral, rather than an international, problem and refused to provide any assistance to the Italians.
the 1989 Valdez oil spill. But BP has, by virtue of its slogans and its actions, tried to seize the moral high ground and so is judged by a different standard. [author italics].

B. Evidence and Measurement of Hypocrisy Costs

As hypocrisy costs are a theoretical construct, they are not directly observable; however, their consequences are. As one Clinton official put it soon after the Administration radically reversed its policy on detaining Haitian asylum-seekers—following a barrage of criticism calling the earlier US policy hypocritical and racist—"[Obviously], the pressure does matter. We live in a cocoon here." Thus, the existence of hypocrisy costs can be inferred when there exists documentary evidence suggesting that leaders and their advisors recognized the dangers of failing to change their behavior, in order to avoid looking hypocritical, incompetent, insensitive, or simply pernicious. Likewise, there should be evidence of a growing concern with the rising costs of inaction and/or unpopular action. Similarly, evidence of the attempted imposition of hypocrisy costs can also be found with the perpetrator(s) and with other outside groups (or catalysts) who seek to impose them, as the above BP example suggests. For instance, documentary evidence that perpetrators recognize the value of forcing upon liberal democracies a dose of what "they fear most" and/or of highlighting the disjunction between their rhetoric and their deeds can also be taken as reasonable proof of the existence of hypocrisy costs.

One might argue that in some cases some of the evidence supporting the significance of hypocrisy costs is circumstantial at best. Such a criticism would be fair, albeit irrelevant, as the significance of these costs lies in their perception. In other words, offering definitive proof that perpetrators actually attempted to impose hypocrisy costs on targets is not actually necessary to demonstrate that these costs matter. Instead, all that must be demonstrated is that targets believe that such costs exist, and that they recognize that they have the capacity to inflict political harm on the incumbent's government. Furthermore, anyone skeptical that hypocrisy costs are at least perceived to exist—and to matter materially—must provide a plausible alternative answer to the question of

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63 For instance, in one off-the-record 1980 interview, a Haitian activist admitted "the refugees shine the only spotlight we have on the evils of the Duvalier regime. The American press pays attention to this kind of thing." Quoted in Teitelbaum, "Immigration, refugees, and policy."
why the Clinton Administration studiously avoided using the word “genocide” to describe what was happening in Rwanda in the spring of 1994. As a New York Times article put it at the time:

*Trying to avoid the rise of moral pressure to stop the mass killing in Rwanda, the Clinton Administration has instructed its spokesmen not to describe the deaths there as genocide, even though some senior officials believe that is exactly what they represent... Genocide is a word that carries an enormous amount of responsibility,* [according to a senior Administration official]. “*If the United States joined in describing the killings as genocide, the official and others said, it would be natural—and unwelcome—for voters to expect that the response would include dispatching troops.*” (Author’s italics)*

Thus, even if only symbolic, hypocrisy costs can be a powerful motivator for besieged politicians to change tack and pursue policies they were “determined” to eschew. As one Bush (Sr.) administration official put it when discussing the belated US decision to assist Kurdish “refugees” in the aftermath of the first Gulf War: “You have to put aside the medium-term problems and the long-term problems and deal with today and the fact that 1,000 people a day are dying and we are being held responsible [by the media and opinion makers].”*65

C. Why Liberal Democracies are Particularly Vulnerable

Advanced, industrial, liberal democracies*66 are particularly vulnerable to the imposition of hypocrisy costs—and thus to extortive engineered migration—for two interrelated and self-reinforcing reasons: first, the fact that the majority of them have made international commitments to human rights and refugee protection; and second, the nature of political decision-making in liberal democracies. Under certain conditions, these two factors interact in such a way as to offer would-be perpetrators powerful bargaining leverage via exploitation of what liberal targets rightly view as their virtues, i.e., their moral strengths and ethical standards, and their inclusive, heterogeneous, and participatory systems of government. In short, their particular vulnerability arises from the fact that liberal democracies espouse what are supposed to be absolutist liberal principles, but the nature of

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*65 Unnamed Bush Administration official, cited in John Cassidy and Margaret Driscoll, “New Hope for Kurds as U.S. Troops Fly In,” The Times (London), April 14, 1991. Just days before, while vacationing in Florida, President Bush had declared that the US bore no responsibility for what was happening to the Kurds, saying “I feel no reason to answer to anybody. We’re relaxing here.” Quoted in Martin Shaw, Civil Society and Media in Global Crisis: Representing Distant Violence (London: Pinter, 1996), p. 32.
*66 I adopt Fareed Zakaria’s definition of a liberal democracy as “a political system marked not only by free and fair elections, but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion and property.” From Fareed Zakaria, “The Rise of Illiberal Democracy,” Foreign Affairs, vol. 76, no. 6 (November/December 1997), p. 22. See also Ann-Marie Slaughter, “International Law in a World of Liberal States, European Journal of International Law, vol. 5 (1995), pp. 503-38. Hence, the key is that they are liberal, not just democratic.
pluralistic, democratic politics make them anything but absolute. In other words, while—as outlined in Chapter 2—credibility is a major problem for weak actors trying to convince more powerful ones to comply with their demands, as suggested above it can also be a huge problem for those powerful states, if they happen to be democracies. Institutional constraints, pluralistic political systems, and the power of public opinion, individually and collectively, all mean that the credibility of democracies may be undermined; in short, liberal democratic virtues can become bargaining vices. As Alexis de Tocqueville put it long ago,

Foreign politics demand scarcely any of those qualities which are peculiar to a democracy; they require, on the contrary, the perfect use of almost all those in which it is deficient... a democracy can only with great difficulty regulate the details of an important undertaking, persevere in a fixed design, and work out its execution in spite of serious obstacles. It cannot combine its measures with secrecy or await their consequences with patience.

1) Normative and Legal Commitments to the Protection of Refugees

As Myron Weiner has noted, “the presumed sovereign right of states to decide whom to admit, in what numbers, and with what entitlements is now constrained by international institutions, international agreements, and international norms of conduct." This is due in large part to the fact that the majority of liberal democracies have codified commitments to human rights and refugee protection, through instruments such as the 1948 Universal Declaration of Human Rights, 1951 UN

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67 Consider, for instance, the exchange that resulted in response to the following UNISON on-line polling question—“Who is responsible for the refugees on board the Norwegian ship, Tampa?” While one respondent wrote that “I believe that the Australian Government has a moral duty to accept these refugees... [and] am outraged that the Government is prepared to allow these people to remain on board this ship and wants to send them off into the high seas to God knows what sort of future. The ship of the damned indeed. It distresses me even more, however, that the Government has the support of the majority of Australians, many of whom arrived on refugee ships themselves, or are offspring of those who did. What short memories!” At the same time, another responded: “We have headlines in our West Australian Newspaper stating that the Irish Independent calls Australia "heartless" and that the boatload are sick refugees. What nonsense!! Most are escaping criminals and we in Australia don’t want them.” From www.unison.ie/polls/index.php?id=110.


70 Alexis de Tocqueville, Democracy in America, p. 243.

71 Weiner, The Global Migration Crisis, p. 150.
Convention on Refugees72 and/or the 1967 Protocol Relating to the Status of Refugees.73 These international conventions and associated domestic laws not only provide a set of normative standards against which the actions of actors can be judged, but also place certain legal obligations on states to meet the responsibilities they impose.74 More specifically, in the realm of refugee affairs the human-rights regime has put two major limits on state discretion, namely the right of asylum and the principle of racial non-discrimination, both of which have matured into customary international law that is binding on states.75 At the crux of states' obligations towards refugees—and the strongest limit on state discretion—is the principle of non-refoulement—enshrined in Article 33 of the 1951 Convention. This principle stipulates that, save in certain limited and exceptional cases, refugees must not be returned in any manner whatsoever to territories where their "lives or freedom" might be endangered.76

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72 It is worth noting that, from the start, the governments involved in the formulation of 1951 Convention sought to restrict the definition of a "refugee" to those groups towards whom they themselves would be willing to assume legal obligations. From UNHCR, The State of the World's Refugees 2000: Fifty Years of Humanitarian Action (Oxford: Oxford University Press, 2000), p. 24.

73 Nevertheless, research suggests that "the ethical and moral standards espoused by the international community" in documents like the 1951 Convention "do impact policymaking in almost every country, whether a country's government signs the document or not. At the very least, even restrictive host governments know that rules do exist and must contend with the fact that whatever decisions they make regarding their refugee policy will, at a minimum, be monitored by the international community." Jolene Kay Jesse, "Policy Networks and Resource Dependencies: Third World Governments, International Organizations, and Refugee Policy Making," PhD dissertation, University of Wisconsin, 1998, p. 254. See also Weil 1991; Hollifield, 1992.

74 On the other hand, many developing states have refused to sign the 1951 Convention, for fear of having to assume additional responsibilities with respect to refugee protection and assistance, thus implying that states recognize that signing the Conventions makes them vulnerable to the demands of the treaties. For example, Thailand, which has consistently refused to ratify either document, argues that it has no obligation to recognize the legal rights of the Burmese and Indochinese refugees that have requested asylum in the country, and is thus perfectly entitled to accept or refuse refugees purely on the basis of a calculation of its national interest. See, for instance, Peter Chalk, "The international ethics of refugees: A case of internal or external political obligation?", Australian Journal of International Affairs, vol. 52, no. 2 (July 1998), pp. 149-165, as well as Stephen Krasner, Sovereignty: Organized Hypocrisy (Princeton: Princeton University Press, 1999); and Higuchi Naoto, "Political Participation of Foreign Residents," paper presented at the International Symposium of Rikkyo University, Differences and Convergences of Immigration Politics of Japan and Europe: National and Local Levels, Public and Private Spheres, September 13, 2000.

75 As Hedley Bull put it: "The basic compact of coexistence between states, expressed in the exchange of recognition of sovereign jurisdictions, implies a conspiracy of silence entered into by governments about the rights and duties of their respective citizens. This conspiracy is mitigated by the practice of granting the rights of asylum to foreign political refugees." From Hedley Bull, The Anarchical Society: A Study of Order in World Politics (New York: Columbia University Press, 1977), p. 83.

76 At the same time, as noted in Chapter 2, such protection is only afforded to those who fit the UN definition of a refugee. Accordingly an internationally 'legitimate' refugee is any person who, owing to a well-founded fear to being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, if outside their country of nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. Moreover, most Western liberal democracies have accepted the principle of non-refoulement enshrined in the 1951 and 1967 Refugee Conventions, and yet at the same time have not adopted a universal right to asylum; instead, the granting of asylum is at the discretion of the receiving state. Nevertheless—and here is the rub—each person seeking asylum is entitled to a hearing to determine the legitimacy of their claim, and non-refoulement applies until such time as it has been determined that the person in question does not conform to the legal definition of a refugee.
On the positive side, such codified commitments to refugees provide certain protections and guarantees for those forced to leave their home countries in times of crisis. On the other hand, however, the existence of safeguards that constrain the ability of states to control their borders also afford other actors bargaining leverage over these self-same states. Thus while norms—defined as "collective understandings of the proper behavior of actors"—do, as many argue, "provide incentives and disincentives for different kinds of actions" for those who embrace them, they also provide incentives and disincentives for different kinds of exploitation of these self-same norms. In liberal democratic societies where at least some of the population is usually averse to accepting refugees, the potential for conflict—and the political danger for leaders caught in the middle—can be great.

2) The Nature of Democratic Pluralism: Domestic Conflict Over Norms and Interests

"The people are a many-headed beast."

As generally understood, the virtues of liberal democratic pluralism rest on the premise that the best way to "tame" the state is to ensure that the public's interests are developed collectively and presented to its leadership. Based on the collective interests presented, the state gains guidance as to what liberties it should protect and what policies to pursue. However, by their nature, liberal societies comprise people with different and multiple interests, creating what are often referred to as

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However, whether commitment to these norms has "consolidated into a structural feature of liberal democracy" as Freeman argues, or whether it is a feature of public discussion that could be easily reversed depending on prevailing conditions, as Brubaker suggests, is an open question and the subject of ongoing debate. Nevertheless, there is general agreement that—at least for the time being—these asylum-related norms do exercise a tangible influence on state policy, at least in liberal democracies. See, for instance, Gary Freeman, "Modes of Immigration Politics in Liberal Democratic States," International Migration Review, vol. 29, no. 4, pp. 881-902; Rogers Brubaker, "Comments on Freeman," in same volume, pp. 903-8; and Christian Joppke, "The Resilience of Nondiscriminatory Immigration Policies: Evidence from the United States and Australia," Russell Sage Foundation, Working Paper #205 (April 2003).


Horace, The Epistles, line 76.

“cross-cutting cleavages.” While such cleavages prevent domination of the state by any single interest group, they can also complicate and stymie effective decision-making due to the “heterogeneity” of interests at play. As Adam Przeworski put it: “If sovereignty resides with the people, the people can undermine all the guarantees reached by politicians around the negotiating table. Even the most institutionalized guarantees give at best a high degree of assurance, never certainty.”

a) Rejecters and Restrictionists

In the context of refugee flows specifically, while most liberal states are normatively, if not legally, bound to accept those fleeing persecution and violence, at the same time, at least some segment of the target state’s population is usually unwilling to bear the—real or perceived—domestic economic and social costs and/or security risks of fulfilling their country’s international humanitarian commitments. Depending upon the location, composition, and magnitude of any given refugee influx, as well as to a limited extent, the stage of the business cycle, the size and nature of the objecting group(s) will change. Although in general the most vociferous opposition follows a kind of

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82 Very starkly put, this effectively suggests “liberal governments cannot plan. Planning requires the authoritative use of authority.... Liberalism replaces planning with bargaining.” From Lowi, The End of Liberalism, p. 67. For reasons articulated in section three below, this makes them disproportionately vulnerable when events take unexpected and dramatic turns.


84 The domestic economic costs about which people generally express concerns are rising unemployment and increasing costs associated with the provision of welfare and other government services. The social costs that generate anxiety surround issues of assimilation, fears about rising crime, and the expectation of cultural or ethnic fragmentation and dilution.

85 Although security concerns have been a long-standing issue in many refugee influxes—even in industrial countries—they have been given new life in the aftermath of September 11th. See, for instance, the following testimony given before Congress by a representative from the Center for Immigration Studies. “It can be said that anything good may have come from the atrocities of September 11th, it is that many Americans have come to realize that immigration is not simply a matter of economics or something to think about in only romantic and nostalgic terms. No longer can quaint stories of one’s immigrant grandmother be a substitute for intelligent discourse on one of the most important issues confronting the country...Our lax asylum system, our inability to deport those who are turned down for a green card, along with the visa lottery and 245(i), are all examples of policies that create significant problems for national security.” From Steven A. Camarota, “Threats to National Security: The Asylum System, The Visa Lottery, and 245(i),” Testimony prepared for the U.S. House of Representatives Committee on the Judiciary Subcommittee on Immigration, Border Security, and Claims, October 9, 2002. And the US has admitted fewer refugees since 9/11. See, for instance, Christopher Marquis, “Since Attacks, U.S. Admits Fewer Refugees,” The New York Times, October 30, 2002.

Olsonian logic,\textsuperscript{87} which is to say that groups that feel threatened by the (anticipated) magnitude, speed, or endurance of an inflow—and anticipate concentrated costs associated with the influx—will be strongly motivated to raise vocal objections to accepting and/or assimilating the refugees.\textsuperscript{88} These directly affected populations are frequently joined by nationalistic groups, which favor restrictive immigration policies, more generally. As Olson would predict, they tend to represent segments of society that expect to lose some of their social, cultural or political dominance to the immigrant ethnic groups, but sometimes they are simply political entrepreneurs, trying to cash in on public hostility to immigrants.\textsuperscript{89}

While the refugee-related burden borne by Western liberal democracies is a small share of the world’s total refugee population\textsuperscript{90}—the majority of which remains in the poorest parts of the world, throughout Africa and parts of Asia\textsuperscript{91}—the fact is that refugee flows into the West are considered disproportionately threatening relative to their size.\textsuperscript{92} In contrast to most foreign policy issues, refugees and immigration have engaged Western publics like few others,\textsuperscript{93} especially

\textsuperscript{87} Mancur Olson, \textit{The Logic of Collective Action: Public Good and the Theory of Groups} (Cambridge, MA: Harvard University Press, 1971). On the domestic political effects of the concentrated costs and diffuse benefits of immigration, see \textit{Money, Fences and Neighbors}. Money’s key argument is that because the costs of immigration are generally localized, local representatives frequently have trouble generating majority support for a policy change at the national level. However, in those cases where local constituencies are instrumental in obtaining/retaining a national electoral majority, national politicians have an incentive to adopt local preferences and translate them into policy. See also Peter H. Schuck, “Immigration Law and the Problem of Community,” in Nathan Glazer (ed.), \textit{Chamor at the Gates: The New American Immigration} (San Francisco: Institute for Contemporary Studies, 1985), pp. 285-307.

\textsuperscript{88} These groups will also likely be more politically effective, given their cohesion and focus, than larger, more diffusely interested groups. Olson, \textit{The Logic of Collective Action}, p. 18.

\textsuperscript{89} See again Meyers, \textit{The Political Economy of Immigration Policy}; and Baldwin-Edwards and Shain, \textit{The Politics of Immigration in Western Europe}.

\textsuperscript{90} Nevertheless, these states are the preferred destinations of the majority of the world’s migrants—who by 2002 comprised 175 million people, or double their 1970 number. From “Number of worldwide refugees in 2002 falls,” \textit{Agence France Press}, June 20, 2003; and \textit{IOM Report 2002} (New York: United Nations, 2002), p. 2.

\textsuperscript{91} For instance, Iran and Pakistan have hosted far greater numbers of refugees both absolutely and proportionately to their total population than relatively generous European states like Sweden and Germany, to say nothing of states with more restrictive policies. Mark Mazower, \textit{The Dark Continent: Europe’s Twentieth Century} (New York: Knopf, 1998), p. 346. See also \textit{The State of the World’s Refugees}.


\textsuperscript{93} Consider, for instance, that—although this sounds like a spoof—the BBC recently entertained the idea of producing a game show with the working title of “You, the Immigration Officer.” The show was to feature cases with actors playing asylum seekers who already had their cases decided by the Home Office. Expert studio guests would then debate the merits of each case to judge whether or not the person should have been allowed to stay. Having heard the arguments, the audience would then vote by phone or online as to what they think should have happened. The real outcome would then be revealed to see whether the majority of viewers and studio guests agreed with the immigration officer. From Alan Travis, “Derision greets BBC plan to turn asylum into a game,” \textit{The Guardian (UK)}, May 31, 2003; found at \url{http://www.guardian.co.uk/Refugees_in_Britain/Story/0,2763,967476,00.html}. Similarly, the long-running
in regions that have been host to the largest numbers of illegal migrants and refugees. In one 2002 survey, 60 percent of Americans polled claimed that the present level of immigration represented a “critical threat to the vital interests of the United States.” The situation is similar in Western Europe, where a 1997 EU-wide survey uncovered a disturbing level of racism and xenophobia within its member states, with nearly 33 percent of those interviewed openly describing themselves as “quite racist” or “very racist.” More than 71 percent of those interviewed claimed, “There was a limit to the number of people of other races, religions, or cultures that a society can accept,” 65 percent of whom said that this limit had already been reached in their country. In one 2003 United Kingdom (UK) poll, asylum and immigration ranked just behind defense and health as the issues of greatest concern to voters. In a separate 2003 poll, 71% of Britons polled said that asylum seekers who have arrived in the country from a safe country in Europe should be sent back, and 67% called for “much tougher” immigration laws. At the same time, however, 70% agreed with the statement “it is a good thing that Britain is a multi-cultural society.”

Even the Swedes—historically strong defenders of refugees—are growing more restrictionist; yet—as with the aforementioned British poll—the message remains mixed. For instance, in an October 2002 poll, 50% of Swedes polled said they were opposed to accepting large numbers of refugees, up from 44% in 2001; only 25% favored accepting them, while 25% had no opinion at all. And in the Netherlands, even 48% of the country’s immigrants believe there are two many migrants in the Netherlands, an opinion shared by 65% of native Dutch.


“Racism and Xenophobia in Europe,” Eurobarometer Opinion Poll, no. 47.1. Ironically, the results of this survey were first presented at the Closing Conference of the European Year Against Racism, held in Luxembourg, December 18-19, 1997.

Ibid., pp. 5-6.


Further complicating the picture is the concomitant existence of a profound split between the opinions of elites and the general public. In fact, recent polls suggest that there is no other foreign policy-related issue—including controversial issues such as globalization and the importance of the UN—on which the American people and the elites disagree more profoundly. For example, a 2002 Chicago Council on Foreign Relations poll found that 70 percent of the American public identified reducing illegal immigration as a "very important" foreign-policy goal, compared with only 22 percent of those in the elite.102 And while—as noted above—60 percent of the general public regarded the level of immigration to be a "critical threat to the vital interests of the United States," only 14 percent of the elite viewed it thus.103 A January 2003 survey by Migration Watch, UK uncovered geographical differences that suggest a similar pattern of elite/public disagreement exists there as well.104

The fact is, despite lofty rhetorical pronouncements to the contrary, most Western liberal democracies have long had a schizophrenic relationship with migrants and refugees. As Rogers Smith has rightly noted, beside the US's liberal tradition and self-identification as a "nation of immigrants," "there has been an illiberal tradition of 'ascriptive Americanism,' which [envisions] an ethnic core of protestant Anglo-Saxonism that is to be protected from external dilution."105 As one policymaker put it: "[the US's] romance with the Statue of Liberty has always been a hot and cold affair."106 While another has observed: "[O]ur policies aren't so much confused as they're very, very

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103 At 46 percent, the gap between general public and elite opinion in 2002 was wider than the 37 percentage-point difference in 1998, when 55 percent of the public viewed immigration as a "critical threat," as compared to 18 percent of opinion leaders. In Ibid.
104 The survey found that 75% of Londoners viewed it as "a good thing that Britain is a multi-cultural society", compared to just 39% in the North East of the country, and 50% in Scotland. Likewise, while a majority of Britons agreed that their government did not "have immigration under control", the number in London who felt this way (64%) was rather smaller than the number in the West Midlands (86%) who thought so. From "British Views on Immigration," Report by MORI Social Research Institute for Migration Watch UK, February 10, 2003, available at: http://www.mori.com/polls/2003/migration.shtml.
106 Cited in Mary M. Kritz (editor), US Immigration and Refugee Policy: Global and Domestic Issues (Toronto: D.C. Heath and Company, 1983), p. xi. Consider, for instance, FDR's War Refugee Board, a government agency whose purpose was to rescue Jews still alive in Europe by 1944, and whose most notable achievement was the successful transport of 92 refugees (85% of them Jewish) from unoccupied territories in Europe to the small community of Oswego, New York. In order to assuage the concerns of those opposed to their admission, President Roosevelt felt compelled to pledge that the Oswego-bound refugees
complicated.” The situation is little different in Europe.108 For instance, in Germany, which is officially a “no immigration country,”109 anti-immigration rhetoric has long “been counteracted by extensive rights and protections for foreigners granted by the legal system, ... [which] tames sovereign state power with a catalogue of universal human rights.”110 And in parts of Asia, the situation is equally Janus-faced.111 Japan, for example, considers itself “uniquely homogeneous.” Of its population of 127 million, less than 1.5 percent are foreigners, none of whom is considered a Japanese citizen.112 Nevertheless, the idea of a mono-ethnic Japan is somewhat farcical, as many Japanese—including the emperor—have Korean roots.113

In the end, the fact is “the true democratic principle [is] that the people shall not be made to do what [they do] not like.” It is only necessary that the dominant group believes in the menace of the cultural tenets and practices of the other group; whether or not they are actually harmful or not is not the crucial circumstance.”114 Whether refugees represent a real threat is beside the point; if they are perceived as threatening, anxious and motivated individuals and groups will mobilize to oppose their acceptance.115 As Jeannette Money has put it, “the fact that ultimately immigrants contribute

would return to Europe after the war’s end; in fact, the refugees were required to sign documents promising to do just that. Even so, the refugees were met by hostility on the part of many residents. From Plater Robinson, *Deathly Silence: Everyday People in the Holocaust*, Southern Institute For Education and Research At Tulane University, 5th Edition; found at: www.tulane.edu/so-instit.html. See also “America and the Holocaust,” transcript from the PBS program *The American Experience*, found at: www.pbs.org/wgbh/amex/holocaust/filmmore/description.html.

108 Quoted in “Crazy Quilt Policy.”

109 For a more general discussion of the situation in Asia—where relatively few countries have signed the Refugee Convention or Protocol—see Diana Wong, “Forced Migration in Asia,” *Report for the CARC Migration Task Force* (August 2002).

109 See again Katzenstein.


111 See also Don McMaster, “Asylum seekers and the insecurity of a nation,” *Australian Journal of International Affairs*, vol. 56, no. 2 (2002), pp. 279–90, on how the situation is similar in Australia. Consider as well that in an early 2003 SkyNews poll, only 28% said “Australia should take more refugees to help Iraqis fleeing the war”; the other 72% were opposed. Polling data found at: http://www.skynews.com.au/pollarchive.asp?Poll=412.

112 At the same time, however, while Japan’s overall population grew 2.3% in the past decade, the number of registered foreigners grew 44.5% in the same period. From “Number of foreigners highest ever,” *The Japan Times*, June 2, 2003; available at: http://www.japantimes.co.jp/cgi-bin/getarticle.pl?n=20030602a27.htm.


to national wealth and the tax base to support the necessarily expanded infrastructure is less important to immigration control policy outcomes than the short-term competition for scarce resources."116

b) Protectors and Promoters

At the same time, however, other highly motivated groups (i.e., norms promoters) actively labor to ensure the target states cannot choose to eschew their obligations, such that fleeing refugees will be accepted and protected. As one would expect of pluralistic democratic systems, the composition, strength and visibility of these norms-promoting/refugee protecting groups will vary across crises, and depending on the race/ethnicity of the refugees in question.117 However, the bottom line is that—both within states and internationally—the basic protections afforded by the Refugee Convention and Protocol are bolstered—and pressure on leaders is enhanced—by the efforts of a variety of domestic and international NGOs and advocacy groups, whose raison d'etre is the protection and expansion of human rights, generally, and of refugees' and asylum seekers' rights, more specifically.

Since the end of World War II, both refugee advocacy and human rights groups have increasingly “joined hands” with philanthropic organizations, concerned individuals, churches, concerned ethnic lobbies, and others to create “transnational human rights networks” that span the globe—networks that have grown both stronger and more numerous over time.118 And although they have been growing in strength since the signing of the 1948 Universal Declaration of Human Rights, they really began to blossom after 1961—with the founding of Amnesty International—and to proliferate,

diversify, and grow in robustness after 1970. These networks—i.e., defined as “sets of actors linked across country boundaries, bound together by shared values, dense exchanges of information and services, and common discourses”—are “distinguishable largely by the centrality of principled ideas or values motivating their formation.” In the service of humanitarian norms, they actively (and whenever possible, very publicly) pressure target states to abide by their international obligations and signed commitments; and in certain circumstances, take military action against countries of origin. Although often directed at a different brand of target, these activities are functionally equivalent to the kind of “naming and shaming” these same networks engage in when dealing with the world’s pariah states.

These networks and their allies—e.g., members of the media, academia, legislature, and ethnic and political interest groups—rely on two factors, in particular, to exercise domestic influence over leaders in support of international norms. The first is the need for what Alexander George has called “policy legitimacy.” Policies that prescribe strategies or tactics that violate norms can threaten policy legitimacy and thereby severely limit support for those policies in the legislature or parliament, in the media, or within the public at large. The second is a leader’s desire to remain popular, either due to short-term electoral considerations, or because of longer-term concerns about how he will appear in the context of history. The need for legitimacy and the desire to remain popular or get re-elected can create a conduit from norms to norms-adherent behavior. Under certain conditions—outlined below—this conduit and the resulting pressure can create real problems for targets inclined to bow to countervailing pressures to keep refugees out. As the Irish rock star,

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122 Even on the individual level, the involvement of NGOs in asylum appeals cases can make a profound difference. For example, in the US in the 1980s, the success rate for asylum seekers represented by public interest organizations was 28.4% higher (n=146; p = .002, d.f. = 1, chi-square = 9.37) than for those represented by private lawyers. From Barbara Yarnold, *Refugees without Refuge: Formation and Failed Implementation of U.S. Political Asylum Policy in the 1980s* (New York: University Press of America, 1990), p. 103.
123 See again McElroy, *Morality and American Foreign Policy*.
Bono, put it when speaking about the US context: "The (Bush) administration isn't afraid of rock stars and activists—they are used to us. But they are nervous of soccer moms and church folk. Now when soccer moms and church folk start hanging around with rock stars and activists, then they really start paying attention."

3) When Rejection Collides with Protection, Vulnerability Results

In the end, the potential conflicts between these two highly mobilized groups—those opposed to inflows and those dedicated to ensuring that targets uphold their normative commitments—can create a fundamental dilemma for targets trapped between what may be perceived to be their state’s self-interested national interest and what it and others view as its more universalistic obligations. Evidence suggests would-be perpetrators of extortive engineered migration recognize the existence of this contradiction and seek to exploit it for their own political ends.

For instance, in summer of 1994, boats were “being prepared in nearly every village along the southern coast of Haiti,” in an explicit attempt to “put more pressure on the U.S. to hasten the return of Aristide.” As one villager noted at the time: “We cannot get arms to fight says a villager. The only way to fight is to get the Americans to keep their promises. The only way to do that is to do what they fear most, [i.e., have us come to America].” (Author’s italics) Similarly, in late 2002, President Alyaksandr Lukashenko of Belarus threatened to flood the EU with refugees and illegal immigrants, declaring that in response the Europeans would “crawl and ask for our co-operation. ...If the Europeans don’t pay, we will not protect Europe from these flows.” Even human

127 McElroy, Morality and American Foreign Policy, p. 45.
129 As Michael Walzer puts it: “If we offered a refuge to everyone in the world who could plausibly say that he needed it, we might be overwhelmed. The call ‘Give me . . . your huddled masses yearning to be free’ is generous and noble; actually to take in large numbers of refugees is often morally necessary; but the right to restrain the flow remains a feature of communal self-determination.” Walzer, p. 51.
130 Christian Joppke concurs and notes that there exists today a “fundamental contradiction on how states deal with international migration: a generalized commitment to the freedom of exit is combined with severe restrictions on entry.” Joppke, Immigration and the Nation-State, p. 2. And as economist Jagdish Bhagwati has noted, “immigration restrictions are virtually everywhere, making immigration the most compelling exception to liberalism.”
131 “Incident at Baie du Mesle,” Time, vol. 144, no. 2 (July 11, 1994). As Chapter 6: A Policy at Sea: the US and the Haitian Boatpeople (1991-94) will illustrate, there is substantial evidence to suggest that exiled Haitian President Aristide was actively instigating these outflows.
132 President Lukashenko, quoted in Robin Shepherd, “Belarus issues threat to EU over summit,” The Times (London), November 14, 2002, p. 21. Reportedly the plan—formulated by the Belarussian KGB—was for the Belarussian police and border guards to “help” about 50,000 illegal migrants from Asia and the Caucasus cross
traffickers have begun to take advantage of this thorny “liberal” dilemma. In upping “the ante in their reckless confrontation with the Australian Government,” traffickers apparently arranged for children wearing lifejackets to be thrown overboard from a leaking boat in the hope that the Australian Navy would rescue them, in what was described as “an outrageous attempt at moral blackmail.”

Moreover, because liberal democracies are constrained from responding in kind by launching flows of their own, perpetrators may—albeit in a narrow way—achieve a kind of escalation dominance, which may only be overcome via a potentially costly decision to wage war against the state generating outflows. Such situations may be still further complicated by the fact that crises may be instigated by the activities of agents provocateurs, whose actions may then in turn precipitate international military intervention on their behalf, particularly if norms promoters have embraced them as legitimate “victims,” worthy of international support. In sum, under certain conditions, the conflict between states’ moral commitments and domestic political demands makes them vulnerable to both direct and indirect asymmetric refugee-driven political jujitsu, by both state and non-state actors.

Thus as Figure 3.3 below suggests, the theory predicts that targets will be most vulnerable when there are highly concentrated interests in favor of the refugee group in question and highly concentrated interests opposed to the same group. Conversely, in those cases where there are only concentrated interests in favor of a group—i.e., on the left end of the vulnerability curve—targets will be

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35 Defined as “the ability to increase the threatened costs to an adversary while denying the adversary the opportunity to neutralize those costs or counter-escalate,” Byman and Waxman, The Dynamics of Coercion, p. 30. The idea is that the side that would face a worse situation at a higher rung of the escalation ladder would be induced to back down before that happens. Of course, targets may decide to escalate to a military option, in which case this kind of escalation dominance is lost, but war is can be costly and will frequently be deemed not worth the risks it entails.
36 Consider an analogous example provided by Ambassador Henry Cabot Lodge in the mid-1960s. As he declared in a cable to then President Lyndon Johnson, “the success which the Buddhists have in winning the American press over to them is marvelous to behold...Every burning seems to be treated by our journalists with awe and wonder...Buddhists go in for action, and our side cannot compete by having people burn themselves alive.” LBJ Presidential Library, “Weekly Telegram to the President,” June 1, 1968, NSF Vietnam CO Files, Vietnam NODIS, Volume 3B, Document 74A.
significantly less vulnerable. This is because assimilating the refugee group in question should be a relatively easy sell to the domestic audiences in question. Likewise, in cases where there are only concentrated interests opposed to a group of refugees—i.e., on the right end of the vulnerability curve—targets will also be significantly less vulnerable, because the option of interdiction and/or border closure should be easier to implement, without legal sanction and/or the imposition of hypocrisy costs. However, the problem for most modern liberal democracies is that, for the reasons outlined in detail above, they usually find themselves in the dead center of the vulnerability curve.

Figure 3.3

Vulnerability Spectrum/Theoretical Prediction

Conversely, _ceteris paribus_ illiberal democracies and authoritarian states—i.e., those outside the “Western, liberal democratic club” or the “zone of peace,” depending on one’s preferred nomenclature—<sup>136</sup> are far less vulnerable to this kind of moral suasion. However, only rarely are all other things equal. In an era of increasing globalization, it is assumed that most states want to be

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<sup>136</sup> As Ann-Marie Slaughter has noted, “The very idea of a division between liberal and non-liberal States may prove distasteful to many. It is likely to recall 19th century distinctions between ‘civilized’ and ‘uncivilized’ States, rewrapped in the rhetoric of Western political values and institutions. Such distinctions summon images of an exclusive club created by the powerful to justify their dominion over the weak.” But the fact remains that such international “sorting” does take place and has profound consequences for those viewed as unworthy of entry into the “club.” Slaughter, “International Law in a World of Liberal States,” p. 530.
members of this “club” and to reap the political and economic benefits enjoyed by those within it.\textsuperscript{137} As one scholar recently put it, illiberal regimes in the post-Cold War era have no choice but to open up simply in order to survive.\textsuperscript{138} Thus, while their domestic constraints are fewer than in liberal democracies, the behavior of most illiberal states is still subject to external—and potentially costly—scrutiny.\textsuperscript{139} Thus I would argue that such states are vulnerable to the imposition of hypocrisy costs by other states and by international actors—albeit less so than liberal democracies...or at least those too powerful to care.\textsuperscript{140}

III. The Critical Role of Negative Salience and the Catalyzing Effect of Policy Panics

The previous discussion notwithstanding, coercion—conventional or otherwise—is uncommon because the conditions under which it can occur are stringent.\textsuperscript{141} In the context of extortive engineered migration, the ability of perpetrators to effect successful coercion is inhibited in part by the fact that few refugee crises ever reach the desk of a state’s executive. As former NSC member, Morton Halperin has noted vis-à-vis the American context, leaders “lack the time or inclination to concern themselves with such issues. A president might link a particular policy with a particular disaster, but the bottom line is that the president is just too busy to focus upon anything but the larger strategic issues.”\textsuperscript{142} Thus, whatever its normative repercussions, a refugee crisis will only become an issue of executive-level concern when a failure to “make it disappear” promises to inflict tangible political costs on the target’s leader/leadership.


\textsuperscript{139} See, for instance, David Bamford, “Turkey’s EU membership argument,” \textit{BBC News}, October 9, 2002. Found at: \url{http://news.bbc.co.uk/1/hi/world/europe/2313155.stm}; and “Beyond ‘Linkage’ and ‘Engagement’: A New China Strategy,” \textit{Asia Source, Asia Views: A Report of be Asia Society}, May 1998. Moreover, because such states are often weak, they are more often subject to straightforward coercion by powerful liberal states, who may be themselves (increasingly?) inclined to engage in a kind of norms-driven coercion, designed to bring down unfriendly regimes, as described in Chapter 2.

\textsuperscript{140} Similarly, many non-democracies have also signed the refugee conventions; this makes them more vulnerable than those who have not, but less vulnerable than liberal democracies, because non-democracies tend to face fewer domestic constraints when dealing with a real or threatened influx.

\textsuperscript{141} Krasner, \textit{Organized Hypocrisy}, p. 37. See again Art; Freedman, \textit{Strategic Coercion}.

\textsuperscript{142} Kent, p. 76.
For reasons I shall outline below, I therefore assume that in the case of extortive engineered migration perpetrator success will be conditioned on the concurrent presence of two factors within the target state or states—crisis visibility and public discontent. I assume that, under certain conditions, the interaction of these two factors creates what I call “negative salience,” which is to say that not only has the crisis a) permeated the public consciousness, but it has also b) left a sizable fraction of that public unsatisfied with the manner and/or quality of the government’s response. In the face of a sticky crisis—i.e., one that is expected to be enduring in time and significant in size\textsuperscript{143}—negative salience can catalyze a “policy panic.” The term refers to those moments of media coverage or catalyzing events that can be said to have had a pivotal effect on policy-making, blowing “apart a government’s ability to maintain its iron will” and compelling it to shift policy.\textsuperscript{144} When this happens leaders may find themselves on “the dark side” of the CNN Effect, “a force—as sudden, immediate, and powerful as an avenging angel—that can sweep them along in its path, [in a] seemingly random, but in fact predictable, exercise of media influence.”\textsuperscript{145} The bottom line is that, in the face of policy panics, there is “no time for traditional diplomacy. Statesmen [are] too busy trying to catch up to their publics.”\textsuperscript{146}

The generation of such panics—I hypothesize—favors concession to at least some of the perpetrator’s demands, frequently to the detriment of the refugees themselves. As suggested above, exceptions to the tendency are two-fold: first, those cases where the political costs of concession become so high that a leader feels his credibility will be irreparably undermined if he concedes, at least relative to the \textit{ex ante} perceived costs of solution, i.e., if expected future costs of concession are

\textsuperscript{143} How large a flow needs to be to be considered ‘significant’ is hard to identify precisely. What is critical is that the size of a flow in a crisis will represent a significant deviation from the size of ‘normal’ background flows, on the order of at least a factor of ten. This explains, for instance, why the movement by sea of 25,000 from the island of Haiti to state of Florida in the summer of 1994 was viewed as a major crisis, while the regular annual movement of 200-300,000 Mexicans across the land border into the state of Texas is not. As one commentator put it at the time: “The swelling exodus of Haitian refugees - almost 6,000 last weekend - will create political pressure. But this was an unexpected result of Clinton’s policy and, even so, 6,000 refugees is no flood. More than 90,000 Mexicans are caught trying to enter the U.S. illegally each month, but no one is talking about an invasion there.” Robert Greenberger, “US Sends Marines to Waters off Haiti, Steps up Efforts to Divert Boat People,” \textit{Wall Street Journal}, July 6, 1994, A3.

\textsuperscript{144} Gowing, \textit{Bosnia by Television}, p. 86. The panic effect will be multiplied if mobilizing events occur on multiple fronts simultaneously; for instance, the July 4, 1994 drowning death of 190 Haitians when their boat capsized, coupled with the highest ever one day total—to that point—of boat people intercepted at sea. President Clinton announced an unexpected policy shift the following morning.

\textsuperscript{145} Walter Strobel, \textit{Late-Breaking Foreign Policy: The New Media’s Influence on Peace Operations} (Washington, DC: United States Institute of Peace, 1997), p. 5; and Holsti, \textit{Public Opinion and American Foreign Policy}. 96
very high; and second, those cases where concessions to the generator of the outflows are not expected to end the crisis and, in fact, may exacerbate it. In such cases, I assume, military intervention to stop a flow at its source will become more attractive and probable.

A. Lights, Camera ... Action?

*Political jujitsu*, generally—and extortive engineered migration, specifically—have been made easier by the rise of the 24/7 global media apparatus. In the current era of (seemingly ubiquitous) hand-held video cameras and global satellite transmission, the exposure of hypocrisy and its effects can be realized with greater facility than ever before.¹⁴⁷ As former British Foreign Secretary Douglas Hurd himself put it: “What is new is that a selection of these tragedies is now visible to people around the world. Before the days of [lightweight] video cameras...people might have heard about atrocities, but accounts were often old and disputed. ... But where the cameras operate, the facts are brutally clear.”¹⁴⁸ Conversely, as another—the pseudonymous UN official “Kenneth Roberts”—declared “What fails to appear effectively never happens.”¹⁴⁹ Moreover, the media are drawn to stories, like refugee crises, that make for dramatic copy and television coverage.¹⁵⁰ Evidence suggests this is due to a combination of such stories’ concentration, scope, and “tele-visibility”¹⁵¹ as well as because they resonate with what have been called “positive social values.”¹⁵² This confluence of circumstances has

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¹⁴⁷ Consider that “flyaway” portable satellite uplinks, which—due to their size—had to be transported on flatbed trucks during the 1991 Persian Gulf War, now fit into two portable flight cases and can be assembled by a single person in about ten minutes. Steven Livingston, “Transparency and the News Media,” in Finel and Lord (eds.), *Power and Conflict in the Age of Transparency*, p. 264.
¹⁵² Herbert J. Gans, *Deciding What’s News: A Study of CBS Evening News, NBC Nightly News, Time and Newsweek* (New York: Vintage Books, 1979), especially Chapter 2. As Timothy Cook points out, “Gans’s list of ‘enduring values’ from the early 1970s—social order, national leadership, altruistic democracy...and the like—are easily recognizable in the news of the mid-1990s, and they reveal not merely journalists’ understanding of how the world works but suggest a conception of how the world should work.” From Cook, *Governing With the News*. 
obvious benefits for "good guys"—i.e., norms promoters—but it also carries the negative side effect of affording less savory actors potentially greater leverage over targets.

Nevertheless, recent research suggests that the impact of the much-touted (and lamented) "CNN Effect" is not as straightforward as was previously believed. As noted previously, the media's "unquestioned ability to provide a contemporaneous, piecemeal, video ticker-tape service—a time-sheets of raw, real-time images virtually instantly—must not be confused—as it usually is—with a power to drive policy-making." Instead, media coverage puts pressure on choice in crisis management, skews responses, and shapes the policy agenda. It "highlight[s] policy dilemmas but do[es] not resolve them." In short, it makes crises more readily and durably salient, and creates the feeling that something must be done, while usually leaving the questions of what, by whom, and at what cost, unanswered and unclear. This can be particularly dangerous for policy-makers, as recent evidence not only suggests the media can probably do more to derail an initiative through negative coverage than assure its success by favorable coverage, but also indicates that since the 1970s there has been an increase in media willingness to deliver negative assessments of the powerful. As one has put it: journalists "cut and paste these elements together according to their own standards of quality and interest, which may well diverge from the optimal 'spin' of the politicians."

As the majority of people still get virtually all of their information about foreign policy from the news media, the significance of its role as a generator of salience seems straightforward and non-

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153 For instance, during the Kosovo crisis Yugoslav authorities escorted reporters to see the bodies of refugees killed in an errant NATO attack on a convoy and encouraged them to use their satellite phones to "beam their stories up in full view of security officials who, in other circumstances, would have been quick to seize them," cited in Livingston, "Transparency and the News Media," p. 278.

154 See, for instance, Gowing, "Real-time TV Coverage from War," Strobel, Late-Breaking Foreign Policy; Holsti, Public Opinion and American Foreign Policy; and Susan Moeller, Compassion Fatigue: How the Media Sell Disease, Famine, War, and Death (Routledge, 1999).

155 Gowing, Bosnia by Television.

156 Ibid.

157 In Martin Linsky's survey of US executive policy makers, 63 percent said positive coverage would make an action on an issue in their office easier, while 68 percent said negative coverage would make it harder. Likewise, 50 percent said positive coverage would galvanize outside support, whereas 66 percent said negative coverage would undermine outside support. Martin Linsky, Impact: How the Press Affects Federal Policymaking (New York: W.W. Norton, 1986), Appendix C.

controversial. Nevertheless, salience alone does not make a policy panic, i.e., it is a necessary but not a sufficient condition. Simply put, placing a crisis on a government’s radar screen is not the same as pressing it to turn sharply and suddenly in a direction at odds with existing policy to make it go away. As Kofi Annan has put it, “When governments have a clear policy, they have anticipated a situation and they know what they want to do and where they want to go, then [coverage] has little impact. In fact they ride it. [However], when there is a problem, and the policy has not been thought out, there is a knee-jerk reaction. They have to do something or face a public relations disaster.”

B. When Salience Becomes Serious: Elite Discontent Breeds Panic

The problem is that only rarely will the target’s leadership have thought about a particular refugee flow, much less formulated an appropriate response, before it becomes an acute (and potentially threatening) crisis. This tendency towards ill-preparedness and hence toward greater vulnerability is further exacerbated by two facts. The first is that—as outlined in Chapter 2—targets tend to discount perpetrators’ ex ante threats to unleash crises. The second is that—as Halperin’s above quote suggests—leaders will not focus on these kind of non-strategic issues until the point at which their vulnerability to political damage is evident, and triage is required. Hence, I assume that for a refugee crisis to exercise a material influence on executive-level decision-making, it must not only be salient to the target’s public, it must also be coupled with a negative assessment of how the executive (branch) is handling it. It must have both a) permeated the public consciousness and b) left a

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159 Gowing, Real-Time Television.
161 UN Secretary General Kofi Annan, quoted in Gowing, Real-time Television, p. 19.
162 For instance, as the magnitude of the Kurdish refugee crisis in the aftermath of the Gulf War grew, journalists began to “bombard” President Bush with questions about his responsibility for the Kurds’ plight. As State Department spokesperson, Margaret Tutwiler, put it: the Administration “was taking on a lot of water [and] we did have to act.” From Margaret Tutwiler, remarks at the Meridian International Center, July 13, 1995, cited in Strobel, Late-Breaking Foreign Policy, p. 129. As Martin Shaw put it, “the footage was overlaid with an unrelenting commentary pinning responsibility simply and directly on Western leaders, especially Bush and [British Prime Minister John] Major.” From Martin Shaw, “Global Voices,” in T. Dunne and N. J. Wheeler (eds.), Human Rights in Global Politics (Cambridge: Cambridge University Press, 1999), p. 229. See also Nicholas Wheeler, Saving Strangers: Humanitarian Intervention in International Society (Oxford, UK: Oxford University Press, 2000), Chapter 5.
163 See again “Explaining Presidential Approval”; and Cook, Governing With the News.
164 To be clear, I actually mean “elites” not the general public, as it has been demonstrated that—as the “indexing hypothesis” suggests—the range of media coverage is really a reflection of the range of elite opinion on any given issue. See, for instance, W. Lance Bennett, “Towards a Theory of Press-State
sizable fraction of that public unsatisfied with the manner and/or quality of the government’s response. Unfortunately, however, the transmuted, compressed nature of crisis decision-making today leaves policymakers with little time to formulate reasoned responses to acute and threatening crises, thereby making negative assessments more likely, and more rapidly formed. Consequently, this also more readily encourages “policy panic,” which in turn makes possible successful extortive engineered migration.

How exactly do policy panics happen? Although the analogy is imperfect, Anthony Downs’ “issue-attention cycle” offers a window into how the problem of negative crisis salience works. Downs argues that public perception of most “crises” does not reflect changes in real conditions as much as it reflects the operation of a systematic cycle of heightening public interest and then increasing boredom. Interestingly, the objective conditions regarding the problem are usually far worse in the period before the public becomes interested in it, i.e., during what he calls the “alarmed discovery” phase. It is in this period when, as a result of a dramatic series of events or some other set of reasons (such as heightened media attention), the public suddenly becomes both aware of and alarmed about the dangers of a particular problem, or in this case, refugee crisis. The operative question then becomes whether the target leadership will be able to ride out the cycle and wait for boredom to take over—or another dramatic story to supplant it—or whether they will be forced into a “policy panic.”

There are effectively two pathways by which salience can combine with domestic discontent to catalyze a policy panic: one, via dramatic, “mobilizing” events that occur unexpectedly and very

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References. "Journal of Communication", vol. 40 (1990), pp. 103-125; Cook, "Governing with the News", Chapter 5; and Mermin, "Debating War and Peace.

165 As media analyst and author Michael Beschloss has put it, “No President or Prime Minister will ever again enjoy the six day cocoon of time and privacy afforded by the absence of television scrutiny.” From Beschloss, “The Video Vise,” The Washington Post, May 2, 1993.


167 It is worth noting that sometimes governments assume a pro-active stance and willfully privilege one crisis over another in the hope that it will move the problematic crisis off the radar screen. Consider, for instance, that evidence suggests the Bush Sr. administration decided to intervene in Somalia to undercut pressure to go to Bosnia, which was viewed as a much harder operation. See Jon Western, "Sources of Humanitarian Intervention," International Security, vol. 26, no. 4 (Spring, 2002).
visibly\textsuperscript{168} and two, via sustained—and escalating—negative media coverage.\textsuperscript{169} The first kind of panics are unpredictable; they are analogous to those times in one’s life where one “wak[es] up with a big bruise, and...doesn’t know where it came from or what hit [one].”\textsuperscript{170} The same is not exactly true of the second kind, which are somewhat more drawn-out and easily anticipated, because their influence is via op-ed columns, by way of what have been called “political sonic ripples.” “These ripples are the small elite of newspaper editors, leader writers, op-ed columnists and motivated politicians who do monitor television coverage. For them dramatic media coverage is sometimes—but certainly not always—the cue to create political issues no minister can risk ignoring.”\textsuperscript{171} “Without exception,” [even] ministers and officials who dismiss the impact of real-time television point to this numerically tiny—but politically powerful—elite as one “group that does influence foreign-policy making based on what it sees on television.” Or as one official put it: “There has to be a fuss in the papers first.”\textsuperscript{172} Whatever their source, however, I contend that when they happen, they tend to precipitate policy shifts that the leadership find undesirable, often in ways that redound to the benefit of perpetrators of extortive engineered migration. As one British minister explained, “It is not the politicians or ministers who see the images. It is the staff. The whips. The messengers. Even their wives. They say: ‘crikey! Perhaps we should review policy. ...Suddenly there is all that doubt. We have to take account.” Another has said, “You can’t fight against it. ... [It] creates resonances that cannot be ignored.”\textsuperscript{173}

C. Testing the Connection Between Negative Crisis Salience and Policy Panics

If negative salience has played a role in influencing target behavior, there should be both documentary evidence and observable policy behavior to this effect. As with the existence of hypocrisy costs, the significance of negative salience can be inferred from documentary evidence suggesting that leaders and their advisors recognize the political dangers of failing to shift policy. There should be evidence of growing concern with the rising costs of inaction and/or unpopular

\textsuperscript{168} e.g., the firefight in Mogadishu, Somalia in October 1993 vis-à-vis Washington, DC; and the January 1999 Račak massacre in Kosovo vis-à-vis London and Paris
\textsuperscript{169} e.g., the Haitian crisis in the spring and summer of 1994
\textsuperscript{170} Rick Inderfurth, former Alternative Representative to the UN, quoted in Gowing, \textit{Real-Time Television}, p. 20.
\textsuperscript{171} Gowing, \textit{Bosnia by Television}, p. 86.
\textsuperscript{172} Ibid.
\textsuperscript{173} Quoted in Gowing, \textit{Real-Time Television}, p. 23.
action. Likewise, policymakers should not change their policy position before hypocrisy costs are imposed and a crisis has become negatively salient. Policymakers should do something they swore they would not, e.g., agree to negotiate with the perpetrators or concede to their demands. On the other hand, if negative salience is not a significant condition, one should instead find evidence that policy shifts occurred a) in response to objective changes in the conditions on the ground; and/or b) when the situation is at its worst and/or when suffering is evident, if not visible. One should also find evidence of the leadership’s desire to do the “right” thing, rather than a focus on maximizing political damage control.

IV. Dismal Corollaries

A. Homo Econo(r)micus—Morality and the Self-Interested Rational Actor

If one accepts the premises proposed thus far, it should be clear by now that targets may find themselves trapped between their international normative commitments and their domestic political imperatives. It should likewise be evident how and why—when the options available to targets in the face of a massive outflow have negative (and visible) side effects—targets may become vulnerable to extortive engineered migration. However, in contrast to scholarship that suggests that leaders—whatever the regime type—adhere to norms because they have internalized (or “socialized”) them, I contend there is little systematic evidence to support such propositions, at least with regard to refugee-related issues. Instead I hypothesize that political leaders tend to yield to the pressure generated by policy panics not out of a sense of moral conviction, but rather only out of a

174 Economists employ a model of human behavior called Homo economicus, meaning an actor who is endowed with perfect rationality, self-interest and knowledge. I adopt it here to refer to the fact that leaders’ behavior does appear to be affected by norms, but principally for rational, material reasons.

175 That these negative effects need to be visible for a meaningful dilemma to exist is a key point.


177 As Charles Keely has pointed out, because people are supposed to be protected and normally within the boundaries of their state, there is little reason to assume that the international refugee regime is based on humanitarian impulses. Whatever individual motivation inspires national and international officials and civil servants and refugee and human rights advocates, the political basis for the international refugee regime is the protection of states and the international system of states that is threatened when states fail to fulfill their proper roles.” From Charles B. Keely, “How nation-states create and respond to refugee flows,” The International Migration Review, vol. 30, no. 4 (Winter 1996), pp. 1046-66.
fear of the political costs of failing to do so. In other words, I argue that while norms clearly do have a significant and discernable effect upon the behavior of states,\(^7\) often these effects are superficial and only manifest when the promise of a sanction for failure to be seen to be observing the norm is present.

Peter Andreas's recent work is instructive on this point. He has argued that changes in US border control policies are focused on changing the perception of the strength of the border regime, rather than actually strengthening controls. So new border controls have "less to do with actual deterrence and more to do with managing the image of the border."\(^7\) As David Gergen, former US administration official and communications expert put it, "Increasingly...what too often counts is how well the policy will "play," how the pictures will look, whether the right signals are being sent, and whether the public will be impressed by the swiftness of the government's response."\(^8\) The same might be said about immigration and refugee policy more generally.\(^8\) Actors would like to adhere to the prevailing norms whenever possible, but not when doing so comes up against domestic imperatives pushing for tighter controls.

This is not to suggest that leaders will choose to flout the norm when given a choice. Rather, if there are no appreciable political costs associated with adhering to the norm, I assume most decision-makers will choose to do so. More concretely, if there is no hue and cry against acceptance and/or assimilation of a group of refugees, then leaders will prefer to welcome—rather than exclude—them.\(^8\) However, if the threat of a domestic or international backlash exists, I


\(^8\) For an argument with similar conclusions on this point, see Peter Chalk, "The international ethics of refugees: A case of internal or external political obligation?" *Australian Journal of International Affairs*, vol. 52, no. 2 (July 1998), pp. 149-163. As Chalk notes, "It is difficult to see international refugee law as one that has fully taken into account, or, indeed, even been guided by, overriding humanitarian concerns in which the interests of displaced aliens, as human beings, have been put first. If international refugee law were truly based solely on a moral and ethical concern for the general welfare of people by virtue of their common humanity, it would be more difficult for governments to deny humanitarian treatment to a person, or group of people, just because they were unable to meet the qualifications as set down in the 1951/1967 persecution standard."

\(^8\) The same is true of immigration policy, more generally. Consider that, despite considerable opposition to large-scale immigration as expressed in opinion polls throughout western Europe and north America, evidence suggests these preferences are routinely ignored on the national level, except when the groups
hypothesize that decision-makers will seek to shirk their normative commitments, whenever possible. For instance, as one Clinton Administration official acknowledged during the 1994 Cuban refugee crisis: "we were facing a double whammy when all we want[ed] was to keep foreign policy problems off the screen. ...The word was: Solve it. Make it go away with the least amount of turmoil." The "word" was not we told these people to come; we now have a responsibility to protect them.

As one might therefore expect, I assume that this vulnerability is more acute under some leaders than others. For instance, as Clinton biographer Elizabeth Drew has noted:

The Clinton White House had no sure instincts about how to handle opponents, especially Democratic opponents whom it might need another day. And it didn't know how to put real pressure on an opponent, or a potential opponent. Everybody knew that there was no real price for opposing Clinton.

Particularly vulnerable will be those leaders who are constitutionally pre-disposed to resort to norms-laced rhetoric in the normal course of business. As a rule, one would expect such behavior to be more frequent amongst liberal—as opposed to conservative—politicians, but as the current US administration of George W. Bush makes evident, this rule is not universally valid. At the same time, it is probably not wholly a coincidence that Fidel Castro has never launched an outflow against a Republican president, but has thrice done so against Democratic ones.

Nevertheless, incidents of extortive engineered migration have occurred under nearly every US president since Dwight D. Eisenhower, not all of whom were equally predisposed to resort to

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18 In terms of policy outcomes, the argument presented herein bears some similarity to Fen Oles Hampson’s “risk aversion theory.” Hampson argues that when confronted with the difficult choice of “reconciling multiple values” in the process of crisis decision-making, leaders will privilege those values they “cherish most.” At the top of this hierarchy, he argues, is the leadership’s concern with his continued political health, legitimacy, and survival. Hampson, “The Divided Decision-Maker,” International Security, vol. 9, no. 3 (Winter 1994/1995), pp. 143-44.


18 However, I assume that—because of the highly politicized nature of this issue—there is less significant variance between presidential and parliamentary systems than one might otherwise predict.


187 One of whom was the champion of The Great Society (Johnson), another who was the so-called “human-rights” president (Carter), and the third who specialized in “feeling the pain” of others (Clinton).
rhetorically “problematic” language. Moreover, it has been attempted far beyond the borders of the US (e.g., against Australia, Germany, India, and China, among numerous others). It has been successful in many of these cases as well, e.g., the Biafran insurgents and their diaspora supporters against several African and Western European countries in the late 1960s; the state of Macedonia and the insurgent Kosovo Liberation Army against European NATO members in 1998-99; the island state of Nauru against Australia in 2002. Thus while Clinton may have made a particularly good target, he was hardly unique. What has made extortive engineered migration such an attractive instrument for a certain class of perpetrator?

B. The Human and Refugee Rights Regimes and the Efficacy of Political Fujitsu

I contend that, due to the perverse nature of this kind of coercion, ironically and tragically, the growth of humanitarian norms—in conjunction with the salience-generating effects of the global media apparatus—has actually inadvertently strengthened weak actors prepared to employ it, particularly—but not exclusively—against liberal democratic targets. This is because as the norms governing appropriate state behavior have grown in strength and in number, so has the leverage of those who seek to exploit these norms, for good and for ill. (This hypothesis accords with Keck and Sikkink’s contention that the level of “vulnerability of the target state” to moral suasion is the “key factor” in determining transnational advocacy network effectiveness.)

On the positive side, as recent research by Darren Hawkins and Daniel Thomas suggests, humanitarian transnational advocacy groups have grown much more effective in recent years because they have been able to identify their causes with “well-institutionalized international norms,” such as

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188 For instance—and this list is not exhaustive—Eisenhower had to contend with the 1953 and 1961 East German refugee crises; LBJ, Fidel Castro and the Camarioca crisis; Nixon, the North Vietnamese propagandistic (and militarized) use of refugees; Ford, the start of the multi-year Indo-Chinese refugee crisis; Carter, the Mariel boatlift; Reagan, a preemptive episode with Baby Doc Duvalier of Haiti; Bush, Sr., Turkey’s threat to close the border to fleeing Kurds in the aftermath of the Gulf War; and Clinton, his own Haitian and Cuban crises.
189 Targets that succumbed to pressure—although to varying degrees—included Tanzania, Zambia, Ivory Coast, as well as France, West Germany, Spain, and Sweden. Although the insurgents eventually abandoned their secessionist bid, they lasted as long as they did because of their formidable outside assistance.
190 Consider, for instance, as Christopher Mitchell has put it, “It became axiomatic that President Jimmy Carter had been gravely wounded when his administration had proven unable to stop the influx of Cuban and Haitian boat people in 1980. Neither Reagan, Bush, nor Clinton wished to incur the same political penalties.” Mitchell, “US Policy Toward Haitian Boat People” AAPSS, vol. 534 (July 1994), p. 78.
191 See Keck and Sikkink, Activists Beyond Borders, Chapter 4; Khagram et al., Restructuring World Politics and fn 3.

the 1951 and 1967 Refugee Conventions.\textsuperscript{193} As international law expert Louis Henkin observed in the late 1970s, "Human rights have assumed a high place in the rhetoric of international relations and most governments, moved to adhere to international covenants, cannot lightly disregard them."\textsuperscript{194} And one NGO activist put it bluntly more recently, "NGOs must influence the UN system to ensure that the real human rights picture emerges. \textit{Whether we like it or not, the UN is a system that can be used. We have to change the opinion of governments on human rights.}"\textsuperscript{195} Moreover, the number of transnational human rights-related NGOs has also grown significantly since the early 1970s—e.g., doubling between 1973 and 1983\textsuperscript{196}—thus enabling them to concentrate their energies, both more broadly and more intensively. As Sikkink and Smith put it: "the end of the Cold War has allowed for an expansion of the global agenda to include issues and voices that had been excluded in the bipolar struggle that had dominated global affairs."\textsuperscript{197}

However, as the strength of norms promoters has grown, concomitantly and inadvertently, so has grown the strength and visibility of those who would exploit these norms and the existence of hypocrisy costs for their own benefit, in the service of more nefarious goals.\textsuperscript{198} Because while norms do "provide incentives and disincentives for different kinds of actions" for those who embrace them, they also provide incentives and disincentives for different kinds of exploitation of these self-same norms; thus making the employment of extortive engineered migration more attractive over time.\textsuperscript{199} Thus it is probably no accident that the "push-outs" Weiner detected were on the rise since the early 1970s, when it is also widely acknowledged that the human rights regime, and humanitarian norms,

192 Keck and Sikkink, \textit{Activists Beyond Borders}, p. 117.
193 See again Hawkins, "Human Rights Norms and Networks"; Thomas, "Human Rights in U.S. Foreign Policy;" and for a political philosophical take on the issue, Emma Haddad, "Refugee rights: Sovereign rights or human rights?," unpublished paper presented at the International Association for the Study of Forced Migration, 8\textsuperscript{th} Biannual Conference, Chiang Mai, Thailand, January 5-9, 2003.
197 Ibid.
198 For instance, myriad extant and latent insurgent groups have joined the Under-represented Nations and Peoples Organization (UNPO), a Netherlands-based organization devoted to attracting foreign attention and support for its members. Likewise, the Web is host to a growing number of sites aimed at promoting insencies. See Clifford Alan Bob, "The Marketing of Rebellion in Global Civil Society: Political Insurgencies, International Media, and the Growth of Transnational Support," MIT PhD dissertation (1997).
199 Byman and Waxman make an analogous—US centric—argument. The perception of growing "U.S. sensitivity invites adversarial practices designed to put at risk the very civilians the US seeks to leave unharmed. The typical US responses to these practices then reward them in that the United States places further constraints on its own threats of force." From \textit{The Dynamics of Coercion}, p. 147.
more generally, really began to flourish. Instead it appears that the increasing strength of humanitarian norms has—albeit inadvertently—made extortionate engineered migration both easier and often more profitable. This can only be viewed as a case of "the law of unintended consequences" in action, whereby the growing strength of humanitarian norms since the end of World War II has invested power in the hands of weak actors who would otherwise have little. See Figure 3.4 below for an illustration of this development.

Figure 3.4

The growing role and power of NGOs and non-state actors...

... and a worrisome unintended consequence thereof

The proposed hypothesis is also consistent with Risse and Ropp's finding that the stronger the transnational advocacy network becomes and the more vulnerable the norm-violating government is to external pressure, the more likely the violator will have to engage in tactical concessions to placate its critics. I would argue that this is simply the essence of hypocrisy costs in action. As Stephen Krasner has put it: "Compliance and enforcement mechanisms for [human rights accords]... have strengthened the positions of sympathetic national actors and changed domestic conceptions of

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201 The nature of the Cold War—i.e., a battle between liberalism and Communist authoritarianism—and the way it was fought in the public sphere—i.e., via massive propaganda campaigns touting the superiority of liberal precepts and values, many of which are synonymous with those promulgated under the human rights regime—further inadvertently contributed to this phenomenon. This proposition is explored further in Chapter 8: Policy Implications.

appropriate policy.\(^{203}\) The irony is that as pressure to adhere to these humanitarian norms has grown, so has the leverage of those who seek to exploit them.\(^{204}\) Whether this will be a sustainable development, however, is an open question. In what may be a kind of blowback effect, evidence suggests that targets are actively tightening their immigration laws and asylum policies, and otherwise reducing their explicit normative commitments to the protection of refugees. As British Prime Minister, Tony Blair, put it: while the values of the 1951 Refugee Convention are indeed “timeless, we should stand back and consider its application in today’s world.”\(^{205}\) How can values be both timeless, and yet subject to review? Only when they are—as they so often have been before—values in word, but not in deed.

V. Summary of Key Hypotheses

Before embarking on the case studies, below I highlight the key hypotheses proposed in this chapter, which should help to frame the narrative that follows.

H1: The inherent tension than often exists between a state’s values and its political imperatives creates a vulnerability that can be exploited by enterprising state and non-state actors (i.e., perpetrators) seeking to influence the behavior of a target state or states.

Domestic tension \(\rightarrow\) international vulnerability to political jujitsu (and thus to the use of refugees as weapons)

H1 corollary: The nature of their decision-making processes and the fact that liberal democracies tend to be most (legally and normatively) committed to humanitarian norms makes them particularly vulnerable to this kind of coercion.

\(^{203}\) Krasner, Organized Hypocrisy, p. 126. See also Thomas Biersteker’s piece in The Handbook of International Relations (2002).

\(^{204}\) Evidence suggests the rise of humanitarian norms has made the instigation of refugee flows easier for agents provocateurs as well. As Fiona Terry has argued, the establishment of the international refugee regime has been especially significant, as it has facilitated the creation of “humanitarian sanctuaries,” which offer guerrillas legal protection, access to resources, and a mechanism by which guerrilla movements can control civilian populations and legitimize their leadership. See Jean-Christophe Rufin, Le piège humanitaire, suivi de Humanitaire et politique depuis la chute du Mur, revised edition (Paris: Jean-Claude Lattes, 1993), cited in Fiona Terry, Condemned to Repeat: The Paradox of Humanitarian Action (Ithaca: Cornell University Press, 2003), pp. 8-10. See also Ben Barber, "Feeding Refugees or War? The Dilemma of Humanitarian Aid," Foreign Affairs, vol. 76, no. 4 (1997), pp. 8-14. Consider, for instance, that the UN safe areas created during the 1992-95 war in Bosnia-Herzegovina also served as critical staging areas and strategic bases for Bosnian government troops, including during the 1994 BiH offensive. Moreover, such offensives may have been designed to provoke Serbian artillery fire and thereby justify NATO air attacks, while simultaneously reinforcing the Bosnian propaganda strategy of being victims of aggression and deserving of military assistance. Susan L. Woodward, Balkan Tragedy: Chaos and Dissolution after the Cold War (Washington, DC: Brookings Institution, 1995), pp. 320-1. See also Stephen Oberreit and Pierre Salignon, "Bosnia: In Search of a Lasting Peace," in Medecins Sans Frontieres, World in Crisis: The Politics of Survival at the End of the Twentieth Century (London: Routledge, 1997), pp. 122-43.

\(^{205}\) See also Alan Travis, Ian Black and Michael White, “Europe’s asylum policy shameful, says UN Britain to push for launch of pilot scheme in east Africa,” The Guardian (UK), June 20, 2003; available at http://www.guardian.co.uk/Refugees_in_Britain/Story/0,2763,981350,00.html.
Nature of pluralism + level of commitment \(\rightarrow\) liberal democracies' particular vulnerability

\(H_2:\) The rising strength of humanitarian norms, those who support them, and the institutionalization of the legal framework protecting these norms have amplified targets' vulnerability.

Growing strength of norms \(\rightarrow\) growing use of refugees as weapons

\(H_3:\) Due to acute credibility problems on both sides—i.e., targets discount perpetrator threats, while perpetrators discount targets' ex ante assertions about their responses—crises escalate more frequently than either intuition or game-theoretic logic suggests they should.

\(H_3\) corollary: Because strong actors tend to discount weaker actors' threats, concession will occur both more often and later in a crisis than logic suggests it should.

Perpetrators' credibility problems among perpetrators + targets' hubris \(\rightarrow\) tendency to discount threats \(\rightarrow\) late (i.e., strategically sub-optimal) concession
Chapter 4

Coercion in the Caribbean—The 1994 Cuban Balseros Crisis and its Antecedents

We sadly feel that our government has crouched on all fours, raised its posterior into the air and now is waiting for the next kick from Castro or some other two-bit dictator who would dump his problems on the American people.

— The Arkansas Gazette, September 1980

"If Castro's policies created the potential for mass exodus, U.S. policies made the exodus possible... [and] provided an opportunity for Fidel Castro to turn emigration into a weapon of his own."

In August 1994, in the wake of some of the worst civil unrest Cuba had witnessed in decades, President Fidel Castro reversed his country's long-standing policy of arresting anyone who tried to escape the island by sea. Castro laid the blame for Cuba's domestic unrest on the United States, claiming that the riots were caused by rumors of a US-sponsored boatlift to Miami. Castro then demanded "either the US take serious measures to guard their coasts, or we will stop putting obstacles in the way of people who want to leave the country, and we will stop putting obstacles in the way of people in the US who want to come and look for their relatives here." This invitation, coupled with a threat, marked the beginning of a major, although short-lived, refugee crisis, during which tens of thousands fled the island and headed towards the coast of Florida. The crisis ended after about a month, following the announcement of a new immigration accord between the US and the Caribbean island nation. This accord marked the beginning of the end of the US's three decade long policy of welcoming all Cubans into the US as de facto refugees and the start of their being treated (at least on paper) like other groups trying to gain entry to the US; a follow-on accord eight months later solidified this policy shift.

This chapter presents a longitudinal case study of the August 1994 crisis as well as two previous Cuban migration crises; namely, the little-known 1965 Camarioca crisis and the infamous 1980 Mariel boatlift. As there is but one perpetrator in the Cuba cases—namely, President Fidel Castro—who is widely recognized to be an semi-legitimate, international pariah, the hypotheses

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presented in Chapter 2 are of marginal interest in this case. Therefore, this chapter focuses principally on testing the set of hypotheses that are focused on the nature, conduct, and conditions that dictate the success of extortive engineered migration that are advanced in Chapter 3. Specifically—for each of the three cases examined—the following questions are addressed: 1) Is there evidence that extortive engineered migration was attempted? 2) If so, to what end, and why? 3) Did it succeed? 4) Why, or why not? 5) Are these findings consistent with what the theory would predict?; and 6) What, if any, cross-case lessons can be drawn from examining these three Cuban migration crises?

The three cases examined herein offer particularly good tests of the theory and hypotheses forwarded in this study for several reasons. First, unlike many cases of extortive engineered migration, the three presented in this chapter are straightforward, bilateral cases. Hence, they are not complicated by the analytical difficulties associated with cases where generators and agents provocateurs (and even, opportunists) are operating at cross-purposes, e.g., Haiti 1994; Kosovo 1999. Neither are they complicated by the difficulties associated with analyzing cases in which there are multiple targets, e.g., North Korea 2002. Second, because Castro’s Cuba represents the only known set of three documented cases of extortive engineered migration exercised by the same perpetrator, these cases offer a rich collection of data that amply illustrates recurrent patterns in Castro’s behavior, which have emerged over time (See, for instance, Figure 4.1 below.) Third, and relatedly, the fact that these patterns appear to have persisted across three distinct target administrations provides a further test of the strength of this study’s findings about democracies’ negotiating behavior, their leadership’s lack of policy-making freedom, and their credibility (or lack thereof) in crises. In other words, it provides a strong test of whether this study’s findings are only specific to a particular target leaders, or are, in fact, more widely generalizable. At the same time, patterns (and shifts) in the perpetrator’s behavior across time and space—e.g., both during the height of the Cold War and afterwards, and when Cuba had a Soviet super-power patron and when it did not—provide a strong test of the robustness of some of the other findings of this

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5 For a discussion of why they are even generalizable beyond the US context, see Chapter 8.
study. For instance, the fact that Castro made the decision to challenge its US target both in those periods when it was assuredly protected from a US invasion by the existence of its Soviet patron (1965, 1980), and in the period after such protection had lapsed (1994), suggests that the proposition that relative material capabilities are a poor predictor of crisis initiation—and of crisis outcomes—is a reasonable one.

To briefly summarize my findings: the 1994 balseros crisis represented Castro's third clear application of extortionate engineered migration against the US. As he had done twice before—most famously in 1980, but also to a lesser degree in the mid-1960s—Castro successfully coerced the US leadership to the negotiating table on immigration and a wider array of issues. I further contend that Castro's gambit was relatively successful in each of the three cases. This was largely because he thrice succeeded at internationalizing what had on each occasion commenced as a domestic economic and political crisis, and at effectively transforming it into an American foreign and immigration policy crisis. Furthermore, in each case, he was aided by US rhetorical grandstanding and shortsighted policy responses, which in each case had to be abandoned once the outflows began in earnest. In particular, Castro was able to play on discord that existed within the US: between a general public growing less tolerant of refugees and immigration and a state government in Florida reluctant to pay the costs of what it viewed as a federal problem, on one hand; and a Cuban-American community that was (largely, but not universally) deeply committed to the protection of fleeing Cubans and to the further political isolation of Fidel Castro, on the other. Nevertheless, not all of Castro's attempts were equally successful. For instance, for reasons outlined below, Castro's 1994 use was arguably less successful than his most famous use of extortionate engineered migration, the 1980 Mariel boatlift.

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7 Whether additional still classified pre-empted attempts have occurred is unknown at present. However, this author's pending FOIA requests for access to still classified documents between the late 1960s and early 1980s may uncover additional data on this front.

8 See, for instance, Mario Antonio Rivera, Decision and Structure: US Refugee Policy in the Mariel Crisis (New York: University Press of America, 1991), Chapter 1, on the divisions within the Cuban-American community, at least by the end of the Mariel crisis.
The remainder of this chapter is organized as follows: first and second, I examine Castro's possible motivations for—and objectives in—launching the 1994 crisis; third, I move backwards in time to look back at Castro's two earlier attempts to use refugees as weapons, to offer the reader additional evidence as to why Castro thought he would succeed in 1994; fourth, I trace the chronology of the crisis and highlight its consequences; fifth, I outline what Castro actually did and did not achieve in his 1994 attempt at extortive engineered migration; sixth, I revisit the hypotheses advanced and evaluate them in light of the evidence presented in the three cases; and finally, I offer a few additional thoughts and possible implications of these cases.

Research materials for this chapter comprise archival sources (in particular, documents from the Kennedy, Johnson, and Carter Libraries; the State Department Archives; the National Archives; and the University of Miami's Cuba archives), more contemporary US and Florida state government documents; a variety of secondary scholarly sources—in particular, I drew extensively on the myriad interviews that were conducted by David W. Engstrom for his valuable examination of the Mariel Crisis, *Presidential Decision Making Adrift: The Carter Administration and the Mariel Boatlift*; and a wide array of US and Cuban newspaper and magazine articles. For additional perspective, I conducted interviews with former Carter and Clinton Administration officials; an European diplomat, whose country maintains diplomatic relations with Cuba; Cuban experts; US military officers who participated in Haitian and Cuban-related operations in 1994; US military officers responsible for Caribbean immigration enforcement at both US Southern Command (SOUTHCOM) and US Coast Guard, Miami; officials from the administration of former Florida governor Lawton Chiles; employees of the Miami District Office of the US Immigration and Naturalization Service (INS); and representatives of the Cuban-American community in south Florida.

I. Castro's Motivations—Why the Conventional Explanations Do Not Suffice

Some observers have argued that Castro's decision to open the port in 1994 was no more than an act of desperation, aimed at defusing the tensions on the ground in Havana and propping up his regime,

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in the face of a major economic downturn and growing social unrest;\(^\text{10}\) in other words, that Castro was simply engaged in exportive engineered migration. However, those who hew to this explanation usually argue that Castro's regime was close to collapse, which was why he felt compelled to open the borders.\(^\text{11}\) But most analysts—inside and outside the US government—discount this assessment, noting that "Cuba's repressive apparatus (was) still efficient and loyal, and the ruling group remain(ed) unified."\(^\text{12}\) As Cuba expert Jorge Dominguez put it at the time: "Any policy based on the idea that Castro is about to fall in the next few weeks is misguided...Bill Clinton could very easily reach the end of his presidency still waiting [for Castro to topple]."\(^\text{13}\) "This may not be a man who will be willing to go quietly into that good night...(even now, he retains) an electrifying chemical connection with his people."\(^\text{14}\)

It is nonetheless true that the prevailing strife on the ground in Havana served as the proximate cause of the crisis and influenced its timing. After all, by the summer of 1994 Cuba was an economic mess. It was suffering significantly following the collapse of the Soviet Union—e.g., its gross domestic product (GDP) declined 35% between 1989 and 1993—and the end of the massive Soviet subsidies and guaranteed trade that Cuba had depended upon for decades. In addition, Castro had just announced one of the country's worst sugar harvests in decades. It is likewise true that by escalating tensions in US-Cuban relations through a rafters' crisis—and thereby reminding the Cuban population of American hostility to the Cuban revolution—Castro was in fact able to give himself a popularity boost in a period of heightened domestic turmoil.\(^\text{15}\)

\(^{10}\) In short, the theory is that Castro chose to open an internal pressure release valve (a la exportive engineered migration), in response to growing dissent and economic pressure. See, again Eckstein and Barberia, "Cuba-American Cuba Visits.


\(^{14}\) Political psychologist, Jerrold Post, quoted, at the height of the crisis, in Bill Lambrecht, "A Policy Adrift: Suddenly It's Cuba Demanding Action, and Clinton Facing Another Dilemma," St. Louis Post-Dispatch, August 28, 1994, p. 1B.


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Nevertheless were it the case that Castro was simply and primarily using the 1994 outflow as a political pressure release valve, we should have seen two things happen that did not, and we should not have seen two things happen that did. First, Castro should have opened the island’s borders without first warning the US that he was considering such a move, i.e., he should not have issued an explicit threat and/or set of demands. Second, he should have opened the borders just as soon as it became clear that the prevailing political discontent would spill over into serious violence. Yet when Castro held a news conference on August 5th—after riots had been in full swing for several days—he publicly warned that he would consider opening the border if the US did not change its behavior. He then waited an entire week before authorizing the initial sanctioned departures, and he did not publicly declare the borders open until August 20th, on the heels of the US announcement that sanctions on Cuba were to be tightened. Third, and conversely, Castro should not have publicly demanded a shift in US policy as a precondition for staunching the flow; yet he did. In each of his pronouncements on the crisis, Castro articulated the position that negotiations on US immigration policy were a necessary precondition for ending the crisis. Finally, he should have re-closed Cuba’s borders exactly when it suited him—which would not presumably have coincided exactly with the conclusion of a new immigration accord with Washington. This is particularly true, given that as many argue, Castro likes nothing better than to embarrass the US. So had Castro not been engaged in a tit-for-tat bargaining game with Washington, he would have surely closed the border at any time other than just after he had concluded an agreement with the US. Yet, as has been noted elsewhere, it was only when the Clinton Administration agreed to sit down with the Cubans and discuss immigration issues that the exodus was brought to an end.

Thus evidence suggests Castro’s actions were actually coercive in nature. Moreover—as the analysis below will demonstrate—it further suggests that these actions were designed to influence the behavior of the government in the US as much as that of the dissidents in Cuba, by taking advantage

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16 Again, Castro did not tell the Cuban Coast Guard to let people go until a week after the street riots in Havana, and he did not formally announce that people could leave until another week had past.


19 Engelstrom, Presidential Decision-making Adrift, p. 190.
of the competing and heterogeneous political prerogatives facing the US leadership.\textsuperscript{10} It is worth noting that many analysts and government officials who have spent time in Cuba and have dealt personally with Castro and the Cuban leadership share this view. For instance, during the crisis itself, both US Attorney General Janet Reno and Undersecretary of State Peter Tarnoff publicly acknowledged that Castro deliberately caused the crisis in "an effort to force a dialogue with the United States."\textsuperscript{11} "He has been doing this for a living for 35 years, and realizes he only has one card to play, the weapon of refugees. He needs the breathing space and knows that the only way to get it is to force the Americans into a dialogue."\textsuperscript{12} For his part, Richard Nuccio, former special advisor to the Clinton Administration on Cuba, acknowledged: "the Cuban government exacted changes in the policy of the Clinton Administration towards Cuba by threatening and by carrying out those threats... Most of our Cuba policy is a result of those kinds of threats."\textsuperscript{13} And as former Florida governor and US Senator, Bob Graham—a man whose career path has provided a variety of direct and indirect dealings with the Castro regime—conceded: "Castro, over and over in the last 35 years, has used his own people as a means of accomplishing his foreign policy objectives."\textsuperscript{14}

II. Castro's Objectives

So if Castro intended to use the August 1994 migration surge to coerce a shift in US policy, exactly what did he hope to accomplish? For some time before the 1994 crisis erupted, Castro had been complaining that the US was failing to hold up its end of a 1984 agreement he had negotiated with the Reagan Administration, which promised 20,000 visas per year for Cubans, in exchange for his willingness to take back a number of "undesirables" from the first Mariel crisis.\textsuperscript{15} As the Cubans understood the 1984 accord, 160,000 visas should have been granted in a period during which only


\textsuperscript{12} Castro biographer, Tad Szulec, quoted in Rohrer, "Castro plays his cards with cunning"; See also Ackerman, "Transition in Cuba."

\textsuperscript{13} Author telephone interview with Nuccio, May 2000; and transcript from an NPR radio interview as part of "What's Next In The Elian Gonzalez Story," \textit{Talk of the Nation}, April 24, 2000.


\textsuperscript{15} Masud-Piloto, \textit{From Welcomed Exiles to Illegal Immigrants}, p. 134.
11,000 had been forthcoming. In this same period, however, more than 13,200 illegal migrants had been welcomed into the US, many of whom reached US shores on vessels they had hijacked in Cuba. This supported Castro’s long time claim that for 35 years it had been US policy to encourage people to leave Cuba illegally, even if that meant stealing and hijacking. In a sign that he was fully aware of the hypocrisy of the US position, Castro further argued that even those people who used such violent means of escape were welcomed as “heroes in Miami.” Yet, at the same time, “whenever he interfered with these illegal departures, he was accused of human rights violations; while each time he let people leave, he was accused of trying to embarrass the US.”

Castro’s frustration with the US apparently deepened in the summer of 1994, as it became clear that the reception rafts were being given in July and early August 1994 was “specially warm... (even) after stealing boats, using violence, endangering the lives of people who did not wish to emigrate, and even committing murder.” Rafters (arriving in this period) were further reassured and “encouraged by the US government’s pledge not to change its immigration policy under any circumstances.” Such reassurances, coupled with discontent on the ground, probably served as the tipping point that led Castro to consider initiating a new crisis. As one Latin American scholar has put it: “Castro relaxed the strictures against emigration because he was “greatly (and understandably) amazed by US officials’ welcome to Cuban refugees who had hijacked ferry boats in Havana.”

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16 See Masud-Piloto, From Welcomed Exiles to Illegal Immigrants, Table 9.1, p. 135. See also “News Briefing With Former Presidential Candidate and Senator George McGovern,” (Major Leader Special Transcript), Federal News Service, September 15, 1994 for an explanation of Castro’s position on US policies.

17 “La razón es nuestra...”. Interestingly, Castro’s claims were consistent with a report generated by the US Interest Section in January 1994. In a “top secret memorandum” to the State Department, CIA, and INS, visa officers in the Interest Section discussed the problems they were facing in trying to identify visa applicants with legitimate human rights cases, in that “…most people apply more because of the deteriorating economic situation than a real fear of persecution.” From Masud-Piloto, From Welcomed Exiles to Illegal Immigrants, p. 34.

18 This is essentially an (in my view, correct) argument that the US too was using refugees as a political weapon.

19 MacPherson; see also “News Briefing With Former Presidential Candidate and Senator George McGovern.”


21 Ibid.

22 Peter H. Smith, Talons of the Eagle: Dynamics of U.S.-Latin American Relations, 2nd edition (Oxford: Oxford University Press, 1999), p. 394, fn. 4. On July 26th and August 3rd and 4th, the ferry that had transported passengers from Havana to Regla for nearly 100 years was hijacked to Miami. Violence was used in each of the hijackings, and, in one case, a Cuban policeman was killed. See Masud-Piloto, From Welcomed Exiles to Illegal Immigrants; Chavez, “La crisis migratoria.”
In short, Castro’s principal objective appears to have been a quick end to the irregular and destabilizing pattern of immigration between his country and the US. First and foremost, Castro desired a normalization of US-Cuban immigration and an end to the hijackings that were generating instability inside Cuba. It also appears that he would have welcomed a loosening of the embargo. But the available evidence suggests he did not expect such a relaxation to be immediately forthcoming. At the same time, Castro clearly did benefit from the domestic popularity boost he garnered from going “toe-to-toe” with the “American behemoth,” although evidence suggests this was little more than a side-benefit.

III. Why Did Castro Anticipate Success? A Compelling Track Record of Two for Two

Castro likely believed the migration gambit was worth trying, in part because it had worked at least twice before—in a quiet way in 1965 and dramatically and very visibly in 1980. As I shall attempt to demonstrated below, as was the case in the 1980 Mariel I exodus and the less well-known Camarioca outflow in 1965, by engaging in a kind of asymmetric refugee-driven coercion, designed to create political conflict within the US, Castro succeeded in dictating the course and pace of events while those in Washington, working with far more resources at their disposal, struggled to respond.

As outlined in Chapter 3, the difficulty for the leaders of target states lies in the fact that moves that may be rational on the international level may prove untenable on the domestic level, or vice versa. And Castro—who is known to be a keen observer of US politics—understands well the

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33 This supposition is supported by this author’s conversation with an European diplomat (who asked that even his country not be identified), November 1998.
34 Similar impressions were expressed to this author, in interviews with former Clinton Administration officials, in July 2000 and May 2001.
35 For a different application of Putmanque logic to US-Cuba relations, see William LeoGrande, “From Havana to Miami: US Cuba Policy as a Two-Level Game,” Journal of Interamerican Studies and World Affairs, vol. 40, no. 1 (Spring 1998), pp. 67-87. The argument presented herein is methodologically consistent with that offered in LeoGrande’s own analysis of the 1994 crisis, although he focuses principally on the use of sanctions by the US as a form of implicit coercive diplomacy against Cuba, and on how the US bargaining position has changed over time. He ignores completely the more explicit use of “people pressure”-driven coercion by Cuba against the US. Thus, like LeoGrande, the analysis herein relies on a two-level game framework and hypothesizes that the outcome of the international negotiation was driven in large part by domestic imperatives, but focuses attention on the bargaining power that issues from the other side of the US-Cuba equation.
36 From Masud-Piloto, From Welcomed Exiles to Illegal Immigrants, p. 137. See also Chavez, p. 14.
dilemmas facing US policymakers trying both to satisfy their heterogeneous domestic constituencies, without sacrificing international credibility, and to solve international crises, without creating domestic ones.\textsuperscript{37} Although Castro himself is not immune from such concerns, the nature and stability of his military dictatorship has allowed him to undertake potentially risky moves internationally with considerably less concern about the possibility of domestic backlash. Hence—in any given refugee-driven bargaining game between the US and Cuba—Castro will be more credible than any US leader, making “extortionist engineered migration” a relatively potent asymmetric weapon against the US.\textsuperscript{38}

In each of the three cases examined herein, the course of events more or less followed a basic five-step pattern. First, Cuba would experience a significant economic downturn. Second, Castro would seek a \textit{rapprochement} and/or negotiations with Washington. These overtures would take place publicly via an American journalist or public figure and privately via a Cuban (or Cuban-American) businessman or political envoy. Such overtures were usually rebuffed outright or (at best) would receive a lukewarm, non-committal response from Washington. Third, within a short period of time, Castro would threaten to unleash a crisis by opening his borders, a move to which the US would respond with contempt. Fourth, within days or weeks Castro would open the border.\textsuperscript{39} The US would initially (and very vocally and publicly) welcome those fleeing from Cuba, but then be forced into policy panic mode, quickly changing its position—often several times in quick succession—as the numbers rapidly grew and the “salience” of the crisis increased. Finally, initially secret and then public bilateral negotiations would result and a new policy would

\textsuperscript{37} A September 1994 report by the US Commission on Immigration Reform clearly articulates the dilemma facing policymakers trying to meet both their international normative obligations and their domestic political imperatives: “...US policy has tried to balance a number of competing interests and concerns: preserving its international and domestic commitments to provide asylum to those fleeing persecution or a well-founded fear of persecution and providing protection to aliens who would otherwise face return to dangerous conditions in a home country; deterring illegal immigrants who abuse the asylum system as a backdoor to entry; responding to domestic ethnic and political constituencies; ensuring that US policy does not serve as a magnet for otherwise avoidable mass migration; upholding foreign policy commitments; and helping states and localities faced with the costs and other impacts of dealing with immigration emergencies.” From US Commission on Immigration Reform, \textit{US Immigration Policy: Restoring Credibility} (Washington, DC: GPO, 1994), p. 164.

\textsuperscript{38} Of course, overall the US remains immeasurably stronger. So if a refugee crisis were really major—say, involving many hundreds of thousands or more—the US might entertain an invasion of Cuba, rather than concede to Castro. However, the predicted material and political costs of invasion are still regarded as significant, although the Cuban military today is a shadow of its Cold War self. For an analysis of Castro’s post-Cold War capabilities, see again Walker, “Cuba's Revolutionary Armed Forces.” See also Dominguez, “US-Cuban Relations: From the Cold War to the Colder War.”

\textsuperscript{39} Except in the 1965 case, in which Castro opened the border almost simultaneously with his threat issuance.
be announced. Although the course of events could have transpired differently in each crisis, the path of decision-making followed a remarkably similar trajectory in each case, as Figure 4.1 clearly shows. This "decision tree" illustrates the major decision points for both Cuba and the US and all possible outcomes⁴⁰; the shaded boxes—which represent the decisions actually taken—illustrate noteworthy consistency across all three crises.

A. The Camarioca Boatlift

Following a period of economic turmoil⁴⁴—and several years of unsuccessful, if halting and erratic⁴¹ attempts at achieving a rapprochement with Washington⁴³—on September 28, 1965, Castro surprised

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⁴⁰ Since more than one outcome is possible, these figures violate traditional decision tree rules. Nevertheless, they provide a striking illustration of the consistency of these outcomes across cases and over time. Readers may wish to compare these diagrams to those presented in the other case studies, in the interest of additional cross-case comparisons, as well as a further elucidation of the prevalence of concession, and its relative "lateness". See also Figure 3.2, which illustrates the five end-game options, and the accompanying text.

the government in Washington and the exile community in Miami with the announcement that any Cuban who had relatives living in the US would be allowed to leave the island via the port of Camarioca, located on Cuba's northern shore. Castro also invited exiles to come by sea to pick up family members who had been stranded on the island, following the suspension of commercial flights between the two countries during the Cuban Missile Crisis three years earlier. To erase any doubts that he was serious, two days later Castro began offering two flights daily from Havana to Miami.

At the time many alleged—rightly, this author believes—that Castro opened the border largely in order to rid the island of remaining political dissidents with close ties to the exile community in Miami, i.e., he was engaged in an explicit use of expulsive—not extortive—engineered migration. As one observer put it: "in one clean sweep, he release(d) the internal pressure of 'closet counter-revolutionaries' who stood ready to undermine his regime." In addition, however, by unleashing this "demographic bomb," Castro also effectively demonstrated to the US government—and to himself—how easily he could disrupt its immigration policy. Thus the opening of the port at Camarioca carried with it a "lightly-veiled" threat, namely that it was Havana, not Washington, that controlled Florida's coastal borders. Almost overnight, and with little warning, the Cuban government presented the administration of Lyndon Baines Johnson with a major refugee crisis.

A Wary Welcome Extended

Having failed to contemplate the possibility that Castro might open Cuba's borders, in the fall of 1965 the Johnson Administration found itself at sixes and sevens as to how to respond. US officials were greatly concerned with the potential political, logistical, and economic problems associated

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44 Note, for instance, the stark contrast between the conciliatory position taken by Castro in July 1964 interviews and those given with C.L. Sulzberger in late October—and published in the New York Times on November 2 and 4, 1964. Although some of this might be attributable to a possible escalation in US-supported covert actions against Castro that fall.
45 In addition to the much debated attempts before Kennedy's death in November 1963 and a few thereafter, in a memo from Bill Moyers to the President, Moyers says Edwin Tetlow, the President of the Foreign Press Association, UN Correspondent—who interviewed Castro in the summer of 1965—reported "Castro wants a rapprochement with the U.S. and is willing to agree to give up his ambitions to export his revolution" as he is "depressed" due to the "loss of sugar income." Lyndon Baines Johnson Presidential Library, "Memorandum to the President from Bill Moyers," August 10, 1965, WHCF EX CO 55, 3/1/64-11/3/66.
47 See, for instance, the text of Castro's speech in Granma, October 1, 1965.
48 See, for instance, the text of Castro's speech in Granma, October 2, 1965.
49 Miguel Gonzalez-Pando, The Cuban Americans (Westport, CT: Greenwood Press, 1998), p. 44.
50 Ibid.
with a massive influx of Cubans arriving in small boats in a short period of time. They also worried about the prospect that this spectacle would "make the US look powerless." Nevertheless, Johnson and his advisors felt they had little choice but to respond with contempt and call what they assumed was a bluff by Castro. 49 Thus, in a calculated political move, on October 3rd, during a pre-scheduled speech before the Statue of Liberty 50 to announce landmark US immigration-reform legislation, Johnson took the opportunity to publicly proclaim that the US would continue to welcome Cubans "who seek refuge here in America ... The dedication of America to our tradition as an asylum for the oppressed is going to be upheld." 51 Furthermore, with this statement, Johnson signaled that the US was willing to take as many Cubans as Castro's government would permit to leave, even though few of them would likely have qualified for legal refugee status. 52

In what can only be viewed as a tacit acknowledgement of the power of hypocrisy costs, officials in the Johnson Administration admitted that they felt—whatever the negative consequences of accepting the Cubans—they had no choice, even though to allow the boats to come would mean that the US had to "dance to Cuba's tune." 53 Consider, for instance, admission made in the following Memorandum for the President:

There is unanimity that we should make clear our readiness to accept Cuban refugees. They will pose problems of screening and welfare, and there is also a problem of sentiment in Florida where the bulk of the burden has fallen in the past. But these difficulties are wholly outweighed by the fact that neither at home nor abroad can we accept the notion that our interest in refugees is a bluff and that we really don't want them. 54

50 Ever attuned to domestic politics, before settling on the signing being conducted on Liberty Island, with the Statue of Liberty as a backdrop, Jack Rosenthal, LBJ's Director of Public Information indicated that [they'd] given thought to some other possibilities: [But] Jamestown or Plymouth would give too much of a DAR-type [Daughters of the American Revolution] cast, quite the wrong emphasis, [while] a place associated with the Golden Gate, might, by looking to the Orient, have a favorable diplomatic aspect. But the only feature is the bridge—not particularly appealing." LBJ Library, Memorandum for Bill Moyers from Jack Rosenthal, August 31, 1965, WHCF, EX 1M 11/23/63, File: 1M 8/1/65-8/31/67.
53 Engstrom, Presidential Decision-making Adrift, p. 20.
Because the US had long used Cuba’s emigration barriers as proof of the bankruptcy of his regime—one which could only keep its people only by preventing them from leaving—after Castro had opened the port at Camarioca the US “could maintain its international integrity only by accepting those Cubans wishing to leave.” As former US Senator and advisor to President Johnson, George Smathers, put it: [After everything we’d done] “we could not all of the sudden say we are not going to let you come.”55 The Johnson Administration also feared that if they attempted to stop the boatlift, Castro would be able to exploit the US’s own shift in policy as a propaganda tool against it, again by highlighting the hypocrisy of the US position. Wayne Smith, the former head of the US Interests Section in Cuba has noted that:

We assumed that Castro wanted us—indeed, was trying to force us—to close off the sealift and to announce that we would accept no more refugees. The onus would then have been squarely on us, and from that point forward Castro could have crowed that not he but the United States refused to permit emigration.56

At the same time, as frequently happens within target states, there were those who doubted the credibility of Castro’s threats.57 His credibility was in question for three distinct reasons: first, because too little attention was being paid by those in Washington to what was happening on the ground in Havana for a realistic assessment to be made about Castro’s willingness to open the floodgates—in other words, the US government was suffering from a notable information asymmetry problem; second, because Castro had made similar, albeit vague, promises once before;59 and third, because it was widely—though mistakenly—believed by those in the US that Castro would view an outflow as too potentially destabilizing and threatening to his regime.60 As a *New York Times* editorial put it at the time, “It is difficult to believe that Premier Castro really will risk a mass exodus. But Mr. Johnson’s imaginative and magnanimous response is designed to find out.”61 And find out he did.

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55 Quoted in Engstrom, *Presidential Decision-making Adrift*, p. 21; and fn 52.
57 See, for instance, Lyndon Baines Johnson Presidential Library, National Security Files of McGeorge Bundy, CHRON FILE Oct 1-20, 1965 [3 of 3], “Memorandum for the President from McGeorge Bundy, Subject: Cuba and Cuban Refugees,” October 2, 1965, in which Bundy notes “the first time we said it [Castro’s] was a vague offer, and we would need to know whether he was serious.”
58 John H. Crimmins, Coordinator of Cuban Affairs at the State Department, has acknowledged that Castro’s announcement caught the US totally flat-footed. In contrast to the later two crises, no one in the US government had any prior knowledge that Cuba intended to start the exodus in 1965. See Engstrom, *Presidential Decision Making Adrift*, p. 20; and fn 47, p. 35.
59 See, for instance, “US Thinks Over Castro’s Offer, but Exiles Skeptical.”
60 Ibid.
Panic Mode: A Sudden Policy Shift Averts a Political Disaster

Within a week it was becoming increasingly clear that—much to the chagrin of US immigration authorities—"hundreds, if not thousands" of Cuban-Americans were responding to Castro's offer and planning to travel to Cuba bring their relatives back to the US. In the wake of Johnson's welcoming speech, telephone calls between Miami and Havana increased by 800 percent, while teletype traffic grew by 300 percent.61 By October 9th, Cuban-American exiles had organized a flotilla of small boats and set out for Camarioca, eager to arrive by the following day when the port would be officially opened. Those who did not own boats "scoured the marinas of south Florida to buy or rent one."65 At the same time, Time magazine reported that "newspapers and broadcasting stations had received hundreds of letters and phone calls objecting to the new influx of immigrants."64 Suddenly faced with a potentially much larger than anticipated (and imminent) influx, coupled with growing anxiety in Florida, the very next day, the Johnson Administration quickly changed tack and began a series of secret negotiations with Castro to normalize the outflow.65 The result, announced the following month, was a "Memorandum of Understanding," a formal agreement that established procedures and means for the movement of Cuban refugees to the US.66 On this same day—i.e., once the ink was dry on the Memorandum—Castro also closed the port of Camarioca.67 This was followed, in December 1965, by the establishment of an open-ended airlift, which would continue until 1973.68

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63 Engstrom, Presidential Decision Making Adrift, p. 23.
65 As an October 14 memo to the President notes: "The negative attitude expressed by the Governor of Florida and what appears to be mounting apprehension among Miami area residents, present a potentially serious situation. We are planning additional measures to keep the net increase of Cuban refugees in southern Florida to a minimum. [Bu]t the Governor and the Mayor are protecting their flanks. The Miami Herald is not helping either." From Lyndon Baines Johnson Presidential Library, National Security Files of McGeorge Bundy, CHRON FILE Oct 1-20, 1965 [2 of 3], "Memorandum for the President from McGeorge Bundy, Subject: Latin American Developments," October 14, 1965. Notice as well Bundy's recognition of the power of negative press coverage to undermine their policies in Florida.
66 However, the Memorandum did not constitute a formal normalization of US-Cuban immigration policy; that would have to wait until the aftermath of the Mariel boatlift fifteen years later. See Masud-Piloto, From Welcomed Exiles to Illegal Immigrants, p. 61-8, Engstrom, Presidential Decision Making Adrift, p. 28-28, and Gonzalez-Pando, The Cuban Americans.
68 The airlift resulted in the relocation of 270,000 Cubans by the time the airlift was ended in 1973. Rivera, Decision and Structure, p. 4.
Because the Johnson Administration—preoccupied with Vietnam and fearing a tragedy in the Straits of Florida—was so quick to propose an acceptable solution to the crisis, Castro swiftly acquiesced, and the crisis ended with little immediate political cost to either side.\textsuperscript{69} The Johnson Administration also helped itself combat potential costs by its domestic political forethought.

Cognizant of potential opposition in Florida—where the population was hostile to a new influx of Cubans—the airlift was designed so that most Cubans would be settled outside of the state.\textsuperscript{70} Likewise, the federal government not only arranged to pick up the entire resettlement tab, but also acted early enough—i.e., only four days after Castro announced he would open the border—that the necessary supplemental spending bill had been passed and the funds appropriated long before the true costs of the outflow would become evident to the host communities.\textsuperscript{71} As McGeorge Bundy put it to President Johnson on the day the Memorandum of Understanding was finalized:

[H EW] Secretary Gardner and Governor [of Florida] Ellington went on Monday to Miami to explain to State and local officials and community leaders what the Federal Government was planning to do to keep the impact of the new refugee movement to the Miami area to a minimum. \textit{They report pretty good success in calming those troubled waters.}\textsuperscript{72}

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\item \textsuperscript{69} Although examination of the correspondence from the affected constituencies and their Congressional representatives strongly suggests that the crisis engendered a less rapid and financially lucrative response from the Administration, a domestic political crisis was imminent. Lyndon Baines Johnson Presidential Library, White House Central Files—National Security-Defense (EXND 19/Korean War), ND 19-2/co, "Memorandum to George C. Cabrera, From Seymour Samet, Subject: Growing Negro-Cuban Tensions, Miami Florida," October 19, 1965; Lyndon Baines Johnson Presidential Library, "Letter from A. C. Adams to Lyndon B. Johnson," October 26, 1965. Folder: File: National Security-Defense; and Lyndon Baines Johnson Presidential Library, White House Central Files—National Security-Defense (EXND 19/Korean War), ND 19-2/co, "Memorandum to George C. Cabrera, From Harold T. Hunton, Subject: Growing Negro-Cuban Tensions, Miami Florida," October 19, 1965, in which Hunton reports—among many other troubling trends—that "we have a very tense situation here; a potentially dangerous one. Unless a major effort is launched immediately Miami may have had it. ... There are indications that tensions will continue to mount. Since the Federal Government is being cast as 'the villain' in the eyes of the community, efforts should be made to deal appropriately with the situation or severe consequences may result." Luckily, perhaps such efforts were implemented almost immediately thereafter. By January 1966, the potential for crisis had passed. Bill Bowdre reported that the "Negro-Cuban problem is under careful review—and control. The first month of the new refugee airlift brought in about 3,500 persons, of which approximately 60% were promptly resettled outside the Miami area." From Lyndon Baines Johnson Presidential Library, White House Central Files—National Security-Defense (EXND 19/Korean War), ND 19-2/co, "Memorandum for Mr. Califano, (from William G. Bowdre)," January 4, 1966.
\item \textsuperscript{70} See again "Memo" cited in fn 62; and interview with Smathers, cited in Engstrom, \textit{Presidential Decision Making Adrift}, p. 36, fn 64.
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Thus, the crisis never actually became negatively salient, because the Johnson Administration acted quickly to staunch the outflow before the crisis escalated further.

At the same time, however, Castro also learned a valuable lesson from the Camarioca migration crisis dress rehearsal, namely that the appearance of loss of control over US borders—coupled with the perception inside the US that Florida might be overrun—would be viewed by US leaders as politically costlier than the alternative of dealing with him. Thus if Castro could transform his own domestic problems into the US's problems—via the exploitation of outflows—he could coerce its leaders into helping him solve them. In other words, Castro quickly learned that he was effectively able to “manufacture negotiating leverage for itself as a result of its own weakness by negotiating its own options and relying on the ‘goodwill’ of the US, while simultaneously retaining the capacity to threaten [his] counterpart’s interests.” And the most impressive part was of all was that the weak actor Castro was able to negotiate this outcome with his superpower target after fewer than 681 (!) Cubans had entered the United States.

B. The 1980 Mariel Boatlift: Castro's Second Migration Gambit

Castro in a way, is using people like bullets aimed at this country.

—Carter White House aide, Jack Watson, May 1980

In early 1980, portents of another mass outflow began to emerge. The Cuban economy stood at a five-year nadir, its GDP having shrunk by five percent since the previous year, as world sugar

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73 Interview with (at his request, unidentified) European diplomat, formerly stationed in Havana, who has had a close and long-standing relationship with the regime, November 1999.
76 Ibid. These quotations were gleaned from White House and State Department briefings in late May and June 1980. Such sentiments were echoed in discussions at the Cuban-Haitian Task Force, the Cuban Desk, and the Bureau of Refugee Programs. See Rivera, Decision and Structure, p. 23.
77 Numerous attempts at a rapprochement with the US were attempted between 1977 and 1980, including via a) meetings between Castro and Senator Frank Church, Chairman of the US Senate’s Foreign Relations Committee, in August 1977—James Earl Carter Presidential Library, WHCF, CO 20, Box Co-20, File CO 38 [1/20/77-1/20/78]; b) the use of private intermediaries like businessmen Bernardo Benes and Charles Dascal as liaisons in March 1978—DM ZB Geographic File, Box 10, File [Cuba 2/8-4/78]; and c) through additional Congressional visits, including Senators George McGovern, Claiborne Pell, and James Abourezk. Meetings were also held in New York in June 1978 between mid-level US and Cuban officials. James Earl Carter Presidential Library, DM ZB, Box 10, File [Cuban 5/78-8/78]. Also, early in the spring of 1980, some low-level discussions took place in Washington and Havana on the applicability of the 1980 Refugee Act to Cuban
prices plummeted. Castro himself candidly admitted, in a December 1979 speech before the National People's Assembly, that Cuba was "sailing in a sea of [economic] difficulties." Meanwhile, the visits by exiles living in the US, which had begun in late 1978, were making painfully plain what might be politely described as "the contrast" between life in Cuba and in the US. At the same time, further discord was arising from the fact that beginning in late October 1979, a growing number of Cubans began forcibly hijacking Cuban vessels to the US. In violation of the 1973 Hijacking Treaty, the US response was to immediately parole the hijackers and to make little or no effort to prosecute them, which greatly angered the Cuban government. After each hijacking the Cuban government would issue a diplomatic note of protest, which the US government would proceed to ignore.

Warnings Issued, Demands Articulated

Then, on February 19, 1980, in a meeting between Cuban Vice President, Rafael Rodriguez, and Wayne Smith, Head of the US Interests Section in Havana, Rodriguez proclaimed that the Cuban government was distressed over the welcome extended to Cubans illegally leaving the island and over the unwillingness of the US to admit more Cubans under its immigration programs. According to Smith, Rodriguez said:

You turn people away everyday at the Interest Section when they apply for entry documents, but if they enter illegally you greet them with open arms... As you are not applying your laws, we may well stop applying ours. We are considering [an] announcement that any Cuban who wishes to leave will be given [an] exit permit and can go to...Camiroca to be picked up by relatives or friends from [the] US.

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60 This perception was made worse by the fact that exiles—for political and personal reasons—returned bearing lavish gifts and stories of "streets paved with gold."
61 Engstrom, Presidential Decision Making Adrift, p. 48; Masud-Piloto, From Welcomed Exiles to Illegal Immigrants, pp. 96-7. An August 1980 Miami Herald editorial noted: this is an issue "the Cuban government resents deeply...Americans logically cannot condone a crime of violence when its perpetrator is headed North, but condemn it when the criminal wants to go South." Miami Herald, August 19, 1980, p. 6A, cited in Masud-Piloto From Welcomed Exiles to Illegal Immigrants.
62 Masud-Piloto, ibid.
63 Some media reports suggest, however, that the issue had been raised at several previous secret meetings in the late 1970s. See, for instance, Guillermo Martinez and Helga Silva, "Carter aides, Cubans met secretly," The Miami Herald, October 12, 1981, p. 1.
64 Department of State, "Cuban Intention to Reopen Camiaca," Telegram 1681, USINT, Havana to Secretary of State Vance, Washington, DC, February 21, 1980.

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Smith viewed the Cuban Vice President's threats as credible and requested guidance from Washington as to how to proceed. "I believe Cubans are serious in expressed intention to reopen Camarica... It seems to me we are faced with a basic decision: do we wish to dissuade Cubans from going back to [the] Camarica syndrome, and if so, how?" However, according to Smith, no such guidance was forthcoming.

Two weeks later, the Cuban government repeated its threat. However, this time the warning came directly from Fidel Castro who on March 8th declared that:

We hope [the US] will adopt measures so they will not encourage the illegal departures from the country because we might also have to take our own measures. We did it once... We were forced to take measures in this regard once. We have also warned them of this. We once had to open the Camarica port... We feel it is proof of the lack of maturity of the US government to again create similar situations.

Castro issued another similar threat a few weeks later, declaring that Cuba would be forced to open its borders if the US government did not stop giving asylum to Cubans who commandeered ships to the US.

There were further warnings and sources of intelligence. First, in February 1980, the CIA's Cuba Analytic Center had issued a report warning that Castro might again unleash large-scale emigration. Second, throughout this period Cuban exiles in Miami repeatedly warned federal officials that the Cuban government had made plans to open Camarica or the Barlovento Yacht Basin in Havana. Finally, on March 27, 1980, Cuban Interest Section Chief Ramon Sanchez-Parodi reportedly told State Department officials point blank that Castro's government was seriously considering another Camarica, but that while the threat was "real", "it would be exercised only as a last resort if [the] US did nothing to accelerate intake of Cubans to [the] US or deter hijacking of

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81 Ibid.
82 1988 Interview with Smith, cited in Engstrom, Presidential Decision Making Adrift, p. 57, fn. 28.
85 See 96th Congress, House of Representatives, Permanent Select Committee on Intelligence, Subcommittee on Oversight, The Cuban Emigrés: Was There a U.S. Intelligence Failure?, April 1980.
87 Interview with Manuolo Gomez, Director of the Cuban-American Committee, cited in Engstrom, Presidential Decision Making Adrift, p. 50.
Cuban vessels" (author italics). In short, the Carter Administration had concrete and multi-sourced intelligence on the conditions on the ground and clear warnings of Cuban intentions. But for reasons I shall highlight below, no policy guidance was forthcoming, no diplomatic overtures were made, and no preparatory actions were taken.

Cry Havoc, and Let Slip... the Demographic Bombs of War?

On April 1, 1980, six Cubans crashed a bus through the front gate of the Peruvian Embassy, amid a hail of gunfire that resulted in the death of a Cuban guard. Much to the annoyance of the Castro government, the Peruvians granted the gate crashers political asylum and rebuffed repeated requests that the six be returned. In response, Castro announced that he would remove the security forces and the barricades that surrounded the Peruvian embassy. He further announced that anyone who wanted to leave the country should show up at the embassy, and he would permit them to go to any country that would take them. Within three days, 10,000 Cubans had crowded into the embassy complex, creating a major embarrassment for Castro and a big political headache for those ostensibly committed to the "free emigration of peoples." The UN High Commissioner for Refugees would offer no assistance, claiming that "the problem was not in his jurisdiction because 'scammers' were not refugees, they were just people wanting to emigrate." Neither would many in the international community, most of whose member were "relieved that the Mariel formula put the onus on [the] US [and removed it from them]." For its part, Peru agreed to grant asylum to only 1,000 of the embassy crashers. However, it appeared that the crisis would be averted when Costa Rica offered to take all 10,000 on a temporary basis,

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91 Department of State, "Camarioca," Telegram 85959 to Secretary of State Vance, Washington, DC to USINT, Havana April 1, 1980.
92 See, for instance, Gonzalez-Pando, The Cuban Americans, pp. 65-6.
93 Department of State, "Peruvian Embassy Situation—What the Cuban Press Does Not Say," Telegram #3971, USINT, Havana to Secretary of State, Washington, DC, April 24, 1980.
94 According to former Castro regime insider, Llovio-Menendez: "Fidel devoted himself body and soul to this crisis from its outset. He set up what was called his 'war headquarters' in a house near the Embassy and from there directed a three-part strategy aimed at containing the embarrassment of events and, if possible, taking advantage of them." Jose Luis Llovio-Menendez, Insider: My Hidden Life as a Revolutionary in Cuba, translated by Edith Grossman (London: Bantam Books, 1988), p. 384.
95 Department of State, "Cuba Refugee Problem," Telegram #98652, Secretary of State, Washington, to American Embassy, Lima, April 15, 1980.
96 Masud-Piloto, From Welcomed Exiles to Illegal Immigrants, p. 81.
97 Department of State, "Cubans Push Small Boat Departures as a Solution," Telegram 3998, US Interests Section (USINT), Havana to Secretary of State Vance, Washington, DC, April 25, 1980.
and to serve as a processing center while their asylum claims were processed.98 Nevertheless, this respite was to be very brief, indeed.

Having made threats to re-open Cuba's borders, Castro decided the time was ripe to follow through on them. Via editorials published in Granma, between April 19 and 21 Castro publicly invited Cuban exiles to come by sea to the island and pick up, not just the refugees who had originally sought asylum at the embassy, but anyone who wanted to leave.99 He also contacted the Cuban-American community directly to encourage them to come and pick up their relatives.100 Any doubts about the seriousness of Castro's offer had dissipated by April 21 when the first 40 Cubans landed on Florida's shores. Within three days, over 1,000 boats had sailed for Cuba. A week later Castro announced: "Camarioca was nothing compared to Mariel. We really have an open road. Now let us see how [the US] can close it."101 Unfortunately, for the US, it could not do so.

The 1965 Camarioca boatlift had plainly demonstrated what limited political—if not, physical—capacity the US had to prevent boats from sailing to Cuba. If anything, exercising such control had gotten a whole lot harder in the intervening 14 years.102 Thus when the editorials in Granma called the Cuban-Americans to act, they were ready. Within three days of the first arrivals in Miami on April, over 1,000 boats had sailed from Florida to Mariel Harbor.103 Within a month, more than 75,000 Cubans—including a non-trivial number of Cuba's criminals, mentally ill, and chronically infirm—had been boat lifted to the US, despite the Carter Administration's earnest attempts to stop them. By the time the crisis ended in late September, more than 125,000 Cubans had arrived in the US. In short, Castro had once again transformed what had begun as a domestic Cuban crisis into an international and American domestic crisis, and did so via what

98 Masud-Piloto, From Welcomed Exiles to Illegal Immigrants, p. 82.
99 Granma editorials—full cites
100 "On Fidel's orders, Cuban agents and exiles with whom the Cuban government maintained quiet contacts were told to spread the story in Miami that any boat that reached Cuba would be allowed to take relatives out." Llorto-Menendez, Insider, p. 385.
102 Two changes in the Cuban-American community since the Camarioca crisis promised to make the Mariel boatlift a different ballgame entirely. One, the community had almost doubled in size since 1965—meaning more could participate—and two, their resources had grown substantially as well. Engstrom, Presidential Decision Making Adrift, p. 62.
then US Coordinator for Refugee Affairs, Victor Palmieri, had characterized as “a form of guerrilla warfare.”

In a clear indication that an asymmetric political jujitsu strategy was exactly what Castro had in mind—as well as that Castro had a clear appreciation for the power of hypocrisy costs—former Castro regime insider, Llovidio-Mendendez, has noted:

Fidel had a hidden motive, too, for provoking the mass exodus. His scheme was conceived at the very beginning of the crisis in response to the United States’ contradictions and vacillations. ... On the one hand, President Carter had proclaimed that the United States would receive them with “open arms”; on the other hand, the authorities in Miami had threatened to confiscate the boats that returned from Cuba with refugees on board so that the boats could not go back to Mariel to pick up more Cubans.

Further evidence is suggested by Castro’s decision to include a number of so-called “undesirables” as part of the outflow. (“I’ll fill his arms with sh-t!”, Castro was reported to have said at the time.) It had the virtue of demonstrating that indeed many of those leaving were the “criminals, lumpen, and antisocial elements, loafers and parasites” that Castro had said wanted to leave. But it was also bound to generate the kind of additional fear and outrage among segments of the target public on which two-level coercion depends. Moreover, their inclusion further strengthened Castro’s hand since—as soon became clear—the Administration would find it nearly impossible to return these undesirables without his assistance.

The Response of the US as Target—A Nearly Unmitigated Failure

By 1980 public opposition to refugees—particularly in Florida—was acute. Although rates of immigration had been low during the Nixon and Ford years, between 1976 and 1980, almost 2.5

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104 Rivera, Decision and Structure, p. 7.
105 (Again, granting the grain of salt with which exile testimony must be taken.) From Llovidio-Mendendez, Insider, My Hidden Life as a Revolutionary in Cuba, p. 388-89.
106 Ibid.
107 Smith, p. 214; Granma, April 19, 1980.
108 As indeed they did. See, for instance, James Earl Carter Presidential Library, Staff Office Counsel Files Lloyd Cutler, Box 70; Cuban Refugees, “Memorandum for the President, from Lloyd Cutler, 6/3/80; Subject—“Criminal Statutes and Cuban Parolees;” and James Earl Carter Presidential Library, Domestic Policy Staff Files, Eizenstat, Box 178, File: Cuban Refugees [CF, Ola 703] [1], Memorandum from Stu Eizenstat, From Frank White, Subject: Your 2:30 meeting re return of undesirable Cubans.” See also Office of the US Coordinator for Refugee Affairs, text of speech given to UNHCR, October 6, 1980; and Rivera, Decision and Structure, p. 12.
109 As early as May 3, editorial calling upon the Carter Administration to exercise greater control over Cuban emigration to South Florida, contending that South Florida could not handle the influx started to appear. See, for instance, Miami Herald, May 3, 1980, p. 6.
million immigrants had arrived in the US, along with several hundred thousand Indochinese refugees. By 1979 a variety of public opinion surveys revealed that between 57 and 66% of the American public were opposed to additional inflows, and a 1980 Gallup Poll found that 66% of those queried favored an immigration freeze until the unemployment rate fell. In short, the general public in Florida wanted the boatlift stopped...and fast. (For instance, one May 5th memo to the President noted that the Florida Congressional delegation "has been besieged by its constituents" about the refugee influx in Florida.) At the same time, the Cuban-American community—which had in recent years doubled in size and substantially increased its political clout and financial resources—was committed to keeping it going. Meanwhile, the occupant of the White House was the "human rights" President, James Earl Carter—whose Administration had declared that "by emphasizing human rights America could make itself the carrier of human hope, the wave of the future." As such, Carter was particularly vulnerable to accusations of bad-faith and hypocrisy in the refugee realm. It was in this complex and highly contentious political environment that Castro launched his Mariel boatlift.

Faced with these competing and—at times, irreconcilable—political pressures, the Carter Administration floundered its way through the crisis, trying to please everyone, and, in the end, pleasing no one. Indeed, as Castro had anticipated, the Carter Administration found itself trapped between two sets of competing, and seemingly irreconcilable interests: one, would-be Cuban refugees and their supporters; and two, those opposed to their reception and assimilation. As one memo noted:

Our heritage as a nation of immigrants and your human rights policy compels us to respond in a compassionate and humanitarian way to the current and potential flow of Cubans and Haitians (and others)...[yet] there is also an undercurrent of concern that these

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15 Mitchell notes that the Cuban-American community was widely recognized by those in Washington as a "potent swing-voting bloc in a state with a rich cache of electoral votes." From Mitchell, "The Political Costs," p. 90.
new arrivals will compete for limited health and social services and that there ought to be a limit to the ability and willingness of the U.S. to take refugees.\textsuperscript{116}

The scope, magnitude and seeming intractability of the problems they were facing were made clear in another memo, this one from White House aide, Jack Watson, to President Carter:

Based on my one week’s submersion in this problem, I have painfully concluded that the government’s current posture and policies towards refugees are filled with contradictions, implausibilities, unrealistic assumptions, and impractical answers. The extraordinary circumstances posed by the current Cuban and Haitian emergency simply illuminate very starkly some of the underlying inconsistencies and problems in our laws that must be addressed with the Congress.\textsuperscript{117}

Basically, according to Watson, the Administration was hoist.

Another memo further highlighted some of the dangers of competing domestic interests at play—as well as the Administration’s own lack control over them—and the potential hypocrisy costs they entailed:

The normal administrative machinery is inappropriate to cope with the special problems posed by the Cuban refugee situation... The Cuban community in Florida is taking matters into its own hands. The Coast Guard reports 600 boats en route to Cuba to bring refugees to Florida. These issues are compounded by growing resentment in the national black leadership that we are treating Cubans preferentially as compared to Haitians.\textsuperscript{118}

Similarly, at an April 26\textsuperscript{th} meeting, the Administration made a crucial decision regarding interdicting Cuban nationals once they had embarked. Noting that the US had opposed Thailand’s and Malaysia’s policies of pushing back to sea boats loaded with Vietnamese refugees, Vice President Mondale stated that the Administration could not do what it had criticized other countries for doing.\textsuperscript{119} “Such a policy would have also undercut efforts to co-opt the Cuban-Americans. Victor Palmieri observed, ‘All you needed was one news copter overhead while you were pushing them out to sea. The Cuban community in Miami would have gone crazy.’\textsuperscript{120} In short, evidence suggests that

\textsuperscript{116} James Earl Carter Presidential Library, CR&J, White Files, Refugees, Cubans and Haitians [6], “Undated draft Memorandum for the President, from James T. McIntyre, Jack Watson, and Stu Eizenstat; Subject: Strategy for dealing with status and benefits of Cubans and Haitian arrivals.”

\textsuperscript{117} James Earl Carter Presidential Library, “Memorandum for the President, From: Jack Watson, Subject: Cuban Refugees—A Status Report,” May 2, 1980, DPS Eizenstat, Box 178, File Cuban Refugees [CF, O/A 730] [1].

\textsuperscript{118} James Earl Carter Presidential Library, DPS Eizenstat, Box 178, File Cuban Refugees [CF, O/A, 730] [2], “Memorandum for the President, From Stu Eizenstat, Jim McIntyre, Jack Watson, and Anne Wexler, Subject: Caribbean Refugee Issues—Zbig’s Memo of April 23,” April 24, 1980.

\textsuperscript{119} James Earl Carter Presidential Library, Notes of Stuart Eizenstat, Cuban/Haitian Refugee Situation File, April 26, 1980.

\textsuperscript{120} Interview with Victor Palmieri, quoted in Engstrom, Presidential Decision Making Adrift, p. 74.
the Administration was, almost from the outset, acutely conscious of the dangers of the competing domestic interests, of having to navigate in a sea of self-contradictory refugee policies, and of the potentially large hypocrisy costs they were facing. At the same time, they appear to have been at sea as to what to do about it. The possibility of negotiating a settlement with Castro, however, was not an option under consideration.

The Hypocrisy Cost Trap: US Meets Threats with Defiance

Instead, like Johnson before him, President Carter's first public pronouncement on the boatlift was a defiant speech, in which he reaffirmed the US's open-arms policy to Cubans fleeing Castro's regime, proclaiming "we'll continue to provide an open heart and open arms to refugees seeking freedom from Communist domination." Again, like Johnson before him, Castro he immediately found himself in political hot water as a consequence of these remarks. Although the focus of Carter's comments had been directed at a growing public backlash, especially in Florida, against the Mariel Cubans, when positioned against previous administration statements, Carter's words were interpreted as explicit encouragement to those wishing to flee and to those helping them. The situation was made still worse by Carter's use of the word "refugee" to describe the Cubans—when other administration officials had intentionally used "asylum seekers"—which further suggested that Carter had unilaterally decided the status issue, which he had not.

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113 There is also evidence to suggest that Carter had long been aware of the potential risks and political costs associated with going public with expansive promises. For instance, Carter himself composed a hand-written note on a memo to Secretary of State, Cy Vance, in preparation for a 1977 meeting that Richard Holbrooke was to have with the Vietnamese in Paris, declaring he was to "minimize press statements—[to] avoid excessive expectations." From James Earl Carter Presidential Library, "Memorandum for the President, From: Cyrus Vance, Subject: US-Vietnamese Talks in Paris; copy signed and annotated by the President," National Security Affairs Files, Zbig Brzezinski Material, Box 35, File Vietnam 1/77-12/78.

114 See, for instance, "Cubans at the Peruvian Embassy in Havana: Policy Options," James Earl Carter Presidential Library, Staff Office Files, Special Assistant to the President—Torres, Box 17 File[Cuba 12/7/79-2/14/80].


116 See, for instance, a memo from Esteban Torres to Jack Watson, in which Torres admits that their "meeting with community leaders on Saturday left much to be desired. Frankly, we lost control." Misfiled in Carter Library, Staff Office Files, Special Assistant to the President—Torres, Box 17 File[Cuba 12/7/79-2/14/80].

117 Carter Library, DPS Eizenstat, Box 178, File: Cuban Refugees [C/F, O/A 730], "Undated memo, Title: Notes for 12:00 meeting" (written by Stu Eizenstat).
That the Administration was at a loss as to how to deal with the prevailing domestic discord—i.e.,
the heterogeneity of preferences regarding policy responses—is clear from the following reflective
and telling memo, written by Stu Eizenstat soon after Carter's speech:

"The Problem: We don't have an acceptable policy. Until the President's statements on
Monday, our public posture was: (1) We were opposed to the boat flotilla and would
enforce our laws. (Enforcement was half-hearted and did not include stopping (sic) boats
from leaving to make the trip.) (2) However, we would not return anyone who reached our
shores...This initial half-in half-out policy alienated everyone. The Cuban community was angry
since we were not providing any assurance that their relatives could come; the alleged enforcement
policy offended those who believed it was contrary to our traditions; persons opposed to massive refugee
intake believed our enforcement efforts to be ineffective.

The overall impression was of indecisiveness and that the U.S. was once again the victim of
Castro's most recent machinations....The President's statements served both to clarify but
complicate the problem. The clear thrust of his answer was that the U.S. would receive
and welcome this most recent group fleeing Cuba....His statements further confused the
situation in a number of ways: (1) The mood of Congress (and perhaps the country) is
generally restrictive at the moment and there appears to be some negative fall-out... (2) We
should have done some consultation on the Hill before taking an 'open arms' posture.
(There is harsh resentment and relief up there that we did not.) Resentment by the people
who oppose the policy. Relief by those who realize the difficulty of the decisions and are
eager to have the President take the heat. (3) The President was not adequately briefed on
the entire subject. He continually uses the word 'refugees' when the rest of the
government is deliberately using 'asylum-applicant' and this has led to confusion about
whether we have unilaterally decided the status question.

Our attempts to narrow the President's remarks have reintroduced confusion, suggesting
that we are back in the twilight zone again."\textsuperscript{187}

From Twilight Zone to Panic Zone

In a clear sign that Eizenstat's fears were not misplaced, only one day after his "open hearts and
open arms speech" Carter declared a state of emergency in Florida. A mere eight days after that
Carter was compelled to reverse his aforementioned welcoming stance and take actions to halt the
boatlift. Basically, after three weeks of trying to juggle the problems—and the refugees!—piling up
daily at Key West, while it stalled for time, hoping that the flow of Cuban exiles would slow or
that Castro would stop the outflow, the Administration decided a change in tack was unavoidable.

Thus on May 14\textsuperscript{th}, Carter made a new, formal declaration of US policy. Unfortunately the new one
looked to observers as an abrupt reversal of his "apparently heartfelt but ill-prepared 'open heart
and open arms' statement" nine days before.\textsuperscript{188} The Carter Administration then appealed to the

\textsuperscript{187} Ibid.
\textsuperscript{188} Schram and Babcock, "President Moves to Halt Illegal Cuban Boatlift."
exile community for assistance with the implementation of its new policy. It threatened arrests, heavy fines, and vessel confiscation for those who continued to bring refugees into the US, while promising that it would replace the boatlift with an “orderly sea- or air-lift.” This “air-lift” offer was summarily rejected, while the threats of sanctions were ignored or deemed incredible. As Palmieri put it:

I have always thought this is one of the greatest jokes that this group of highly ranked government officials would sit there for a week...thinking they were going to cop-opt these crazed Cuban freedom fighters who came up to the State Department to say “get lost, we are not going to call off the boatlift.”

The Administration’s already abundant problems were further aggravated by the fact that both the Cuban-American community and the US national media—which had praised Castro’s “open hearts and open arms” statement—lambasted the Administration for its rapid “policy turnabout.” Within the Administration, there was rightful concern about the mixed message its policy flip-flop had sent. In an internal memo to Lloyd Cutler, one staffer mused, “It is extremely confusing to the public to hear on the evening news generous expressions of welcome for the refugees who arrive by private boats juxtaposed with threats of executions and fines on these very boats.” And as Jack Watson put it, “We did not want to say we were going to do something and then be seen by the community...as not doing it. That did not help us.” Meanwhile, in Havana, Gramma—in cartoons and editorials—lampooned the Administration’s “foundering attempts” to take control of the crisis and proclaimed: “Carter governs in Florida, but in Mariel, Cuba governs.”

The Hubris of Power

Still faced with competing—and seemingly irreconcilable domestic constituencies—many within the Administration remained steadfastly opposed to approaching Castro directly. They held fast to

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129 Interview with Victor Palmieri, quoted in Engstrom, Presidential Decision Making Adrift, p. 80. As one Cuban-American put it at the time: “I want to see them arrest these hundreds of Cubans. I want to see them arrest me for going to get my parents. I want to see them arrest me and keep me from feeding my children.” Quoted in “Hundreds in Boats, Defying US Sail for Cuba to Pick Up Refugees,” New York Times, April 24, 1980, p. A10. Another said: “If they fine us, they’ll end up with a lot of boats on their hands, because we can’t afford to pay,” he said. “They’d have to put me in jail and feed me for the rest of my life.” Quoted in Margot Hornblower and Charles R. Babcock, “Cuba to Disregard U.S. Effort to Halt Refugee Boatlift; Fiotilla Is Unfazed By Stiffer Policies; Refugee Boatlift Unfazed,” The Washington Post, May 16, 1980, p. A1.

130 Rivera, Decision and Structure, p. 7.

131 James Earl Carter Presidential Library, Files of Lloyd Cutler, Box 70; Cuban Refugees, “Memo to LC from Philip Bobbitt, May 13, 1980.


133 Ibid., p. 116.

134 Gramma, May 15, 1980.
the view that the US retained the upper hand, and the Cubans would soon crack. As late as May 9th—more than three weeks into the crisis—the NSC's Latin America Director, Robert Pastor claimed: "our international strategy has been quite successful in maximizing international pressure on Castro, and he is clearly feeling it....In summary, our policy is to continue to take all who arrive, to marginally deter additional arrivals, and to await Castro's decision to work out a reasonable solution."35 On the same day Pastor's colleague, David Aaron, sent a similarly minded memo to the President, in which he said:

Our information on events in Cuba is admittedly spotty, but there is an increasing body of evidence suggesting that the exodus to the Peruvian Embassy and to Mariel has unleashed powerful human forces in Cuba, which Castro is having a difficult time trying to contain...He can no more control his population than we can control the Cuban/American community right now. But he is faced with a much more serious problem than we. Our major concern is how to cope with the dislocations of a new refugee population. He is dealing with a revolution—his revolution—which may be unraveling. Unquestionably, he will stop the emigration and the violence before it goes too far. ... But he is feeling the pressure, and he is trying to get us to scream first.19

Still, as weeks went by, the number of arriving Cubans grew from several thousand to one hundred thousand, and still Castro did not back down. By early June, even the hard-liners in the Administration were willing to concede that they had a real crisis on their hands. Not only was the Administration facing a hostile public reaction and growing unrest among the Cuban refugees, but they were also under increased media scrutiny. The press had started asking hard questions, including if and when the CIA had warned the President that Castro might unleash a mass exodus, and whether any actions had been taken in response.17

Moreover, the Administration was confronted with an antagonistic and resentful response from some quarters of the government itself, as an excerpt from early June one memo makes clear:

Here are some random thoughts regarding the meeting [about how to deal with the return of undesirable Cubans]: State Department and military people approached the discussion as if the President had an unfortunate 'domestic' political problem in which their help was sought. Their attitude was almost that 'there are some limits beyond which you should not ask us to go to solve your political problem. ... Every discussion is laced with (a) dire predictions of what Castro will or

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36 James Earl Carter Presidential Library, David Aaron /MH ZB; 71-81 (9/78-12/78); File: Weekly Reports to President 136-150 [4/80-8/80].

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won’t do, and (b) all the reasons in the world why we cannot take effective counter actions (author italics).\textsuperscript{138}

The same memo also noted that:

the tone of events has become even more negative in the last 10-14 days. Even if Castro were now to accept our offer of pre-screening in Cuba in order to send more here, I would strongly question whether Congress or the public would let us negotiate for another 100,000.\textsuperscript{99}

The Role of the African-American Community

As suggested above, the prevailing political crisis was further exacerbated by the apparent differential treatment afforded asylum seekers from Cuba and from Haiti. Two weeks into the Cuban crisis, the President’s advisors were warning that the Cuban problem was being “compounded by growing resentment in the national black leadership” that they were treating Cubans preferentially as compared to Haitians. “For substantive and political reasons the White House needs to exercise greater leadership and control of the Government’s response to the situation.”\textsuperscript{140} Administration officials were right to be concerned. In mid-May a scathing telegram arrived from the Congressional Black Caucus, in which the Administration was excoriated for “the legal, moral, and political implications” of their position, which were “devastating” and “indesensible in the black community and [would] not [be] soon forgotten.”\textsuperscript{144} In an April 18\textsuperscript{th} memo, Frank White noted:

while initial support for the Haitians came mainly from the Black Caucus, there is evidence that a broader consensus may be emerging...critics argue that most of the Cubans who want to leave to find a better life and not because of political involvement and, in that respect, are just like the Haitians. [Special Assistant to the President], Louis Martin believes [this disparity of treatment] is a serious political problem for the President and that we need to better explain our policy or change it. …No one is entirely comfortable with our existing practices and all agree that the Cuban decision—even if correct standing alone—makes our Haitian policies suspect.\textsuperscript{142}

Pressure was growing in other quarters as well, as others joined with the Caucus to criticize the apparent hypocrisy of the American position; supporters included a variety of celebrities, national

\textsuperscript{99} Ibid.
\textsuperscript{140} James Earl Carter Presidential Library, CR&J, White Files, Refugees, Cubans and Haitians [7], Box 23, “Memorandum to the President,” April 24, 1980.
\textsuperscript{144} James Earl Carter Presidential Library, CR&J, White Files, Refugees, Cubans and Haitians [4], “Telegram to the President from the CBC,” May 15, 1980.
\textsuperscript{142} James Earl Carter Presidential Library, DPS Eizenstat, Box 178, File Cuban Refugees [CF, O/A, 750] [2], “Memorandum for Stu Eizenstat, From Frank White, Subject: Haitian Refugees,” April 18, 1980.
religious leaders and Congressional representatives. Before Congress, Walter E. Fauntroy criticized the Carter Administration in the strongest terms, proclaiming that:

We, as black people, want to make it clear that we understand the connection between treatment of the Haitian refugees and the regard which (sic) this administration may have for black people here at home. For the administration to fail to address this issue immediately and in a humane and rational way by granting political refugee status by May 15, 1980, when the President’s power to grant refugee status on a group basis to the Haitian boat people already in the United States expires, would condemn this administration as one of gross hypocrisy and racism.

In a clear sign of the political damage that the existence of this hypocrisy could cause, the Reverend Jesse Jackson explicitly threatened that if Carter did not change his policy towards Haitians in short order, Jackson would instruct the black community to stay home on Election Day, rather than vote for Carter. As he was to later put it, “Whites are greeted by the Statue of Liberty and blacks are deleted by the statute of limitations.”

When All Else Fails, Do An About-Face...Twice

Confronted with more than 100,000 Cuban boat people, an increasingly hostile public, riots in the refugee camps, buck-passing government officials, and mounting criticism and charges of racism and hypocrisy from the African-American community, the Carter Administration finally decided to abandon the idea of waiting for Castro to make a conciliatory move and approached the Cubans for help in ending the crisis.

Astonishingly, however, even at this point no one inside the Administration—baring, perhaps, a few people at the State Department and in Havana—yet recognized that Castro was trying to accomplish anything strategic with the outflow. Hence, when US officials showed up in Havana

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143 Ibid.
145 To avoid further discrimination charges and defuse the crisis, Carter was compelled to create a new classification, namely "Cuban-Haitian Entrant (status pending)," which promised equal treatment for all those Haitians who had arrived prior to-and during-the Mariel crisis.
146 Jackson, quoted in Masud-Piloto, From Welcomed Exiles to Illegal Immigrants, p. 118.
147 James Earl Carter Presidential Library, Files of Lloyd Cutler, Box 70, Cuban Refugees, "Memorandum for the President, From Warren Christopher, Subject: Hijacking of Cuban Vessels," June 26, 1980; Tarnoff memo and interview, as well as Smith, The Closest of Enemies and Engstrom, Presidential Decision Making Adrift.
148 Reportedly, one Cuban representative later said, "the miscalculation was on your side.... Someone in Washington should have answered our notes on maritime hijacking." This was reported by Wayne Smith,
to meet with Cuban authorities in mid-June, they did not come to negotiate; they came to dictate. The meeting was, according to one participant, "a disaster." US officials offered the Cubans nothing; they simply demanded a suspension of the boatlift.\footnote{Smith claims that an earlier, more conciliatory offer, was rejected by Pastor (and the NSC). Smith says Pastor said, "We thought the other approach was too soft." Ibid., p. 216.} Not surprisingly, therefore, the Cubans promptly rejected the US proposal. According to then head of the US Interests Section in Havana, Wayne Smith, "As soon as the Cubans realized that we had come only to demand suspension of the sealift, they turned us out."\footnote{Smith interview, quoted in Engstrom, Presidential Decision Making Adrift, p. 121.} "The Cubans came in waiting to hear us say that this would be the first step in a process. \textit{That} was the key, the \textit{sine qua non}. When we didn't say it, the talks were finished."\footnote{Quoted in ibid.} As Cuban representative Ricardo Alarcon, then Vice-Minister of Foreign Relations, responded at the time, "if we ever get back to negotiating anything, it will have to be on the basis of a step-by-step process based on reciprocity…. We aren't going to sit down with you to talk about stopping the Mariel operation and then have that be the end of it."\footnote{Ibid., p. 216.} In the end, more than three additional months would pass—during which American opinion on the Cuban/Haitian situation would reach "70-80 percent negative," with 75 percent of the American people saying the Cuban refugee situation is "bad for our country"\footnote{Engstrom, Presidential Decision Making Adrift, p. 121. See also fn. 115, for details of an interview with US State Department negotiator, Peter Tarnoff. See again Smith, The Closest of Enemies and Alex Larrusele, The 1980 Cuban Boatlift: Castro's Ploy—America's Dilemma (Washington, DC: National Defense University Press, 1988).}—before the US made the kind of proposal the NSC had rejected as too placatory the previous spring, namely that the migration talks would be linked to a future (broader) agenda.\footnote{Although a recently declassified memo from Brzezinski to President Carter leaves some small room for doubt. ZB claims that Tarnoff "is not entirely trustworthy. He cooked up his trip to see Fidel Castro, claiming that the Cubans wanted to talk to us but, in fact, when Castro met with Tarnoff and Pastor, Castro made clear the entire meeting was at the State Department's initiative." James Earl Carter Presidential Library, ZB Files, Meetings—Muskie/Brown/Brzezinski, [5/80-6/80], "Memorandum for the President, from ZB; Subject: Unity and the New Foreign Policy Team," May 1, 1980.} Very shortly thereafter, on September 26, 1980, the Cubans "unilaterally" closed the port at Mariel. Smith, State Department envoy Peter Tarnoff,
proposal been forwarded, and thus in all likelihood 100,000 fewer Cuban refugees would have come
to the US.\textsuperscript{157}

Asleep at the Switch
Nevertheless, arguably a greater failure occurred even before the boatlift even began. It was the
fact that the Administration long failed to even recognize that a crisis was afoot. While—as noted
above—myriad warnings about Cuba had been issued, they were not received by actors with
either the political power or the acuity to respond to them. The reasons for this were four-fold.
First, in a period fraught with a variety of foreign policy crises from Iran to Afghanistan, Cuba
would not become a front-burner issue until it actually became a crisis and threatened to generate
a policy panic.\textsuperscript{158} As former Assistant US Attorney General, Charles Renfrew put it: “You are
fighting so many firefights at the same time. When you look back, all you can see is the scorched
earth. Mariel really deserved a lot of time [that it didn’t get] and a policy established [which
didn’t happen].”\textsuperscript{159} This was even true within that part of the Carter policymaking apparatus
devoted to making and managing refugee policy. Distracted by their need to handle the ongoing
Cambodian, Vietnamese, Afghan, and Somali refugee crises, while also putting the finishing
touches on the Refugee Act of 1980, as US Coordinator for Refugee Affairs, Victor Palmieri put
it, “Cuba was not on the radar screen.”\textsuperscript{160}

Second, because relatively few in the Carter administration had foreknowledge of the Camarioca
crisis, they ignored repeated warnings that Castro was considering reopening it. As Engstrom put
it: “The word ‘Camarioca’ had no meaning for them. It set off no alarms.”\textsuperscript{161} As Palmieri later put
it: “The amazing thing was that we spent a week in the Situation Room worrying about what to

\textsuperscript{157} See Smith, \textit{The Closest of Enemies}, p. 216; Engstrom, \textit{Presidential Decision Making Adrift}, p. 120; and Tarnoff
\textsuperscript{158} Consider that in a meeting held at the White House on April 23 (two days after Mariel was opened)—in
which the topic on the agenda was Carter policy towards \textit{Haitian} refugees—the Cuban situation was covered
\textsuperscript{159} Interview with Renfrew, quoted in Engstrom, \textit{Presidential Decision Making Adrift}, pp. 92-3, fn 46.
\textsuperscript{160} Ibid.
\textsuperscript{161} Engstrom, \textit{Presidential Decision Making Adrift}, p. 189.
do about [stopping the boatlift] before I heard the word Camarioca. I walked out of there and I remember saying you mean this has happened before?\footnote{162}

Third, those within the government who were cognizant of the Camarioca precedent made two assumptions that soon turned out to be dead wrong: one, that Cuba would not follow through on its threats; and two, if it did, any uncontrolled migration event could be managed under the new 1980 Refugee Act.\footnote{163} The officials in question naively decided—even after Castro had made repeated threats and the Cuban government had made concrete statements directly linking the issue of hijackings with the possibility of another Camarioca—that simply admitting several thousand additional Cuban refugees would somehow satisfy them and threats of a crisis would soon evaporate.

Finally, the failure to respond appropriately was a consequence, at least in part, of the fact that a number of those outside of the refugee realm who were tasked with dealing with Cuba felt the issue was beneath them and/or some other department's problem. While McGeorge Bundy, National Security Advisor to the President, had taken a leading role in managing the Camarioca crisis, no one of equal stature steered the response to the (much larger and more significant!) Mariel problem. For instance, Carter's Assistant for Domestic Policy Affairs, Stuart Eizenstat, and National Security Advisor, Zbigniew Brzezinski, had "officially" assumed responsibility for developing immediate and long-term options to respond to the boatlift.\footnote{164} However, Brzezinski balked at having to spend time on what he considered a domestic issue and left his deputies, David Aaron and Robert Pastor, as the primary NSC actors.\footnote{165} Thus the task of monitoring Cuba was left junior policymakers, who lacked the power to do anything significant.\footnote{166} At the same time, Eizenstat's Domestic Policy Staff—which was occupied with the disastrous state of the

\footnote{162} Quoted in ibid., fn 40, p. 58. 
\footnote{163} From interviews with Miles Frechette Director of the Cuba Desk at the US State Department, cited in Rivera, Decision and Structure, Chapter 1; and Author Interview, April 2000. 
\footnote{164} James Earl Carter Presidential Library, DPS Eizenstat, Box 178, File Cuban Refugees [CF, O/A, 730] [2], "Memorandum for the President, From Stu Eizenstat, Jim McIntyre, Jack Watson, and Anne Wexler, Subject: Caribbean Refugee Issues—Zbig's Memo of April 23," April 24, 1980. 
\footnote{165} As Brzezinski declared to Jack Watson at the time: "The problem is not one that I'm equipped to deal with or my job requires me to deal with. It has become a domestic crisis.... That is all clearly outside my purview as NSC advisor and it is clearly within your purview." Quoted in Engstrom, Presidential Decision Making Adrift, p. 69. 
\footnote{166} Ibid., p. 194.
economy and other domestic problems in the lead-up to the fall election—viewed Mariel "as a foreign policy issue" and "to the extent to which it was a domestic issue, it was viewed as a state and local issue," i.e., it was not their policy issue.\textsuperscript{167}

As suggested above, the tragedy of this lack of attention and of the Administration's unwillingness to consider earlier negotiations likely prolonged and exacerbated what might otherwise have been a rather short-lived crisis. As Smith, former head of the Cuban Interests Section, noted in his memoir:

I had been on the Cuban deck back in 1965 when we had convinced Castro to replace the Camarioca sealift with an orderly departure process. In some ways, prospects were better in 1980 than they had been in 1965. Castro had initiated Camarioca without any prior expression of interest in establishing a normal flow of emigration. Yet, he had quickly closed down the sealift in return for a normal emigration process. This time, Cuban officials had been urging such a process long before the Mariel operation began.\textsuperscript{168}

Castro, for his part, made a similar claim. In a speech before the Cuban people on May 1\textsuperscript{st}, after castigating the "Yankees" for "welcoming as heroes, dissidents, [and] patriots" those who had hijacked boats and taken hostages, Castro pointedly noted that

We warned them—repeatedly—through diplomatic channels [that such welcomes would have to stop...or else].\textsuperscript{169} We also warned them publicly, because I spoke of this on March 8 [1980], International Women's Day, in the final session of the [Federation of Cuban] Women's Congress. We used every means to warn them of the consequences this could have and of the fact that Camarioca could be reopened.\textsuperscript{170}

Even so, it is worth noting that Castro too softened his position over time, for two reasons. First, it had become increasingly clear that "by embarrassing Jimmy Carter, he had increased the chances the Ronald Reagan would become [soon] president of the United States."\textsuperscript{171} Second, as often happens in cases of extortionate engineered migration, the perpetrator ended up with a larger outflow than he envisioned or desired. According to Llóvio-Menéndez, "Fidel had been interested in getting rid of a

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\textsuperscript{167} As Eizenstat put it: "We were really on overload, I mean just unbelievable overload even for the White House which is always on overload. We were on extra circuits. We had the primary election campaign. We had the hostage crisis. We had a deteriorating economy and we had to just redo our budget...We had gas lines and a new energy policy. It was an almost unbelievable time." It is worth remembering that the US was in the midst of a recession in this period: unemployment had risen 1.3 percent over the previous year; overall inflation was at 13.5%, while energy inflation was nearly 38%(!); and GNP was in decline, while trade deficits were rising.

\textsuperscript{168} Smith, \textit{The Closest of Enemies}, p. 215.

\textsuperscript{169} See again text of March 8\textsuperscript{th} speech.


\textsuperscript{171} \textit{The Closest of Enemies}, pp. 233-4.
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few thousand, perhaps 20,000 to 30,000 of the disaffected, but he had never suspected the volume of "delinquents" would be so great. 172

How 1980 Differed from 1965

It is instructive to note the disparity in the speed within which the Johnson and Carter Administrations each developed policy responses to their Cuban migration crises, as well as differences in their approaches. First, because the policy makers in the Johnson Administration figured out quickly the potential scale and negative domestic salience of the problem, they developed a response within days after Castro announced the opening of the port at Camarioca. 173 Within a month, officials in the Johnson Administration managed to provide states and localities with mollifying side-payments and financial relief for the costs associated with the boatlift. 174 In contrast, even with considerable forewarning that Castro was considering re-opening his borders, Carter Administration made no precautionary arrangements and took more than three weeks to generate a policy response, one that never adequately dealt with the crisis. In short, while the Johnson Administration moved quickly to quash domestic discord and mollify those who might mobilize against the government, the Carter Administration moved haltingly and in self-contradictory ways, which not only did not mollify competing domestic interests, but rather actually exacerbated them. Moreover, as Engstrom notes, for Carter officials to have stopped or slowed the boatlift, the Administration needed to have acted immediately and dramatically to the news of the first boats headed towards Cuba—or even better, I would suggest, to the Castro government’s myriad of articulated threats. Instead the Administration chose “a course of confusing policies that attempted both to oppose and welcome the arrival of Cuban nationals. In

173 For instance, during the period when the Memo of Understanding between the US and Cuba was still being negotiated, Congressman Claude Pepper wrote to LBJ, “Your sending Secretary Gardner and former Governor Ellington, with many other government representatives, down here for a conference with our people about the Cuban refugee problem gave great assurance to our people that the Federal Government is going to protect our people as far as possible from bearing a disproportionate part of the burden of the national policy which gave our traditional sanctuaries to the persecuted Cubans.” Johnson Library, Letter to the President from Congressman Claude Pepper, FL (third district), November 16, 1965, WHCF, National Security-Defense (GEN ND 19-2/CO), Box 419, Folder: ND 19-2/CO 55, 10/20/65-12/10/65.
174 Engstrom, Presidential Decision Making Adrift, p. 196.
effect, the policies it developed tried closing the barn door after the horse was out. As Palmieri put
it: 'Once the boats were gone, the game was over.'

Second, while the Johnson Administration provided affected communities with 100% 
reimbursement of their absorption costs, the Carter Administration—much to its later 
regret—decided to reimburse states and localities at a rate of only 75%. This was at least in 
part because Carter officials viewed the exile community in Miami as culpable in what became for 
them a political fiasco. Third, it took the Administration nearly two months to even approach 
the Cuban government about talks to normalize immigration, and then the subsequent accord was 
not signed until after the boatlift was ended nearly six months later. As noted above, this was in 
large part a direct consequence of the NSC’s belief that concession would be politically costly and 
would send the wrong message, namely that the US was bowing to Castro’s demands. As Pastor 
put it:

The moment that Castro was threatening you with human life is not exactly the time you 
stand up and say, "I surrender, send me more." That is not the kind of approach that you 
take to a little country that is illegally beating you over the head. You don’t respond by 
saying, "I surrender."  

Finally, it was Congress, not the Carter Administration that (six months later) generated a policy to 
deal with the tremendous costs of Mariel to affected states and localities.

In the end, it is clear that because the crisis occurred in the midst of the 1980 presidential 
campaign, Carter absorbed the full backlash of voter indignation. He was blamed for his ineptitude 
in handling the crisis and for indecisive leadership, and his Republican challenger, Ronald Reagan, 
enthusiastically played the refugee issue to his advantage, taking Carter to task both for losing 
control of the security situation and failing those Cubans the US had an ideological “obligation” to

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175 Interview with Palmieri, quote in Engstrom, *Presidential Decision Making Adrift*, p. 89.
178 As Rivera put it: “Ironically, ‘la Comunidad,’ as it came to be called during the period of exile visits, had 
found it necessary to cooperate with Fidel Castro in order to pursue the urgent [to its members] goal of 
family reunification. This peculiar cooperation continued long after it became obvious that the Cuban 
government was controlling the exodus entirely to its own advantage.” Rivera, *Decision and Structure*, p. 8. 
Rivera noted that Palmieri, Frechette, and others in the Carter Administration shared this view.
179 Ibid., pp. 120-1.
180 Interview with Robert Pastor, quoted in ibid.
181 Ibid., p. 196.
help.\textsuperscript{18} In light of the other tribulations the President was facing in the lead-up to the November 1980 election—including the Iran hostage crisis, the Soviet invasion of Afghanistan, and a floundering economy—it would be an exaggeration to claim that the Mariel crisis alone produced Carter's defeat.\textsuperscript{19} Nevertheless, the crisis provided very effective campaign fodder for Reagan and affected the psyche of the American public, including the psyche of one particular American, future US President William Jefferson Clinton, who would himself sit at the helm of the US during the next Cuban migration crisis.

**IV. The August 1994 Balseros Crisis**

The Situation Heats Up; Castro Issues a Threat

On the streets of Havana, the spring of 1994 brought scenes reminiscent of those that presaged the Mariel boatlift fourteen years earlier. After another set of aborted attempts at a rapprochement with the US and in the midst of another economic crisis, between May and early August of that year, Cuba became the site of an increasing number of embassy crashings and violent boat hijackings.\textsuperscript{184} This violence culminated in a series of street riots in early August, after 32 Cubans were killed when they were swept overboard by water cannons, when the Cuban military intercepted a tugboat bound for Miami.\textsuperscript{185}

Reading the signs of restiveness on the ground, and by now familiar with Castro's *modus operandi*, at least some in the US believed Castro might try to initiate another refugee crisis.\textsuperscript{186} Principal

\textsuperscript{18} See, for instance, *Dallas Times Herald*, April 10, 1980, in which Reagan was quoted as saying that if no other country would take the Cubans trapped in the Peruvian Embassy, then the US should take them all. (Of course, at that point "them all" was only 10,000 strong.) Later, Reagan made much of the presence of "the undesirables" and of the incumbent administration's failure to manage the crisis effectively. For a further discussion of the issue of Reagan's rhetoric—and its very significant consequences—see Chapter 6, Section 1.

\textsuperscript{19} Although it is clear that Carter himself believed that Mariel was an important component to his defeat. Immediately after the election, he said, "the refugee question has hurt us badly. It wasn't just in Florida, but it was throughout the country. It was a burning issue. It made us look impotent when we received these refugees from Cuba." From *Public Papers of the Presidents of the United States: Jimmy Carter, 1980*, vol. 3 (Washington, D.C.: GPO, 1981), p. 2693.

\textsuperscript{184} For instance, on May 28, more than one hundred people forced their way into the Belgian ambassador's residence, and on during the week of July 13, 21 crashed the German embassy, while another nine entered the Chilean consulate. Although the embassy crashings were resolved without incident, many of the hijackings involved violence, and both civilians and Cuban police officers were being killed. For details of the hijackings in this period, see *El Nuevo Herald*, 14 July to 12 August 1994; see also Masud-Piloto, *From Welcomed Exiles to Illegal Immigrants*, p. 137.

\textsuperscript{185} Ibid.

Deputy Assistant Secretary of State for Inter-American Affairs, Robert Gelbard, publicly warned Castro on July 30th that the "consequences of launching another Mariel boatlift would be quite grave." But such threats surely had little resonance for Castro, who had twice been in this same game with an initially defiant—but later compliant—US government. In short, despite the US's cavalier assertions to the contrary, Castro likely recognized that the US leadership probably stood to lose from an uncontrolled outflow than he did. Moreover, ample evidence suggests he viewed threatening and/or launching an outflow as a risk worth taking. Once again, Castro was keen to engage the US in negotiations, and history had shown that only through refugee-driven coercion would this objective likely be fulfilled.

Hence, frustrated by the rise in hijackings and escalating illegal departures—and undeterred by US threats—on August 5th Castro held an internationally televised news conference, in which he asserted that the rioting was being triggered by rumors of a "US sponsored boatlift to Miami." He also announced that Cuba could no longer afford to be "the guardian of the North Americans' coasts," if Washington "continued to strangle the faltering Cuban economy."

The US Thumbs its Nose at Havana, Castro Escalates, and the US Turns Defiant

Immediately following Castro's pronouncements, the US responded with clear signs of encouragement for those who wanted to escape. Officials also announced the existence of a

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187 CNN, July 30, 1993. The US may have further tried to deter Castro by announcing that contingency plans were in place to prevent another crisis in south Florida, such as occurred in 1980. See John Zarrella, "Cuban-Americans, Officials Doubt Another Cuban Boatlift," CNN, August 11, 1994, Transcript # 5428-2.
188 Engstrom, Presidential Decision Making Adrift, p. 188. Author interview with former Clinton Administration NSC official in May 2000 confirms that Cuba was not "on the radar screen" at that point. "My office was busy dealing with the Haiti 'problem'."
190 As the analysis below will make clear, hijackings were a long-standing bone of contention and issue of concern for Castro. Guillermo Martinez and Helga Silva, "Carter Aides, Cubans Meet Secretly," The Miami Herald, October 12, 1981, p. 1; Wayne S. Smith, "U.S.-Cuban Relations: Twenty-Five Years of Hostility," in Sandor Halasz and John M. Kirk (eds.), Cuba: Twenty-Five Years of Revolution, 1959-1984 (New York: Praeger, 1985), pp. 347-48. The US-Cuban Anti-hijacking Agreement was signed in 1973, but was abrogated by the Cubans in 1976 after one of its airliners was destroyed in a terrorist bombing, in which the Cubans believed the US was complicit. Nevertheless, as the issue was of such concern to Castro, the Cubans continued to try to work with the US to prevent hijackings, which Castro viewed as dangerous and potentially destabilizing. See again Smith, The Closet of Enemies; James P. Rowles, "Dialogue or Denial: The Uses of International Law in U.S.-Cuban Relations," in US-Cuban Relations in the 1990s, p. 290; and James Earl Carter Presidential Library, Memo from Warren Christopher.
classified contingency plan, *Operation Distant Shore*, which was designed to thwart Castro's ability to launch another Mariel. Although the precise details of *Distant Shore* were classified, it was officially announced that the plan included responsibilities for 40 different federal agencies that would respond to an immigration crisis and a blockade by US warships of the Florida Straits, as well as the arrest of any refugee trying to enter the US through that route. Whatever the contents of the plan, the public announcement of its existence represented an explicit attempt to simultaneously deter Castro from launching an outflow—by trying to convince him that this time the US would be ready and would not need to concede to his demands—and to reassure an anxious population in Florida that they would not soon find themselves victims of another Mariel.

Nevertheless those intent on fleeing the island were not deterred, and neither was Castro. In fact, on August 12th, he took two steps that would heat the crisis up further: first, Castro announced that he would view any attempt by the US to institute a blockade as an act of war; and second, he quietly commenced an escalation of the crisis by allowing people to leave the island unharrassed. On this same day, US State Department officials announced that there was no sign that Castro had opened his coastline to unrestricted exits, but conceded that the Cuban coastal and land police were letting small groups leave without incident. To those with an ear to the ground, Castro's move was a clear sign that he both could and would control the volume of the outflows as he saw fit. To those on the frontline in Florida, this was a portentous signal. But to

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193 *Operation Distant Shore* was developed early in the first Clinton Administration. It was designed to deal with another Mariel-type exodus of Cubans via the redistribution of refugees to forts and other federal facilities around the nation, to alleviate the concentrated burden on Florida. Interview with senior INS official, March 2000.

194 Ibid. Also in the immediate aftermath of Castro's August 5th statement, the US claimed that it had the situation under control and that Castro would back down. See *State Department Regular Briefing*, August 8, 1994.


196 Interview with senior INS official, March 2000.

197 Neither were those in Florida particularly reassured, as will soon become evident!


199 Ibid.

most of those sitting in Washington—who still insisted that the situation was under control and
did not constitute a crisis—it registered as little more than a blip.

A Domestic Spoiler Catalyzes a Policy Panic

However, the Administration's view of the situation was to change quickly and unexpectedly. Less
than a week later, "in a matter of twelve hours...the Clinton Administration's view of the influx of
Cuban refugees changed from a manageable, orderly flow to a crisis demanding a reversal of 28
years of immigration policy." Significantly, however, this shift did not result directly from a
move in Havana, Cuba, but rather from one that originated in Tallahassee, Florida. Facing a tough
re-election campaign—in a state where immigration was an especially highly charged
issue—Florida Governor Lawton Chiles decided he was unwilling to acquiesce to a potential repeat
of the 1980 Mariel fiasco without a fight. Despite the Clinton Administration's reassurances that
no crisis was imminent, Chiles believed that the flow of refugees would blossom into a flood, and
he demanded that the federal government take action. On August 18th, Chiles went public with his
criticism and an implicit demand:

Well, I think your numbers showed that we've had 2,200 [Cuban asylum seekers] already
this year. But the interesting thing is this month. The interesting thing is 565 yesterday,
360 today. As we speak, they are still getting off the boat down there [in Key West]. I
think we might well have 500 again today. In spite of the Coast Guard captain's statement,
the most we ever had in a day in Mariel was about 856. So we're already up to 500 a day.
Florida could die from a thousand small cuts and that's what Castro is doing to us. This is an
emergency down here. We know that, all the citizens of south Florida know that and we're waiting for
the administration to know that (Author's italics).

In short, by accident or design, Castro's modest outflow had generated a massive domestic political
headache for the Clinton Administration. Why did this happen? Governor Chiles had concluded
that a hard position against the rafters would help him in his re-election bid, and polling data from
the period suggest it was a wise surmise. September 1994 Gallup data revealed that 79% of the
sample population did not believe that Cuban refugees should be allowed into the US, and 91% felt
that Cubans should be treated just like the Haitians trying to enter the US. In short, the

A6. See also Rafael Lorente, Paul Anderson, and Andres Viglucci, "Dade Makes Plea for Help," Miami
102 Wolf Blitzer, "Chiles Says Feds Need to Toughen Immigration Policies," CNN, August 18, 1994,
Transcript # 907-2.
following May, shortly after the accords were signed, indicated that 73% of Floridians supported banning
majority of Floridians were opposed to the influx, and those who were not—namely the Cuban-American community—were widely expected to vote for Chiles’ Republican challenger, Jeb Bush, in any case.

Moreover, the situation was further complicated by the fact that a key component of the Distant Shore contingency plan—which was to relieve the burden on Florida in the event of another Mariel-like exodus—had just been rejected out of hand by Clinton, leaving Florida potentially even more exposed. Specifically, when Clinton discovered on August 16th the nature of the State Department’s proposed resettlement plan—under which Cuban asylum seekers would be distributed at military bases throughout the country—he reportedly “went ballistic,” yelling “Are you nuts? Do you think I am going to do that again?” Other White House insiders confirm that Clinton’s thinking on the August 1994 crisis was guided by two mottos, “No More Mariels” and “Remember Fort Chaffee.”

What Clinton feared most intensely was a repetition of the personal humiliation and defeat he suffered after the last massive Cuban refugee resettlement in 1980. Dissatisfied with their long-term detainment, Marielitos sparked riots at several of the military bases where they were being held, including Fort Chaffee. Shortly thereafter, then Arkansas governor Clinton lost his bid for re-election. Although there are reasons to believe that Clinton, like Carter before him, might have lost his 1980 election even in the absence of the Cuban crisis, Clinton clearly laid blame for his loss


See Robert Greenberger, “Clinton Faces Pressure from All Sides, Even His Family, in Fight to Shape Policy on Cuba,” Wall Street Journal, September 2, 1994, p. A10. This assessment was confirmed in interviews with former administration officials; off-the-record interviews conducted in July-August 2000.

Confidential author interviews, Summer 2000; consistent with press reports as well.


See again fn 1.

Fort Chaffee housed more than 20,000 Cuban refugees by June 1980. On June 1st, a group of about 300 detainees tried to escape. After most were captured, they began rioting, which led to Clinton’s decision to call out the Arkansas National Guard. Although few were injured, and those involved were prosecuted, the perception that Clinton had lost control adversely affected his bid for re-election. He lost to Frank White, the head of a small savings and loan, and the first Republican to serve as governor in Arkansas in a hundred years. See Smith, 1998.
on the Chaffee riots. As Clinton advisor and confidant, Dick Morris, has made plain, his defeat in 1980 "was really the seminal experience in (Clinton's) career."

Thus, by August 18th, by which time it had become clear to Governor Chiles that the Administration was willing neither to recognize the escalating crisis as an emergency, nor to consider implementing Distant Shore's proposed resettlement plan—although Cubans were arriving at a rate of about 500 per day—he decided to press Washington's hand. In a domestically driven political move that would lead to a further escalation of the crisis internationally, Chiles declared a state of emergency in Florida. He then announced that he would not permit Cubans being moved from detention camps in Key West to get off the bus once they reached Miami; instead he would have them arrested and quarantined.

Suddenly and acutely aware that they were facing a potential political train-wreck—less than three months before the fall Congressional elections—that afternoon a "principals-only" meeting of many of Clinton's top foreign policy advisors was held. Although it was a last-minute meeting, its consequences were momentous. With little analysis and still less contingency planning, a decision was taken to end the US's 28-year policy unequivocally welcoming all refugees from fleeing from Cuba. The general consensus was that the time had to come to "demagnetize" the US to avoid a continuous flow of refugees. According to one participant, "the change was necessary to protect a basic fundamental policy of no massive influx that looked like Mariel," while also avoiding any accusations that Cubans and Haitians were being treated differently.

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209 William Degregorio, The Complete Book of Presidents: From George Washington to Bill Clinton (New York: Wing Books, 1993), p. 714. It is worth noting that several of Clinton's key foreign policy advisors were also working in the Carter Administration during the Mariel crisis, including Anthony Lake, Warren Christopher, and Mariel crisis negotiator, Peter Tarnoff.

210 Chiles argued that the federal government was in a state of denial and if it would not respond, he would. Chiles argued that it "was not a manageable situation. Not for Florida... If we do not get a response from the federal government, we will open our own facilities." From Robert Rankin, Tim Nickens, and Lizette Alvarez, "Rescued Rafters Will Be Sent to Guantanamo Base Camps," Miami Herald, August 19, 1994, p. A1. See also "Spotcheck," St. Petersburg Times, October 20, 1994.

211 This gave him the right to mobilize the Florida National Guard and to temporarily detain those refugees released by the INS.

212 See again Blitzter.

213 It is worth keeping in mind that less than a month later, the same Administration was compelled to launch a military operation to staunch an outflow of Haitians boarpeople. See Chapter 6 for details.

214 Pincus and Suro.

215 See again Jonathan C. Smith. See also Drew, On the Edge, p. 430. Neither President Clinton, nor Secretary of State Warren Christopher or Deputy Secretary Strobe Talbott attended this "principals" meeting. Nor
Hence, while on the morning of August 18th Attorney General Janet Reno had publicly insisted that no change in policy was under consideration—and that Governor Chiles was "overreacting"—that very evening a new, and radically different, policy was announced. In the wake of Chiles’ emergency declaration, a meeting was held between Clinton, Chiles, and Jorge Mas Canosa of the Cuban American National Foundation (CANF), after which Clinton announced the new policy. Thenceforth, no Cubans seeking to enter the US illegally would be allowed to enter US territory. Instead they would be rescued at sea and detained at the US naval base at Guantanamo Bay, Cuba indefinitely. Clinton went on to claim that this shift was necessary because "we have gone through [this before], when... we had 120,000 people sent to this country as a deliberate attempt, not because they themselves wanted to flee - they were encouraged to flee, they were pushed out." This statement can only be viewed as a bald attempt to forestall further charges of hypocrisy, by providing a rationalization for the Administrations’ decision to no longer admit those formerly treated as refugees, i.e., because those fleeing were being "pushed" out by Castro, they were "illegal refugees," who could therefore be detained. This of course begs the question of why the US had a standing policy of welcoming these "illegal refugees" for nearly three decades before this policy shift.

The Aggravating Role of Heterogeneity

In the end, although it is clear that Clinton and his advisors were themselves clearly disinclined to permit a repeat of Mariel, it was actually Governor Chiles’ initiatives—coupled with Clinton’s steadfast opposition to a domestic relocation scheme—that actually forced the Administration

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was any State Department staffer consulted about the proposed policy shift, and this included Assistant Secretary of State Alexander Watson, who was at least ostensibly in charge of the State Department’s Bureau of Inter-American Affairs. See Robert Novak, “Focus on Immigration Is a Victory for Castro,” Chicago SunTimes, August 29, 1994, p. 23.

266 See, for instance, Pincus and Suro.
267 Ibid.
268 This shift represented a reversal of the 35-year-old policy designed to welcome as a refugee any Cuban "escaping" Castro’s regime and recast those "escapees" as unwilling refugees, who were being “encouraged to flee.”
270 As Attorney General Reno put it: those fleeing Cuba should know that “the odds of ending up in Guantanamo are going to be very, very great. The odds of ending up in the United States are going to be very, very small.” Quoted in ibid.
into a policy panic and drove the policy shift. This step satisfied the government in Florida and removed one source of political discord. However, in making such a dramatic policy change, Clinton knew that he would have to contend with further political fallout, i.e., the animus of the Cuban exile community, who would be furious that the US would consider returning the fleeing Cubans, and some Congressional critics eager to make political hay of Clinton’s policy flip-flop.

But even at the time, risking the policy shift probably seemed like a good gamble for a number of reasons. First, like Chiles, Clinton realized that the vast majority of Floridians, and Americans more generally, were opposed to accepting more refugees, whatever their origin. Basically, “the new calculus [was] that Clinton need[ed] to worry more about immigration than about Cuban-American votes.” Second, the Clinton Administration had a plan to placate the mobilized and agitated CANF and the rest of the exile community; namely, an offer to tighten restrictions on Cuba. According to those present at their August meeting, “Mas thumped and slapped the table as he spoke, demanding that the President punish Fidel Castro for the refugee crisis. ‘You must kick out the last leg of the stool,’ he insisted. According to Mas [in a later interview], he had bellowed at Clinton: ‘No tengo piedad!—do not have any pity.’ Hence, on August 20th Clinton announced that visits to Cuba would thereafter be restricted to humanitarian cases and remittances would be suspended. As one observer put it at the time: Clinton “is responding to a growing anti-immigrant climate and at the same time he’s trying assuage right-wing Cuban-Americans by tightening the economic screws on Castro.” However, while this compromise did

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222 For instance, Congressional Republicans used the opportunity to criticize Clinton on both Cuba and Haiti. “Fidel Castro has done more to harm American interests than any Haitian,” said Senate Minority Leader Bob Dole (KS), while Florida Senator Connie Mack asserted: “the policy seems to be to punish the rafters, as opposed to punishing Fidel.” From ibid.
227 Deborah Anker, immigration and refugee coordinator at Harvard Law School, quoted in Maria Puente, “Crazy Quilt Policy/Refugee law ‘very, very complicated,’” USA Today, August 25, 1994, 1A.
temporarily satisfy Clinton's competing domestic constituencies, it did nothing to bring the international crisis closer to a resolution. In fact, it led Castro to escalate further.\textsuperscript{118}

Castro Ups the Ante

While undoubtedly pleased that illegal rafters would finally be detained and returned, Castro was far less enamored of the measures taken to conciliate the Cuban exile community. So the following day, he announced that he was officially opening Cuba's borders to anyone who wanted to leave. Moreover, because the Cuban public remained unmoved by—and doubtful of—the claim that the US's three decade old policy of welcoming all Cubans really had changed overnight, the announced shift did not slow the flow of rafters. Three days later, in the largest one day total ever, 2,886 rafters were intercepted at sea, while the day before, 2,338 had been rescued, and in the two weeks between August 13\textsuperscript{th} and 25\textsuperscript{th}, the Coast Guard rescued 13,084 rafters—a significant larger number than the 9,340 who arrived during the first 12 days of Mariel.\textsuperscript{119}

Thus Administration's gamble that Cubans would stop fleeing once it was announced that they would not be allowed to enter the US had proven a serious miscalculation, one that Castro promptly exploited. On August 24\textsuperscript{th}, Castro gave an internationally televised speech on CNN—aka the "diplomatic parry line"\textsuperscript{120}—announcing that the US's "new policy measures only [made] the problem more complicated... [and] ... these measures [compelled] the massive exodus."\textsuperscript{121} During the same speech, Castro also officially announced that he had ordered the Cuban Coast Guard to stop impeding those who wanted to leave the island and to stop using force to prevent Americans from picking people up.\textsuperscript{122}

\textsuperscript{118} As Richard Haass, NSC official under George Bush put it: there seemed to be a fundamental "inconsistency in simultaneously intensifying the pressures inside Cuba while making it harder for the discontented to flee... 'Clinton seems more interested in balancing the various interests than deciding between them.'" From Solomon, "Fast Break on Cuba...". Latin American expert, Robert Pastor, echoes Haass' sentiment, asserting "on issues concerning Central America and Cuba, US policy seemed to be driven by the interest groups with the greatest leverage and determination, whether in the Congress or in Miami. These issues were not priorities." From Pastor, "The Clinton Administration and the Americas...".

\textsuperscript{119} US Coast Guard statistics.


\textsuperscript{121} Fidel Castro, Televised speech, CNN, August 24, 1994.

\textsuperscript{122} Ibid.
At the same time, however, Castro also intimated that he might agree to stop the exodus if the Administration agreed to direct talks on a range of issues, including the embargo.33 This position was reaffirmed the next morning, when Cuban representatives in New York announced their willingness to end the flow "only if the US agreed to broad talks on a full range of bilateral matters."334 Meanwhile Cuba's Ambassador to the United Nations turned the rhetorical heat up even higher, warning that the US's new strategy would lead to disaster, both for Cubans and Americans: "The US has devised a whole policy ... to try to choke our country to hunger and allow an internal subversion that would lead to a blood bath, and then how many millions of illegal immigrants will come?"335

US Defiance Soon Replaced with Willingness to Negotiate

By the following day, August 26th, there was increasing (and very vocal) bipartisan opposition in Congress to the Administration's unwillingness to negotiate with Castro, as well as a growing number of news commentaries and newspaper editorials calling for negotiations.336 Moreover, that same day the New York Times ran a story announcing that the camps housing Cubans at Guantanamo would be filled to overflowing within two weeks, were the exodus to continue. Thus Clinton's attempt to satisfy his competing domestic constituencies, while rejecting Castro's entreaties, had given rise to a bigger (and far more visible) international-level dilemma, one which did not suggest an easy unilateral (read negotiation free) solution.337 Despite the fact that the Administration approached 13 Caribbean and Central American states with offers of side-payments in exchange for housing Cubans, except for Panama, very few agreed to take refugees.338 In the end, because the rafters kept coming, the only way to end the crisis was to once again rely upon the Cuban

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334 Ibid.
335 Ibid.
337 This was made even clearer by the fact that not all Cuban-Americans supported tightening strictures on Havana, as some were more concerned about the possible effects on their relatives' quality of life than with the pain it would inflict on Castro. See Jon Nordheimer, "Cuban Group Forges Link to Clinton," New York Times, August 26, 1994, p. A12.
338 There were a few exceptions, such as St. Lucia, which offered to shelter Cubans in exchange for new water pipelines and roads, and the Turks and Caicos Islands offered to take up to 2,000 people for short-term stays of up to four weeks. From "And still they come on risky rafts," 1994: 1A.
government to again begin blocking emigration. But the new sanctions against Castro and the US's staunch unwillingness to negotiate proved a powerful disincentive for Castro to do so. Thus, a mere two days later, with no indication in sight that the crisis would end of its own accord or that the flows might soon abate, the Clinton Administration again abruptly changed its position and agreed to negotiate with the Cubans. A series of bilateral talks were held between September 1st and 10th, which resulted in the announcement of a new immigration accord and plans for a series of additional meetings. However, in exchange, Castro had to concede some of his demands, i.e., that the accord be linked to a softening of the embargo and/or to Radio Marti's shutdown.

The Baiseros Crisis, Part II: April-May 1995

In early April 1995 the Cubans again began making vague threats to reopen their borders—a rumor that the Administration leaked privately, but publicly denied. (The belief was that the renewed threats were a response to the proposed Helms-Burton legislation and to the fact that those Cubans still being held at Guantanamo were being denied entrance into the US. One Cuban official told The Washington Post, “last year, there were 30,000 rafters. Next time you might see a million.” At the same time, following a trip to Guantanamo in March-April 1995, Sen. Bob Graham (D-FL) and Rep. Porter J. Goss (R-FL) warned the Clinton Administration that another crisis was in the making, since the thousands of Cuban refugees detained at Guantanamo were living in a "tinderbox" that could explode into rioting.

These warnings set off what officials called "serious alarm bells" in the White House, in part because the administration was "poised to enter a critical and enormously tricky domestic policy stretch—a summer of high-stakes battles with Republicans over the size, shape and cost of...

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40 See LeoGrande, p. 78.
42 "Helm's Bill Could Push...."  
44 During this same period, the flow of rafters also began to rise again and reached the highest monthly total (190) since the end of the August 1994 crisis. See Crosette, 1995: A4. It is also worth keeping in mind that housing the refugees at Guantanamo and in Panama for the previous six months had already cost more than $400 million, and the Pentagon was planning to spend $100 million more to make the camps permanent. From the "Congressional Testimony of General Sheehan."
government that could well define the 1996 presidential race.\textsuperscript{245} The last thing Clinton officials needed was a refugee crisis of any sort. Top aides quickly concluded that another round of serious talks with Cuba was in order. In clear recognition of the potentially damaging political costs associated with massive refugee crises, one official said “We were facing a double whammy when all we want is to keep foreign policy problems off the screen. … The word was: Solve it. Make it go away with the least amount of turmoil.”\textsuperscript{246}

Like Johnson and Carter before him, faced with the dilemma of choosing between the domestic political costs of another refugee crisis and those associated with further negotiations with Castro to avoid one, the Administration chose the latter. Two weeks later, on the anniversary of the Bay of Pigs debacle, Ricardo Alarcon and Under Secretary of State Peter Tarnoff met in secret—likely to shield themselves from domestic political pressure—and the new accord was announced on May 2, 1995.\textsuperscript{247} Thus, eight months after initially refusing to admit those at Guantanamo, the Administration again changed course and agreed to admit them on a case-by-case basis.\textsuperscript{248} With the policy shift came the first official reference by the US—by Attorney General Janet Reno—to the Cuban migrants as “illegal immigrants” rather than “political refugees.”\textsuperscript{249} In addition, on the heels of the new accord’s announcement came word that the Clinton Administration would oppose the embargo-tightening Helms-Burton legislation, and that this new policy “could be followed by engagement on other areas of mutual interest, like the fight against narcotics or environmental problems.”\textsuperscript{250} According to a White House paper, “[The US was] prepared to reduce sanctions in carefully calibrated ways, in response to significant, irreversible changes in Cuba.”\textsuperscript{251} For its part, the CANF called the policy decision “a second Bay of Pigs.”\textsuperscript{252}

\textsuperscript{245} Devroy and Williams, p. A5.

\textsuperscript{246} Ibid.

\textsuperscript{247} For his part, Tarnoff claims that the negotiations were held in secret to preempt a massive exodus that might transpire in anticipation of any new immigration accord. See Congressional Testimony of Peter Tarnoff,” 1995. See also LeoGrande; and “Guantanamo, si….”

\textsuperscript{248} “Testimony of Gillian Gunn.”

\textsuperscript{249} “Janet Reno Wins Schneider’s Play of the Week.”


\textsuperscript{252} Ibid.
V. Was Castro’s 1994 Migration Gambit a Success?

Yes, it was, albeit a qualified success. As in 1965 and in 1980, after initial resistance—and fearing the potential consequences of continued intransigence—the US was forced to come to the negotiating table with Cuba. Moreover, Castro did accomplish what were widely regarded as his primary objectives. Although progress vis-à-vis his purported long-term goals—i.e., ending the embargo and shutting down Radio Marti—was far more modest, at least explicitly.

Primary Objectives Obtained

As one observer put it at the time, “through blackmail Castro has (again) been able to change US policy.”$^{35}$ As a consequence of the crisis, Castro did achieve what analysts regard as his key aims: namely, a US-backed halt to illegal emigration$^{35}$ and the prosecution of Cuban hijackers.$^{34}$ The agreement provided that the US would accept 20,000 Cubans per year plus an unspecified number of family members, and the 4,000 to 6,000 Cubans on the waiting list for visas would be permitted to enter the United States.$^{35}$ This marked—albeit imperfectly$^{36}$—the official end of illegal immigration between the US and Cuba and was in essence a reaffirmation of the promises made to Castro by the Reagan Administration a decade earlier.

Second, the US agreed to extradite and/or prosecute those who hijacked or stole boats and aircraft to flee Cuba, thus expediting a “safer, legal and more orderly process” of immigration.$^{37}$ As noted previously, Castro had been pressing the US for years to concede these two points.$^{38}$ In exchange, Cuba promised to end the boatlift, using “mainly persuasive measures” to crack down on

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$^{34}$ See again Castro’s CNN speech on 8/24/94, as well as Martin Fletcher, “Clinton offers to increase visas if Cuba halts exodus,” The (London) Times, August 31, 1994, Overseas News Section.


$^{37}$ Department of State, “US-Cuba Joint Communiqué on Migration,” Dispatch 5 (September 12, 1994). This provision gave Castro a guaranteed safety valve by which he could jettison tens of thousands of malcontents/year.

$^{38}$ Even now these provisions remain incompletely implemented because of US adherence to the so-called wet foot/dry foot policy. (The “wet foot” part of the policy means that all Cubans picked up at sea would be returned, while the “dry foot” aspect means that any Cuban who actually reaches the US still has the right to stay.


$^{40}$ Marquis and Whitefield, “Cuban Accord Favors Clinton.”
those who tried to emigrate illegally and to take back 226 Cuban boat people being held at Guantanamo who had asked to be repatriated. 160

No Movement on the Embargo or Radio Marti: But Was Any Expected?

Castro did not make any explicit gains with respect to ending the embargo or silencing Radio Marti, two things his representatives began calling for publicly in the days leading up to the September meetings. 161 Nevertheless, it can be argued that the reason Castro conceded to shelve these issues was that, while he expected that he could get an agreement on immigration issues in the short run because of the visibility of the crisis, the more substantive issues of the embargo would require more time and wider support, particularly given that it was late in an election year, a fact that would not have been lost on the Cuban leader. Consider, for instance, that shortly after the crisis ended, Castro met with former senator and US presidential candidate, George McGovern, who said:

You would be impressed with his knowledge of American politics. He knows all the American players, and he knows the pressures that play on them. He knows all about the health care debate and the crime bill and Whitewater and everything else that's going on here and showed real sensitivity to the political squeeze that the President's going through now. 162

Furthermore, former Cuban insiders concur that Castro is a keen observer of US domestic politics. As one former Cuban official, who spent 17 years in the revolutionary elite notes, "Fidel is a shrewd student of United States society, institutions and government," and he "understands the limitations on a president's power to act in many critical circumstances. This knowledge informs his every strategic maneuver." 163 Moreover, McGovern indicated that Castro acknowledged explicitly that Clinton "was politically incapable of tackling anything as controversial as lifting the embargo in the short run, particularly in the wake of the refugee crisis which was a matter of enormous embarrassment and anxiety to the US administration." 164 In the end, despite the Cubans' eleventh hour calls for discussions on issues wider than immigration, it appears Castro got

160 Ibid.
161 Meisler, p. 1A.
163 Rohter, "Castro plays his cards with cunning."
everything that he expected to get, at least in short run. However, this is not to suggest that he
did not actively float trial balloons on the bigger issues, in the hope that they might produce
results, only that he likely had low expectations that they actually would.

Stymied Promises of Future Negotiations

Castro may have expected there to be more dialogue and further positive developments down the
road. Otherwise, it seems unlikely that he would have agreed to end the crisis so quickly. As one
Cuba analyst put it: "It's unthinkable that this was a rare moment of Castro charity at work.... He
had such leverage over Washington. He was in the position of either saving Clinton's political neck
or causing him endless problems." In addition, circumstantial evidence indicates the existence
of a tacit agreement that future negotiations could occur. Shortly after the September accords
were announced, Secretary of State Warren Christopher appeared on "Face the Nation" and said
of Castro: "If he moves toward democracy in a tangible, significant way, we'll respond in a carefully
calibrated way...Washington is 'to be prepared to reduce the sanctions in carefully calibrated ways
in response to positive developments in Cuba.' Although Christopher declined to specify what
either these developments or responses might be, State Department officials indicated the
Administration "might ease — but not eliminate — economic or travel restrictions against Cuba if
Castro allowed more freedom of expression or free elections."

More concretely, then special advisor to the Clinton Administration on Cuba, Richard Nuccio,
reports that following the migration crisis in 1994 and the subsequent May 1995 accords,

a weak, and I'd emphasize weak, conditional engagement policy was added to the prior
unconditional engagement policy towards Cuba. By this conditional engagement policy, an
explicit understanding was arrived at between senior US and Cuban officials that Cuba's
implementation of the May 1995 migration accords and its reaction to the US efforts to

365 See "Tide of Cuban Boat People Eases; U.S. Officials Say Change in Immigration Policy May Have
Stemmed Exodus," The Buffalo News, August 29, 1994: 1, which quotes "experts" whose views are consistent
with this analysis: Although Castro has used the crisis to renew his demand for lifting the trade embargo,
experts say they believe that his real objectives were far more modest: easier legal migration, U.S.
prosecution of Cubans who make it to Florida in stolen aircraft or boats, and restoration of remittances.
367 Larry Birns, director of the Council on Hemispheric Affairs, quoted in Ibid.
368 Daniel Williams and Roberto Suro, "Upcoming Talks With Cuba on Immigration Issues Could Foster
369 Steven Greenhouse, "Flight from Cuba: U.S. Policy; U.S. Promises to Respond If Castro Offers Reforms."
engage Cuba's emerging civil society could form the basis for further progress in US-Cuban
relations.\footnote{A Brookings Press Briefing Dealing with the States Formerly Known as Rogues, July 13, 2000. See Brookings Institution website. This assessment was confirmed by an unidentified former Clinton Administration NSC official, interview with author, May 2001.}

Reportedly, following the May 1995 accord, Administration envoys were so encouraged that they
approached members of Spain's Socialist Party to help mediate further talks with Castro. And in
late 1995, Castro met with US Congressman Esteban Torres (D, California), during which Castro
reportedly agreed to call for free elections, permit the creation of opposition political parties and
free political prisoners. In exchange, the US was to lift the embargo and help Cuba obtain
international development bank loans, according to Congressional sources.\footnote{"Trying to reconcile: US quietly questioning policies that have led to 40 years of cold relations with
Cuba," Cuba in Evolution, September 7, 1998. In June 1997, Torres filed a bill to end trade restrictions on
food and medicine, a bill that had more than 90 co-sponsors in the House, although none from Florida.}

In any event, these developments (if real) came to a screeching halt—at least temporarily—in
February 1996 when Castro ordered his military to shoot down two unarmed planes flown by
Brothers to the Rescue, a Cuban-American exile group.\footnote{Ibid.} In Washington, the shoot-down
outraged conservatives and panicked the Clinton Administration, which was in the midst of the
1996 Presidential campaign. Clinton responded by quickly throwing his support behind the
Helms-Burton legislation, which as noted previously he had theretofore opposed.\footnote{It has been argued that Castro used the shoot-down to reaffirm his credibility, and launched "a
preemptive strike to signal to all political opponents, in Cuba and elsewhere, that he was prepared to use
force to remain in power." See Ackerman.}

VI. But the 1994 Refugee Gambit Was Less Successful than Mariel. Why?

Rapid Reaction of State and Federal Officials

The 1994 crisis was of much shorter duration and had much lower domestic visibility (and hence
salience) than did the Mariel I crisis in 1980. There were several reasons for this. First, having
learned something about the dangers of reacting slowly, Florida state officials and the US Coast
Guard responded relatively quickly and decisively.\footnote{Phil Willon, "Embargo against Cuba scrutinized," The Tampa Tribune, January 12, 1998, p. 1.} To block Cubans from reaching the US, the
US Navy and Coast Guard diverted more than 70 ships usually used for interdicting drugs and
patrolling fisheries or tending buoys. More than 8,500 Coast Guard and Navy personnel—both at
sea and on shore—took part in what military officials said was one of the largest rescue operations
of its kind. The operation included 350 Marines on board Coast Guard vessels to provide security,
as well as a variety of A/C-130 and H-60 Jayhawk helicopters, acting as “a bucket brigade of sorts.”
Cutters and patrol craft intercepted rafters and transferred them to 10 larger Navy ships (mainly
frigates), which made the 36-42 hour trip to the US Naval Base at Guantanamo Bay, thus allowing
the Coast Guard boats to stay in the Straits. Nevertheless, this effort was not as effective as it
might have been, given that the contingency plan was abandoned in the middle of the crisis, because
of Clinton’s concerns about a repetition of “Fort Chaffee.”

The Use of Guantanamo Naval Base
The Administration’s policy of interdicting Cubans leaving on rafts and boats and transporting
them to Guantanamo quieted domestic discontent and made the crisis far less visible to the US
public, which lowered the domestic political costs of the crisis. Nevertheless, the tough new policy
did not result in the deterrent effect the Administration had hoped for. Two weeks after the
policy announcement, the US Coast Guard was still rescuing and shipping off to Guantanamo over
1,000 Cubans per day. It was only after Castro agreed to close the border that the crisis ended. So
Guantanamo’s effect should not be exaggerated, but it did give the Administration a bit of
additional breathing room and allowed it to avoid more serious political consequences.

Relative Passivity of the Cuban Exile Population
Unlike during the Mariel crisis, relatively few Cuban exiles traveled to Cuba to pick up their
relatives and friends. Virtually all of those who reached the US during the 1994 crisis came under
their own power. The exile community had several reasons for not directly participating in the
exodus. First, Coast Guard officials promised powerful and painful sanctions would be levied

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276 Ibid.
277 See again fn. 294.
278 According to a former senior Clinton Administration official, it was always the Clinton Administration’s
intention to use Gitmo only as a delaying tactic and to return those at Guantanamo to Cuba. Interview with
former Clinton Administration official, Summer 2000.
279 Interview with senior INS official, March 2000.
against those who violated the blockade; and this time, unlike in 1980, they were taken seriously. Second, Castro's tactic during Mariel of loading exile boats with complete strangers—many of whom were criminals and/or mentally ill—undermined efforts to mobilize the exile community's support during the 1994 exodus. They wished neither to welcome more such people into the exile community, nor to be so explicitly used as pawns by Castro; so many stayed home. Third, following Mariel, many in the exile community felt that those who were fleeing were not political refugees, but rather economic migrants, and they were disinclined to facilitate their migration. Finally, it is also possible that the some in the exile community finally realized that by aiding the flight of those who opposed the regime they were deflating the pressure to remove Castro.

The November 1994 “Republican Revolution”

Third, the size of the Republican Congressional victory in November 1994 may well have prevented some of the diplomatic openings expected by Castro from materializing. For example, it was reported that during the summer of 1994, then National Security Advisor Anthony Lake said privately that he was prepared to recommend that Clinton lift the embargo and accept the political consequences. But the November election results put that “tightly held strategy on ice,” according to a senior Clinton Administration official. When asked thereafter about the probability that the Administration would take “bold steps on Cuba policy,” the official said, “That’s not who we (the administration) are.” Further, in March 1995, when NSC officials told reporters that they were about to recommend dropping the additional sanctions that Clinton had imposed during the height of the August crisis—namely, the prohibitions on remittances and family visitations—the proposal was immediately attacked in Congress as a “capitulation to Castro” and promptly abandoned.

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380 Interview with senior Coast Guard official, April 2000.
381 Engstrom, Presidential Decision Making Adrift, p. 189.
382 See, for instance, Gonzalez-Pando, The Cuban Americans, which discusses in detail distinctive stages of Cuban migration. See also Susan Eckstein and Lorena Barberia, “Cuba-American Cuba Visits: Public Policy, Private Practices,” A Report of the Mellon-MIT Inter-University Program on NGOs and Forced Migration (January 2001), p. 6, for a brief discussion of the shift in composition of the later émigrés.
383 See Engstrom, Presidential Decision Making Adrift. However, this rationale had been in place since Batista's fall, and Cuba experts did not expect Castro's imminent fall, even in the face of the August riots. See again fn. 12 and fn 13.
384 “Adrift Off Cuba...”.
385 Ibid.
386 Ibid.
Finally, as noted above, the Republican electoral victory installed Senator Jesse Helms (R-NC) as chairman of the Senate Foreign Relations Committee and Representative Dan Burton (R-IN) as chairman of the House Subcommittee on Western Hemisphere Affairs. With support from Helms and Burton, Cuban lobbies mobilized to tighten economic sanctions on Cuba; the resulting Helms-Burton legislation was designed to stop foreign investment in Cuba and, if possible, to damage Cuban trade. And although the Administration initially opposed the bill, following the Brothers to the Rescue shoot-down in February 1996, Clinton threw his support behind the legislation.

VII. Hypothesis Evaluation

First, as noted previously, the cases examined herein represent the one set of cases that nearly everyone agrees represents a strategic use of refugee outflows. Thus the operative question then is not whether they were strategic, but whether they were coercive in nature. Some observers have suggested that exportive engineered migration alone can account for Castro’s decisions to engage in engineered migration. Rivera, for instance, argues that Castro “turned the incident into an opportunity for a purge of many Cubans considered socially or politically inimical to the regime.” Coercion, in other words, was not an objective. However, while it is undoubtedly true that engineered outflows have served other purposes, exportive explanations alone are insufficient to explain either the causes or the consequences of Castro’s outflows. Instead, as outlined at the outset of this chapter, Castro’s behavior in August 1994 is consistent with the proposition that he was engaged in an attempt at extortive engineered migration when he decided to unleash the balseros crisis. Castro issued explicit threats and demands and exercised control over the size and scope of the outflows. Moreover, his subsequent behavior was not only consistent his own rhetoric,

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188 However, Helms-Burton has never been fully implemented. Even Clinton’s successor, George W. Bush, has so far decided to forego implementation of all of the bill’s provisions, in the interest of not riling US allies, who have economic ties with the island.
189 Although some ignore the relatively little known Camarioca case.
190 Rivera, Decision and Structure, p. 6.
but also shifted in response to changes in US behavior and rhetoric, e.g., when the US agreed to a deal, Castro closed the border.

The same holds true vis-à-vis the 1980 Mariel crisis. Although some observers have characterized the crisis as being driven by little more than a desire to embarrass the US, evidence suggests otherwise. As Castro biographer, Tad Szulc, described it: Castro ordered Mariel “as a gesture of supreme personal rage” out of anger over President Carter’s unguarded claim that the United States awaited Cuban political refugees with “open arms.” It is undoubtedly true that Castro has a bad temper and is subject to fits of pique; it has been reported that his “most senior associates fear what are known as the ‘Fidel furies.’” The only problem with this explanation is that Castro opened the port at Mariel on April 21st, two weeks before Carter made his “open hearts and open arms” speech. Moreover, as in 1994, in the lead-up to the 1980 crisis Castro issued explicit threats and made specific demands, and his subsequent behavior was consistent with both. He also controlled the timing and the ebb and flow of the flows, starting and stopping them in response to US actions. Thus while the timing of the crisis was undoubtedly influenced by events on the ground, neither the dynamic and interactive nature of the give and take between the US and Cuba nor the ultimate outcome of the crisis can be adequately explained without ascribing to Castro at least some degree of coercive intent.

The 1965 Camarioca crisis, however, was likely a different, but very telling, story. In this case, the evidence suggests that Castro did open the border in early October largely to rid himself of many of the remaining dissidents in Cuba, i.e., via the use of exporative engineered migration. Nevertheless, this migration dress rehearsal did provide Castro with clear evidence of the power of refugee flows to influence the behavior of the US government. His two subsequent uses of the strategy bear this out.

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203 Ibid., p. 645.
204 Ibid., p. 42.
Second, evidence suggests that as a pariah leader with limited policy options at his disposal, Castro has in fact relied on extortive engineered migration as a kind of asymmetric weapon that he could use to help level the playing field between his own regime and his immensely more powerful international adversary. Nevertheless, as predicted, it has not been his strategy of first resort. In both 1980 and in 1994 Castro tried to get the US to negotiate before loosing an outflow. As Castro himself asserted, in a televised speech in December 1984—four years after the Mariel crisis had ended—the US brought Mariel upon itself by leaving Cuba no other option:

The policy of encouraging people to leave the country illegally continued. We warned them many, many times that this policy was being used as a political weapon and that antisocial elements were doing all kinds of things—murdering people to steal boats, hijacking boats—and, when they reached the US, they went unpunished. We warned them many, many times that measures had to be taken against that policy, that something had to be done to stop this situation and that it was going to lead to trouble, until finally it led to the Mariel episode.  

Castro’s reluctance to resort to extortive engineered migration may be due to the fact that when he does employ it, he tends to end up with a larger outflow than he anticipated or desired. As predicted, in 1965, “the Cuban government found that once the boatlift had started, it too had difficulties controlling it.” “Too many Cubans were taking him [Castro] at his word by simply walking off their jobs and heading for Camarioca.” Nevertheless, Castro was not deterred from using the strategy again...and again. In 1980, for instance, “Fidel had been interested in getting rid of a few thousand, perhaps 20,000 to 30,000 of the disaffected,” but in the end 125,000 left the island. In 1994, by contrast, the exodus was ended sufficiently quickly that there is little reason to be Castro was expecting a significantly smaller outflow.

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296 Engstrom, Presidential Decision-Making, p. 27. In an October 21 Memo to the President, Bundy notes that “the British and Canadian Embassies in Havana report that the response of Cubans wishing to leave is much greater than anticipated” and that “The Cuban Government has ordered the expulsion of American newsmen who went to Cuba from Florida without visas to cover the departure of refugees from Camarioca because their work is done.” From Lyndon Baines Johnson Presidential Library, National Security Files of McGeorge Bundy, CHRON FILE Oct 21-31, 1965 [2 of 2], “Memorandum for the President from McGeorge Bundy, Subject: Latin American Developments,” October 21, 1965.
Third, as predicted, it appears that Castro did seek to take advantage of the anticipated heterogeneity within the US in each of the cases examined herein. Former regime insiders, international diplomats, and US officials all acknowledge that Castro is a keen observer of US domestic politics, who “understands the limitations on a president’s power to act in many critical circumstances. This knowledge informs his every strategic maneuver.” Castro also acknowledged that he recognized the conflict-generating value of including undesirables in the refugee stream; consider that two years before Mariel, “during his first interview with reporters from the Cuban Community, Castro had said, ‘They [the United States] do not want common criminals to go [there].’

Fourth, and furthermore, Castro did take actions that appear—at least in retrospect—custom-designed to impose hypocrisy costs on the US, both directly and indirectly. For instance, “Fidel had a hidden motive, too, for provoking a the mass exodus.... [which he] conceived at the very beginning of the crisis in response to the United States’ contradictions and vacillations...” In short, Castro was fully aware that exploitation of such contradictions would create political conflict within the US, conflicts that only he could solve. Further evidence of Castro’s awareness of—and willingness to impose hypocrisy costs on the US—can be found in his government’s behavior vis-à-vis Haitian boatpeople in the spring and summer of 1980. Not only did Granma carried editorial accusations of differential treatment of Cubans and Haitians, but the Cuban government even sent to the US more than 1,000 shipwrecked Haitians that had been stranded in eastern Cuba, as well as provided food and water to Haitians en route to the US. As the coverage in Granma suggests, Castro transported the Haitians to the US because he knew full well that upon arrival, they would be immediately incarcerated at Krome Detention Center. Castro knew that he could score another propaganda coup by publicizing this fact, and by pointing out the clear disparity between his own humane treatment of the Haitians and the US’s repressive one.

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309 Rohter, “Castro plays his cards with cunning.”
311 Ibid., p. 388-89.
312 Rivera, Decision and Structure, p. 6. Granma also provided “gleeful” coverage of the riots of Mariel refugee riots in June 1980.
314 Ibid.
Fifth, as often appears to happen in cases of extortive engineered migration, the US superpower target failed to take seriously the threats issued by the weak Cuban perpetrator, at least until late in the game. Even after Castro had shown himself willing to follow through on his threats, there persisted an attitude within the US government that his next set of threats was incredible, i.e., Castro will not launch an outflow because it would hurt him more than it would hurt the US. As outlined above, this was a decision the US would thrice come to regret. It was likely a consequence of a combination of a lack of attention—which effectively translates into a problem of information asymmetries—power-driven hubris, and a willful dereliction of duty on the part of the principals, some of whom felt migration issues were beneath them or fell outside their policy purview.

Nevertheless, the outcomes of the cases were not precisely the same. For one thing, the Johnson Administration's response was the swiftest and most effective. Which is to say, the crisis was solved, at a low political—if not, financial—cost and with little domestic turmoil. In contrast, the Carter Administration fared particularly poorly all three of these fronts. This may have been an artifact of Carter's own leadership style. Observers note that Carter was particularly poorly equipped to handle crisis situations—exacerbating the appearance of policy panic—due to his "determination to make detailed decisions himself without reference to any overarching strategy—and his willingness to make and remake them." Or it may have been—as former Assistant Attorney General Renfrew suggests—an unavoidable consequence of the fact that the Carter Administration simply had too many crises on its plate in the spring of 1980 to give Mariel the attention it deserved. One might even argue that the fact that 1965 was settled so quickly actually contributed to the US's failed response in 1980, i.e., because the 1965 crisis came and went so quickly, although Castro learned a powerful lesson about the US's vulnerability to coercion, the US learned no lessons at all.

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306 Interview with Renfrew, quoted in Engstrom, Presidential Decision Making Adrift, pp. 92-3, fn 46.
Sixth, as predicted, morality tended to take a back seat to politics whenever these prerogatives came into conflict. Consider that in each case the US leadership would begin with a public pronouncement welcoming all Cubans who wished to come. However, in all three cases these pronouncements would soon be abandoned, as soon as the political and economic costs of fulfilling them began to rise, e.g., as Clinton put it in August 1994: "Are you nuts?" "Do you think I am going to do that again?"\textsuperscript{307} Likewise, in the early stages of the Mariel boatlift, a proposal was made to interdict the Marielitos at sea, but it was noted that doing so would likely involve loss of life, which was considered too big a risk that early on in the crisis. As Robert Pastor put it: "You only take a risk like that if there is a very different perception. You can take a risk like that after 50,000 people had arrived. But before 50,000 people arrived it looks terrible to take a risk like that. So that is one of the reasons why [the US decided to welcome everyone] in late April.\textsuperscript{308} In other words, under the "human rights President," the US would have gladly risked Cuban lives as long as the Administration had political cover for doing so. Moreover, as the cases examined herein demonstrate, with the exception of the 1965 case—which led to the inauguration of a seven-year long airlift between Cuba and the US—the policy shifts made by the US government did not tend to redound to the benefit of the would-be refugees, but rather to the man who created them. As Rivera put it: "It was not the Cuban arrivals the Administration wished to avoid 'rewarding,' but Castro. In time, the distinction seemed to blur as policy towards the Cubans became more punitive and that toward Castro more resigned."\textsuperscript{309} And as Scanlan and Loescher put it: "the 1980 Mariel exodus was essentially unique in its failure to serve any clearly enunciated and consistently held foreign policy goals of the United States. Instead, to the extent that it served any nation's objectives, that nation was Cuba."\textsuperscript{310}

\textbf{VIII. A Few Final Thoughts}

There is some irony in the fact that the 1980 and 1994 crises probably could have been avoided if the US had not flatly rejected Castro's initial calls for negotiations. As observers have noted previously, the kind of immigration "escape valve" Castro prefers is one "that is orderly and drawn


\textsuperscript{308} Interview with Robert Pastor, quoted in Engstrom, \textit{Presidential Decision Making Adrift}, p. 94, fn 63.

\textsuperscript{309} Rivera, \textit{Decision and Structure}, p. 19.

out and not very splashy." In both cases, orderly and splash-less negotiations might well have
generated little more than blips on the public's radar screen, thereby avoiding both a domestic and
an international crisis. As has been noted before: history indicates "each and every president
[from Eisenhower to Clinton] came to the conclusion that an important aspect of his Castro crisis
[in the end] required negotiations."31

On the other hand, choosing to concede to Castro's threats as soon as he makes them obviously
generates its own costs, in reputation and credibility, which could encourage him to threaten the
US ever more frequently and with increasing demands.32 Nevertheless, it seems clear that more
careful monitoring of the prevailing economic and social conditions situation on the ground in
Cuba could have led to earlier diplomatic intervention and staved off unnecessary embarrassment
and domestic political turmoil, both in 1994 and in 1980. As Christopher Mitchell has noted in his
analysis of the Cuban and Haitian cases in the early 1980s, diplomatic contacts offer one of the few
available options for preventing the manipulation of population outflows. "Through state-to-state
dialogue, where other bilateral stakes are customarily available, interstate agreements may be
reached that bring migration within the ambit of regular US legislation on the subject."33

Furthermore, it is worth noting that with few recognized exceptions—including the one in April
1995 discussed above—Castro has usually followed through on his publicly articulated threats to
open the island's borders. In other words, heretofore such threats have rarely been idle. As
Engstrom notes in his analysis of the Carter Administration's response to Mariel:

> The historical approach of policy makers in the Carter Administration is particularly
telling because the Camarioca boatlift provided tailor-made examples of the conditions
that contributed to an earlier boatlift and the policies employed by the Johnson
Administration to deal with it. The Camarioca boatlift offered relevant lessons that the
Carter Administration did not explore. Had policy makers examined the dynamics of the
Camarioca boatlift either before or during the Mariel boatlift, they may well have learned
from history and developed better policies.34

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31 Rohter.
32 See, for instance, Jervis, 1976: Chapter 3, for discussion of the potential dangers of appeasement.
33 Christopher Mitchell, "Implications," in Christopher Mitchell (ed.), *Western Hemisphere Immigration and
This assessment remained equally valid in 1994 and, for that matter, today, as—more than four decades after he came to power—Castro continues to bedevil the US. “The bad news,’ as CIA Director George Tenet likes to say, ‘is Castro has a great gene pool, and he’s stopped smoking cigars.”

\footnote{Bill Sternberg, “U.S. works for regime change in Cuba, too,” \textit{USA Today}, October 23, 2002, p. 10A.}
Chapter 5
Blackmail in the Balkans—the 1999 Kosovo Conflict

*I can stand death—lots of it—but you can’t.*

— Slobodan Milosevic

*When you declare a war—NATO’s first in Europe—to be primarily a humanitarian war with the main objective the return of refugees—you raise the political temperature enormously.*

— Dennis McNamara, UNHCR’s Special Envoy for the Balkans

On March 24, 1999, the NATO alliance commenced the first military campaign in its fifty-year history: a bombing war over the tiny Yugoslav province of Kosovo. Though NATO was conceived as a defensive alliance, its first mission turned out to be an offensive one, whose stated objectives were three-fold: 1) “to demonstrate the seriousness of NATO’s purpose so that the Serbian leaders understand the imperative of reversing course”; 2) “to deter an even bloodier offensive against innocent civilians in Kosovo”; and 3) “if necessary to seriously damage the Serbian military’s capacity to harm the people of Kosovo.” It was also an operation that failed—at least at its outset—to accomplish a single one of these goals and, tragically and ironically, actually stimulated the largest strategic engineered population outflow in Europe since the Second World War, in which more than 800,000 Kosovars fled or were driven from their homes in less than two months.

This chapter tackles the question of why Yugoslav President Slobodan Milosevic decided to launch this massive strategic engineered migration in the spring of 1999 and what he hoped to gain. In doing so, it also tackles the underlying questions of why Milosevic was undeterred by NATO’s threat of a bombing campaign and why NATO felt compelled to launch this campaign. This case provides an instructive counterpoint to the Cuban crises examined in the previous chapter. In both instances, evidence suggests that a weak, semi-legitimate, internationally marginalized, state-level actor attempted to alter the behavior of a vastly more powerful target via the use of refugee-driven coercion. Likewise, in both cases, the perpetrator hoped to succeed at coercing the target

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1 Quoted in Daalder and O’Hanlon, *Winning Ugly*, p. 94.

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by engaging in activities designed to foment conflict within the target state(s), while also using the outflows to facilitate other policy goals. However, whereas the Cuban cases examined in Chapter 4 were bilateral and relatively successful, as I shall argue herein the conflict in Kosovo was multilateral (between the Federal Republic of Yugoslavia [the FRY] and the NATO alliance) and in the end, largely a failure. See Figure 5.1 below for an illustration of how events transpired.

![Figure 5.1: Kosovo Crisis (1999): Milosevic as Generator](image)

(G)enerator: Milosevic regime

(T)arget: the NATO alliance

To summarize the argument that follows: The most widely promulgated history of the conflict suggests that Milosevic’s ethnic cleansing campaign—purportedly dubbed Operation Horseshoe by

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2 In the Cuban cases, exporative migration, to undermine domestic political opposition, and in the Kosovo case, militarized migration, as part of the FRY’s counter-insurgency campaign against the KLA

3 Readers may find it instructive to compare the figures across case studies—each of which focuses on the primary driver (i.e., generator or instigator) of outflows. Again, the shaded boxes indicate the decisions actually taken, by perpetrators and by targets.
the Serbs—was a premeditated plan designed to empty the province of its Albanian majority and reestablish Serb dominance whatever NATO did. However, as I shall attempt to demonstrate, the available evidence does not support this interpretation of events. Instead, it suggests that the primary objective of Milosevic’s spring campaign was not a cleansing of the province, but rather the destruction of the separatist Kosovo Liberation Army (KLA). Moreover, while the evidence is not conclusive, it suggests that Milosevic’s preferred strategy for achieving his aim was a two-pronged coercive effort designed to simultaneously crush the KLA and deter NATO from interfering with this endeavor. Thus, I shall argue, while NATO was actively seeking to deter, and then to compel Milosevic to cease his spring offensive through the use of air strikes, Milosevic was likely engaged in his own intensive game of counter-coercion against NATO and its allies. However, for Milosevic, refugees, rather than bombs, were the political and military weapons of choice.

Politically, it appears that Milosevic initially attempted to deter a NATO attack by raising the specter of the destabilizing consequences of refugee outflows, and he did so as early as February...

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6 It has been argued that NATO needed to cling tightly to such an interpretation in order to justify its actions. Timothy Garton Ash, for instance, claims that “western European leaders stressed the motive of averting “humanitarian disaster” so strongly because this was the only way in which taking military action without the sanction of a UN Security Council resolution—something they had recoiled from doing for the best part of a year—might possibly be justified in international law. This legal expedient had been suggested by a British foreign office memorandum circulated to Britain’s NATO allies as early as October 1998.” From Timothy Garton Ash, “The war we almost lost: Was NATO’s Kosovo campaign a legitimate response to a humanitarian catastrophe – or did it cause one?” The Guardian, September 4, 2000, p. 2.


8 This proposition has been echoed by others, including recognized refugee expert, Bill Frelick, of the US Committee on Refugees. See, for instance the program transcript for the Center for Defense Information’s America’s Defense Monitor program transcript for the documentary Refugees as Weapons of War, which can be found at: http://www.cdi.org/adm/1306/Frelick.html. In his interview, Frelick says, “Initially in 1998 I think that the Serbian strategy was a counter-insurgency strategy. They were provoked by the KLA. At various points the KLA was seeking independence. They were trying to sort of Boston Tea Party, or to provoke the Redcoats, so to speak. And the Yugoslav army and the Serbian police overreacted, hitting civilian populations. But essentially it was directed at the KLA at that time. I don’t think that the strategy, at that time was ethnic cleansing per se. That changed dramatically with the bombing campaign that NATO embarked upon on March 24, 1999...” Frelick believes that once NATO bombing commenced, the Serbs saw an opportunity to cleanse the province and set about doing it. See also Lelyveld, “The Defendant,” p. 85.
1999, following the collapse of talks at Rambouillet. Already visible fissures in the facade of NATO unity likely gave Milosevic reason to believe that he might succeed in deterring the alliance from attacking. After deterrence failed, he persisted in trying to fracture the alliance and cultivate fear within those neighboring countries supporting the NATO war effort, in an attempt to convince the alliance to end its bombing campaign and to do so on terms more favorable than those offered at Rambouillet.

Likewise, the available evidence indicates Milosevic also sought to use refugees militarily: first, to gain tactical advantage against the KLA insurgents through the frequently employed strategy of population displacement; and second, to impede NATO operations, by flooding neighboring states (and NATO staging areas) with refugees. As a military weapon, population displacement is a common strategy, designed to sever rebel supply and communications lines and to reduce insurgents' capacity to hide among civilians. As such, some displacement would surely have occurred as a direct consequence of the Yugoslav campaign against the KLA, even in the absence of NATO action. However, once the bombing began, any restraint based upon fear of NATO reprisals vanished, leading Milosevic to pursue a larger and more destructive campaign than was

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9 For a discussion of rising xenophobia and fear of refugee flows in Europe, see, for instance, Sandra Lavenex, Safe Third Countries: Extending the EU Asylum and Immigration Policies to Central and Eastern Europe (Budapest: Central European University Press, 1999).
10 The stipulations of the Rambouillet Accords would have allowed NATO troops unimpeded access to all of the FRY—not just Kosovo—something that many on both sides of the political spectrum acknowledge no sovereign country would willingly accept. See, for instance, Henry Kissinger, “The Wrong Invasion,” The Ottawa Citizen, February 22, 1999, p. A13 and William E. Ratliff, “Madeline’s War and the Costs of Intervention,” Harvard International Review, Winter 2001, vol. 22, issue 4, pp. 70-6, as well as Robert Hayden, “Humanitarian Hypocrisy,” Kosovo and Yugoslavia: Law in Crisis, a presentation of JURIST: The Law Professor’s Network, 1999. Found at: www.jurist@law.pitt.edu. Even the Prime Minister of Slovenia, who believes the US pursued the right tack at Rambouillet—given Milosevic’s past behavior—acknowledges that “the Rambouillet talks were not ‘negotiations,’ as the term is usually understood. Both sides... were [ ] presented with a take-it-or-leave-it proposal.” From Janez Drnovsek, “Riding the Tiger: The Dissolution of Yugoslavia,” World Policy Journal, vol. 17, no. 1 (Spring 2000).
11 Likewise, the British House of Commons' Foreign Affairs Committee concluded “whatever the actual impact of the Military Annex [ ], NATO was guilty of a serious blunder in allowing a Status of Forces Agreement into the package which would never have been acceptable to the Yugoslav side, since it was a significant infringement of its sovereignty.” From the House of Commons' Select Committee on Foreign Affairs Fourth Report, May 23, 2000. Available on-line at: http://www.parliament.the-stationery-office.co.uk/pa/cm199900/cmselec/cmfaff/28/2802.htm.

11 In the midst of counter-insurgency campaigns, population displacement frequently occurs even when the forces involved are less disposed to brutality than the Serbs. Consider, for instance, that US search-and-destroy tactics in Vietnam during the spring of 1965 alone generated over 400,000 refugees. From Robert B. Asprey, War in the Shadows: The Guerrilla in History (New York: William Morrow and Company, 1994), p. 832. See Asprey's book as well for a number of other examples of the civilian externalities of counter-insurgency campaigns.
originally planned. Moreover, as tactical weapons designed to disrupt NATO operations, the intent of the refugee flood appears to have been two-fold; designed in part to directly undermine NATO’s ability to launch offensive operations¹³, and in part to overwhelm the alliance’s (and recipient states’) logistical capabilities.

Given the benefit of hindsight, Yugoslav President Slobodan Milosevic’s decision to engage in ethnic cleansing as part of his spring offensive may appear foolhardy; particularly given that he was ousted from power 18 months later and was soon thereafter imprisoned as an international war criminal. Nevertheless, as many observers would concede—and like many perpetrators of engineered migration before him—Milosevic had few attractive policy options from which to choose. He was an international pariah, facing both a mounting insurgency by the separatist Kosovo Liberation Army (KLA) and a diktat-like ultimatum from the world’s most powerful military alliance,¹⁴ compliance with which would have made combating the KLA threat impossible.¹⁵ Under these circumstances, an attempt at counter-coercion via extortive engineered migration probably appeared to be a worthwhile gamble for Milosevic, particularly since for a time it appeared that the refugee gambit might succeed. Moreover, he made clear on numerous occasions that he understood well the vulnerabilities of his liberal counterparts to the imposition of humanitarian political costs.¹⁶ Hence the question of what motivated Milosevic to launch a massive ethnic cleansing campaign in the spring of 1999 remains important. As do the questions of what he hoped to achieve, when and why he decided multilateral extortive engineered migration

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¹³ Interestingly, Greek diplomats predicted as much about a month before the bombing began. See Paul Wood, “Regional Tensions: Greece fears the Balkans could ignite and drag her into conflicts of the past,” The Independent, February 21, 1999, p. 10.


¹⁵ It is worth keeping in mind that NATO’s aggregate: 1) gross domestic product (GDP) was about 900 times that of the FRY; 2) defense budgets were 500 times greater than the FRY’s; and 3) population was approximately 70 times greater than the FRY’s. From Posen, “The War for Kosovo,” p. 49.

¹⁶ As Henry Kissinger—while simultaneously highlighting US hypocrisy—put it: “Rambouillet was not a negotiation—as is often claimed—but an ultimatum. This marked an astounding departure for an administration that had entered office proclaiming its devotion to the U.N. Charter and multilateral procedures.” Henry A. Kissinger, “New World Disorder,” Newsweek, May 31, 1999, p. 41.

¹⁷ See again fn. 1.
was a viable way to accomplish his goals, and why in the end his gambit (mostly) failed, each of
with are examined in turn herein.\footnote{This is not meant to suggest that ethnic cleansing or using refugees as weapons was Milosevic's only, or
even his primary, tool in the spring 1999 offensive. Nevertheless, for reasons outlined in Chapters 2 and 3,
this phenomenon deserves more attention than it has heretofore been given, particularly since historically
refugees have been used coercively with greater frequency than is generally recognized.}

In the course of examining Milosevic’s behavior as a generator of refugee flows, I also provide
evidence that during this same period two other attempts at extortive engineered migration were
also underway: one by the independence-seeking Kosovo Liberation Army (KLA) and another, by
enterprising neighbor(s) ?, Macedonia and (perhaps?) Albania. In the context of explaining why
Milosevic’s gambit failed, I demonstrate how and why the KLA and its supporters consciously
acted as agents provocateurs, which is to say that they intentionally behaving in ways designed to
impel the international community (read the NATO alliance) to intervene on their behalf. In
short, I argue that the KLA engaged in a variety of guerrilla hit-and-run attacks they knew would
prove provoke Serb retribution and anticipated would also stimulate international outrage and a political
and military response. I further argue that the KLA and their supporters aided in this endeavor
by the hypocrisy cost generating behavior of the leadership of some NATO members, whose lofty
rhetoric—and poor track record in Bosnia a few years before\footnote{See, for instance, Samantha Power, A Problem from Hell: America and the Age of Genocide (New York: Basic
Books, 2002), on the power of the Bosnia precedent in driving behavior in Kosovo.}
drove the alliance inexorably
towards an intervention that created a far greater humanitarian disaster than anyone desired, or
even anticipated at the outset. In this same context, I also show briefly outline and illustrate how
Yugoslavia’s neighbors were able to extract handsome financial side-payments from the NATO
alliance, in exchange for keeping their (temporarily closed) borders open to fleeing Kosovars.\footnote{See also Michael Barutcijski and Astri Suhrke, "Lessons from the Kosovo Refugee Crisis: Innovations in

See Table 5.1 at the top of the following page for an illustration of the key actors and their targets.
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Research materials for this chapter have been drawn from a wide variety of primary and secondary sources. These include government (e.g., US, British, German, and European Union) documents and transcripts, international organizational reports and documents (and particularly, Kosovo/Kosova: As Seen, As Told, an analysis of the human rights findings of the OSCE Kosovo Verification Mission), a variety of scholarly sources (including a statistical analysis of the population outflows), and a wide array of US, Eastern and Western European, and especially Yugoslav newspaper and magazine articles. I also drew heavily on the extensive interviews conducted by Alan Little, in conjunction with the production of the BBC documentary, “Moral Combat: NATO at War.” For additional perspective, I conducted my own interviews in the immediate aftermath of the conflict (June-August 1999)—with European government officials, aid agency representatives and officials, international military observers, and Kosovar refugees—in Western Europe and in the Balkans. In addition, between April 2000 and November 2002, I conducted additional interviews with former Clinton Administration officials, US Defense Department analysts and planners, US and French military officers, and former Albanian government officials.

The rest of this chapter is organized as follows: first, after providing a short, stage-setting narrative of the events leading up to the conflict, I present the argument that Milosevic initially attempted to deter NATO from attacking, by actively exploiting the West's well-documented fear of refugee flows, gambling that these fears would help undermine NATO cohesion and cultivate fear within
those neighboring countries supporting NATO, i.e., by trying to create domestic conflict within NATO member states. Second, in the context of the first argument—and in light of the propositions forwarded in the preceding theory chapters—I discuss the implications of the fact that many members of the NATO alliance failed to take Milosevic's deterrent threats seriously. Third, I outline how and why, after failing to deter NATO from attacking—and while moving ahead with his campaign to crush the KLA—in his role as refugee generator, Milosevic upped the ante and sought to compel NATO to stop its bombing campaign; I use an examination of the pattern and timing of refugee flows to support this proposition. Finally, I offer an explanation as to why Milosevic's gambit was largely—though, not wholly—a failure, while the KLA's simultaneous attempt at strategic engineered migration was largely a success.

1. Background

A short review of the key events that led up to the March offensive is in order to set the stage for the argument that follows. The proximate cause of the 1999 Kosovo conflict was the rise of the Kosovo Liberation Army (KLA) in the mid-1990s. This rise followed the perceived failures of the non-violent activism of Ibrahim Rugova and his Democratic League of Kosovo (LDK) and their efforts to improve the plight of the oppressed Albanian minority in Kosovo. Frustrated with the trifling results of Rugova's efforts on behalf of Kosovo's beleaguered Albanians, the previously nascent KLA began to actively engage in terrorism, targeting ethnic Serb officials and police, prominent Serb civilians, and Kosovar Albanians perceived to be Yugoslav loyalists. Albania's economic and political collapse in 1997—in the wake of the failed pyramid investment schemes—further catalyzed development of the KLA. During this period, large quantities of Albanian army weaponry found their way to Kosovo. As the KLA became better armed and

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20 For a discussion of rising xenophobia and fear of refugee flows in Europe, see, for instance, Sandra Lavenex, Safe Third Countries: Extending the EU Asylum and Immigration Policies to Central and Eastern Europe (Budapest: Central European University Press, 1999).

21 For a more detailed chronology of this period, see "A Kosovo Chronology," which can be viewed on the PBS Frontline website at: http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/.


23 See, for instance, Judah, Kosovo: War and Revenge, pp. 128-9.
equipped, its effectiveness increased. In response to the rise in terrorist incidents, Serb security forces cracked down on suspected KLA members, and as the spiral of attacks and reprisals swelled, the situation within Kosovo grew more violent. On January 4, 1998, the KLA proclaimed itself "the armed forces of the Kosovar Albanians and that the armed struggle for the independence of Kosovo and its unification had begun."\footnote{Cited in William Hayden, "The Kosovo Conflict and Forced Migration: The Strategic Use of Displacement and the Obstacles to International Protection," \textit{Journal of Humanitarian Assistance}, posted February 14, 1999. Can be found on-line at: http://www-jha.sps.cam.ac.uk/b/b597.htm. (Hayden's article preceded the March 1999 conflict and contains an interesting viewpoint on why it would not have been in the Serbs' interest to opt for massive ethnic cleansing of Kosovo, at least until after the West had intervened.) See also \textit{RFE/RL Newsline}, v. 1, no. 188, part II, January 5, 1998.}

By late winter in 1998, the KLA reportedly controlled about half of the province. In an attempt to crush the expanding insurgency, the Serb government launched a massive and brutal counter-offensive, which by March 1998 had achieved considerable success.\footnote{On February 23, 1998, during a visit to Pristina US special envoy Robert Gelbard announced that the US "condemned very strongly terrorist actions in Kosovo. The UCK (KLA) is, without any question, a terrorist group." Cited in Judah, \textit{Kosovo: War and Revenge}, p. 138. It is widely acknowledged that Milosevic interpreted this statement—obviously incorrectly—as a green light from the US to act against the KLA.} However, the cost for the Kosovar Albanians was high; many villages were razed and civilian casualties mounted. The Serbs' tactics were brutal, but militarily effective. In response, in late spring 1998 the EU and the US publicly condemned the Serb offensive and stepped in to mediate the conflict. However, Western diplomatic efforts resulted in little progress; and as the West was either unwilling or unable to augment its diplomatic efforts with credible threats of military action, it failed to persuade the Serbs that it was serious about protecting the Kosovar Albanians. Shortly thereafter the Serbs renewed their offensive, and by September 1998, the KLA had been largely—albeit only temporarily—neutralized as a military force.

The renewed Serb offensive generated several hundred thousand additional refugees and internally displaced people (IDPs), many of whom fled to Western Europe seeking asylum. Alarmed by this turn of events, again the West intervened diplomatically in an attempt to curb Serbian military attacks in Kosovo, this time with the threat of air strikes. After a series of meetings that October, US Balkan envoy, Richard Holbrooke and President Milosevic came to terms over the province, thus averting air strikes on Serbia and permitting the vast majority of those displaced during the
offensive to return to their homes. In exchange, the Serbs agreed to a ceasefire and were enjoined to reduce their forces in Kosovo to pre-March 1998 levels.\textsuperscript{26} They also agreed to the presence of Organization for Security and Cooperation in Europe (OSCE) ceasefire monitors. For its part, Holbrooke reportedly promised that NATO would secure KLA compliance with the ceasefire, even though the KLA was not party to the agreement,\textsuperscript{27} a shortcoming that likely crippled the agreement from the outset.\textsuperscript{28}

However, the partial withdrawal of Serb forces was met not by compliance, but by immediate KLA advances and a concomitant rise in terrorist attacks, which were well-documented by the OSCE and KDOM observers on the ground.\textsuperscript{29} As KLA General, Agim Ceku, put it: "The ceasefire was very useful for us, it helped us to get organised, to consolidate and grow. .... We aimed to spread our units over as much territory as possible, we wanted KLA units and cells across the whole of Kosovo."\textsuperscript{30} By early 1999, large areas of Kosovo were again occupied by KLA forces. The Serbs saw a return to the situation they faced before the offensive a year earlier.\textsuperscript{31} Convinced that the West was unwilling to hold up its end of the bargain—i.e., ensuring that the KLA would adhere to the ceasefire and in fact, was probably aiding the KLA—the Serbs responded brutally and effectively. According to OSCE observers, Yugoslav and Serbian security forces seized the

\textsuperscript{26} According to General Klaus Naumann, Chairman of NATO's Military Committee, Milosevic “really did what we asked him to do, He withdrew within 48 hours some 6,000 police officers and the military back into the barracks.” (Members of the OSCE’s Verification Mission in Kosovo confirmed Naumann’s assessment.) Quoted in Alan Little, "Moral Combat: NATO at War," transcript of a BBC2 special, broadcast on March 12, 2000; on-line version available from the BBC website. On the terms of the 1998 Agreement, see, for instance, Daalder and O’Hanlon, \textit{Winning Ugly}, pp. 45-62, Clark \textit{Waging Modern War}, Chapter 6, pp. 131-61, and Judah, \textit{Kosovo: War and Revenge}, pp. 183-9.

\textsuperscript{27} See again fn 11. Moreover, Major General John Drewienkiewicz declares as much when discussing the Serb reaction to KLA advances in late 1998-early 1999. “Because the Serbs said to us, well hang on, the deal was that we withdraw from these things, and you were going to police the agreement. So can you just get these Kosovo Liberation Army (KLA) out of the trenches that we were in a month ago?” Quoted in Little, "Moral Combat: NATO at War."

\textsuperscript{28} See, for instance, Daalder and O’Hanlon, \textit{Winning Ugly}, pp. 57-9; and Timothy W. Crawford, “Pivotal Deterrence and the Kosovo War: Why the Holbrooke Agreement Failed,” \textit{Political Science Quarterly} (Fall 2001).

\textsuperscript{29} Both OSCE and KDOM monitors on the ground verify that the KLA was undermining the ceasefire almost as soon as it was signed. See \textit{As Seen, As Told, Part I}, pp. 26-30 and Chapter V (The Municipalities), pp. 163-401, which contains information about the security situation and levels of violence in each of Kosovo’s municipalities, as well as \textit{KDOM Daily Report}, October 31, 1998, cited in Daalder and O’Hanlon, \textit{Winning Ugly}, p. 292, fn 133, in which KDOM monitors noted that “KLA (UCK) presence is growing in those areas where Serb troops and police have departed, having established its own checkpoints on secondary roads in the Drenica, Podujevo, and Malishevo areas.” See again Crawford, pp. 512-17.

\textsuperscript{30} Quoted in Little, “Moral Combat.”

\textsuperscript{31} According to Wolfgang Petritsch, EU Special Envoy to Kosovo: “They were really growing ever stronger from day to day, and there was nobody to really stop them. ... The KLA basically came back into its old positions that they held before the summer offensive.” Quoted in ibid.
initiative in mid-December, attacking suspected KLA strongholds, including the village of Racak, where the apparent massacre of 45 civilians in mid-January 1999 re-galvanized Western efforts to mediate the conflict. Half-hearted peace plans were offered up at Rambouillet and in Paris, but, as many—even with the NATO alliance—acknowledge, there was little in these “agreements” for the Serbs. It soon became clear that there was no longer a peace for the OSCE monitors to verify, and they withdrew. Shortly thereafter the spring offensive began apace, NATO air strikes commenced, and ethnic cleansing began in earnest.

II. Why Did Milosevic Think He Could Succeed? Know Thine Enemy

A) NATO’s Power-driven and Ahistorical Myopia

In his seminal work on coercion, Schelling argued “the coercive use of the power to hurt is the very exploitation of enemy wants and fears.” For their part, the most powerful members of NATO had decided that what Milosevic likely “needed” was a little bombing before he could

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32 Even Hashim Thaci, head of the wartime KLA, acknowledges that “a key KLA unit was based in the area” around Racak. See ibid.
33 Most believe that of those killed at Racak, at least some—if not all—were innocent civilians. However some contend that those killed were battle deaths and the apparent massacre was a hoax perpetrated by the KLA, in an attempt to galvanize Western support for action against the Serbs. They cite as evidence the fact that the Finnish forensic investigative team that examined the site reported that “most of the 45 Racak dead had been shot at long range, not execution-style.” From Peter Worthington, “The hoax that started a war,” The Toronto Sun, April 1, 2001.
34 See again Judah, Kosovo: War and Revenge; and Posen, “The War for Kosovo.” For his part, US State Department spokesman James Rubin now acknowledges: “obviously, publicly we had to make clear we were seeking an agreement, but privately we knew the chances of the Serbs agreeing were quite small.” From Alan Little, Moral Combat: NATO at War. See also James Rubin, “A Very Personal War: Countdown to a Very Personal War,” The Financial Times (London), September 30, 2000, p. 9.
35 To provide some context as to where things stood at this point—i.e., just before the advent of the NATO campaign, consider the following. Most sources agree that to this point, there had been a total of only 1,000 - 2,000 conflict-related deaths between the start of the first Serb offensive in March 1998 and the withdrawal of the OSCE observers in mid-March 1999. In this same period, UNHCR figures suggest that perhaps 200-300,000 persons had been displaced from their homes, most victims of what was essentially a temporary rural displacement resulting from government operations against villages suspected of sympathizing with guerrillas … many of (whom) returned to their damaged homes over the course of the year.” From Michael Barutciski, “Western diplomacy and the Kosovo refugee crisis,” Forced Migration Review, vol. 5, 5 August 1999, p. 9. In fact, Daalder and O’Hanlon note that in the after the October agreement was signed “all displaced persons inside Kosovo had either returned to their villages or had found temporary shelter elsewhere.” From Daalder and O’Hanlon, Winning Ugly, p. 49; see also fn 93 on p. 389. Some fled again once the ceasefire had definitively broken down, but as UNHCR spokesman, Fernando Del Mundo put it, “last summer people were fleeing for their lives. Now they are being displaced because of fear.” This implies that in early 1999 civilians were not yet being pushed out, but rather were fleeing preemptively. From “Make-or-break time for Kosovo,” The Christian Science Monitor, February 25, 1999, p. 6.
"justify acquiescence" and concede Kosovo without losing face. As Secretary of State Albright put it on the first day of bombing: "I don't see this is a long term operation. I think this is something that is achievable within a relatively short space of time." However, this conclusion was based on a combination of the hubris that often comes of overwhelming power and a misreading of history. The alliance ignored the signals coming from Belgrade that indicated Milosevic was not going to give up without a fight; in short, NATO both miscalculated the true nature of their adversary's "wants and fears" and underestimated the credibility of his counter-threats.

In the month between the failure at Rambouillet (February 22nd) and the start of NATO bombing (March 24th), Milosevic received numerous representatives from the US, the EU, the OSCE, and NATO. Though transcripts of these meetings have not been published, it appears that throughout this period Milosevic indicated a willingness to grant autonomy to the Kosovar Albanians and to take part in further negotiations; whether he was in earnest or not, however, remains unclear. Nevertheless, as has been noted elsewhere, Milosevic had strong motivations to avoid a resort to violence. As Salla had concluded long before the Kosovo conflict erupted: "The Serbian government [is] intent upon avoiding violent confrontation in Kosovo that could trigger further

38 “Kosovo: The untold story: How the war was won,” The Observer, July 18, 1999.
39 See, for instance, Franklin C. Spinney, “Learning the Lesson the We Want to Learn?,” Proceedings, September 1999, p. 6. As Spinney (and others) have argued, US decision-makers assigned too much importance to the role of bombings in Bosnia in bringing the Serbs to the negotiating table at Dayton. This historical amnesia ignores the decisive effects of the August 1995 Croatian offensive, Operation Storm, in ending the Bosnian war. See also Steven Burg and Paul Shoup, The War in Bosnia-Herzegovina (Armonk, NY: ME Sharpe, 1999), especially pp. 348-60.
40 On March 2, Milosevic met with OSCE chairman, Knut Vollebaek; the following day, Serbian President Milan Milutinovic met with Christopher Hill; and on March 8, Milosevic received Joschka Fischer and EU Commissioner Hans Van den Broek, as well as the German and Austrian ambassadors to Belgrade. On all of these occasions, the Serbs are clear that they are open to further negotiation, but firmly opposed to a NATO troop presence and to independence for Kosovo. On March 11, Milosevic met with Holbrooke and the US delegation, and on the same day, President of the Serbian Radical Party Vojislav Seselj publicly announced Serbian unwillingness to accept the deployment of any foreign troops on FRY soil; on March 17, the Yugoslav Army's high commander publicly proclaims that Kosovo must be defended at any price and reiterates Belgrade's objection to a foreign troop presence; on March 23, Milosevic meets with Holbrooke and writes in an open letter to British Foreign Minister Robin Cook and French Foreign Minister Hubert Vedrine that "Belgrade is tolerant, but not stupid...your peoples should be ashamed...for you prepare yourselves to use force against a small European nation, just because it protects its territory from separatism, protects its citizens from terrorism, and its historical dignity against rats who know nothing about history or dignity." The next day, bombing began. From "President Milosevic replies to Ministers Cook, Vedrine, TANJUG News Service, March 23, 1999, www.serbia-info.com/news." See TANJUG
international sanctions, the destabilization of Macedonia, some form of intervention by Albania, and a wider Balkan war.44 Thus, Milosevic's preferred strategy—both domestically against the Kosovar Albanians and internationally against the NATO alliance—was deterrence rather than conflict.45 However, when confronted with an internal enemy that was no longer deterred (i.e., the KLA), due in large part to the rhetoric and actions of an external potential adversary (i.e., NATO), it grew increasingly clear that his preferred strategy was no longer a viable option. This is due to the fact that—even if Milosevic was willing to consider autonomy for the Kosovar Albanians—he was clearly unwilling to accept NATO's military provisions or to consider independence for Kosovo, as mandated during the Rambouillet and Paris conferences.46 He also made abundantly clear that he understood the consequences of failing to comply with NATO's demands, and that he was willing to absorb them.47 Nevertheless, in evaluating his willingness to absorb these costs, it is worth noting that Milosevic had compelling reasons to believe that NATO's campaign would be short-lived, and thus the costs to be absorbed not so great.48 For instance, as one British official put it: "they thought five cruise missiles would come floating down the road, and that was it. Even when I spoke to the Yugoslav Minister in London to reiterate the

coverage for the month of March at www.serbia-info.com/news for more information about the FRY's view of the diplomacy between Rambouillet and the start of the war.


42 See again Hayden, "The Kosovo Conflict and Forced Migration" on Milosevic's reluctance to engage in ethnic cleansing in the pre-bombing period for fear of provoking international recriminations; and Kuperman, Chapter 8, p. 346.

43 Balkan envoy Christopher Hill believes Milosevic was open to a political deal but was against the military provisions because "he felt that the true intention of the force was to eliminate him and/or detach Kosovo from Serbia. In fact there was nothing in the political agreement, which was unsellable to Serbs. The agreement reiterates the sovereignty of Yugoslavia." From Judah, Kosovo: War and Revenge, p. 230. This view is echoed by retired Yugoslav Army general, Radovan Radonovic, a former chief strategist, who said "we believed NATO was using the KLA as its invasion force." From Daniel Pearl and Robert Block, "Body Count: War in Kosovo Was Cruel, Bitter, Savage; Genocide It Wasn't," Wall Street Journal, December 31, 1999, p. A1. This version of events is largely—but not wholly—consistent with what was said to this author, during interviews conducted with former Clinton Administration officials (one of whom maintained that the Serbs were implacably opposed to reaching an agreement) in July 2000 and in May 2001, with an external member of the US negotiating team in December 2000, and with several German officials in July 1999.

44 As Holbrooke himself recounts their last meeting on March 23, Milosevic acknowledged that he knew he would be bombed. "There was no question in his mind what we would do." See Doyle McManus, "Debate Turns to Fingerprinting on Kosovo Policy," Los Angeles Times, April 11, 1999, p. A1.

45 Not only did Milosevic have reasons to believe the Europeans would not tolerate a protracted campaign, but also it appears that he had intelligence from French (and possibly Russian) sources that indicated that the target set would be narrow. See again "Debate Turns to Fingerprinting on Kosovo Policy"; Paul Beaver and David Montgomery, "Mystery Still Shrouts Downing of F-117A Fighter," James Defense Weekly, September 1, 1999, p. 4; Paul Beaver and David Montgomery, "Belgrade Got NATO Attack Plans from a Russian Spy," The Scotsman, August 27, 1999, p. 1; and Little, "Moral Combat." Additionally, in an interview in July 2000, a US Air Force officer confirmed that intelligence leaks probably played a material role in the downing of a F-117 during the bombing campaign.
threat, he still had not taken it on board. He said: "Two cruise missiles will not make us bow." 

(It is also worth noting that Lieutenant General Mike Short, US Air Force, has himself reported that "I was being told, again quote, 'Mike you're only going to bomb for two or three nights, that's all the Alliance can stand, that's all Washington can stand.'"

B) Milosevic's Clarity—Magnified by Western Transparencies

1) Recognition of Widespread, Yet Heterogeneous, Fears of Outflows

In stark contrast to NATO's self-acknowledged "dysfunction of imagination," Milosevic understood exactly what the West feared most—i.e., large scale refugee flows and regional destabilization—because its key representatives told him. For instance, when asked whether bombing might simply accelerate the rate of ethnic cleansing in Kosovo, Richard Holbrooke responded, "That is our greatest fear by far." Moreover, Holbrooke's statement was hardly the first inkling Milosevic had gotten of Western apprehension over refugees.

As Milosevic was no doubt aware, refugees have come to be most unwelcome, since the numbers of asylum applicants to Western Europe began a steep and prolonged ascent in the mid-1980s. Since that time, fear and distrust of foreigners more generally has risen as well. As early as 1992, even before the first Balkan outflows began in earnest, public opinion polls indicated that 78 percent of Germans thought that immigration was their country's most pressing problem. Moreover, additional refugees from the Balkans may have been viewed as particularly

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46 "Kosovo: The untold story; How the war was won."
47 Ibid.
48 Author interviews with German government official in Sarajevo, Bosnia, in July 1999.
50 Western fears about the consequences of Kosovar refugee flows had been appearing in the press since at least the start of the March 1998 offensive, when Strobe Talbott said, "one of the greatest fears in Washington about Serbian brutality against ethnic Albanians in the province of Kosovo is that violence could spread into Albania and neighboring Macedonia." The New York Times, March 17, 1998.
51 See, for instance, Austria, Switzerland, and the Politics of Nationalism," Global Intelligence Update: Weekly Analysis, November 1, 1999; can be found at: www.stratfor.com, as well as Jeanette Money, Fences and Neighbors: The Political Geography of Immigration Control (Ithaca: Cornell University Press, 1999). Consider as well the recent rise in popularity of anti-immigration parties throughout Western Europe.
unwelcome.\textsuperscript{54} For instance, one British study found that 80 percent of the Kosovar refugees that fled to the United Kingdom between 1997 and 1999 were subjected to hostility from sections of the British public and the press.\textsuperscript{55} The existence of this antipathy towards minority groups, particularly immigrants, would not have been lost on Milosevic, nor would its potential effects on the political fortunes of European leaders. Both sides would have been aware of the potential dangers of large-scale refugee flows, particularly since they had already begun to affect, albeit in a limited way, the political makeup of the continent.

Moreover, Milosevic surely also realized that many Western leaders view refugee flows as a danger from a security standpoint as well as from a political standpoint. With this in mind, he may well have bargained that he could exploit the fears of those countries likely to suffer more acutely than others, as well as fears of those certain to suffer if the crisis spread beyond the Balkans.\textsuperscript{56} For instance, given their propinquity, the Greeks were particularly alarmed about the prospect of NATO bombing and its possible effect on refugee outflows. As one official presciently stated in late February 1999, “up to now, the Serbs have held back for fear of provoking a NATO attack. ‘Once bombing starts, they could lose all restraint.’”\textsuperscript{57} And Germany, after having taken in 350,000 Bosnians during the last Yugoslav war—more than all the other EU member states put together—feared it would also bear the brunt of a full-scale crisis in Kosovo.\textsuperscript{58} Thus while the failed Rambouillet talks were underway in France, Germany was hosting its own unsuccessful

\textsuperscript{54} Some argue that fears associated with immigration from Central Europe are the key driver of current initiatives in EU immigration policy. See again Lavenex, \textit{Safe Third Countries}.

\textsuperscript{55} One national tabloid featured an article about migrants from Slovakia and Kosovo seeking asylum in order to exploit Britain’s generous welfare provisions and displaying threatening behavior when good housing was not available. From Alice Bloch, “Kosovan refugees in the UK: the Rolls Royce or rickshaw reception?,” \textit{Forced Migration Review}, vol. \textit{5}, 5 August 1999, p. 24.

\textsuperscript{56} As British Prime Minister, Tony Blair, proclaimed in the midst of the Kosovo conflict, “when oppression produces massive flows of refugees which unsettle neighboring countries then they can properly be described as ‘threats to international peace and security.’” See Tony Blair, “Doctrine of the International Community,” Transcript of a speech given before the Chicago Council of Economists, April 23, 1999.

\textsuperscript{57} See again Paul Wood, “Regional Tensions: Greece fears the Balkans could ignite and drag her into conflicts of the past.” The article goes on to note that the Greeks believed that it was believed that bombing “would send refugees into Macedonia and Albania, filling camps with dispossessed ethnic Albanians bent on revenge. Albania is already highly unstable. Problems there, especially given the availability of weapons, would add to a separatist campaign by ethnic Albanians in Macedonia. Diplomats fear that such a conflict could see neighbouring states revive territorial claims: the Greeks to southern Albania, the Serbs to northern Macedonia and the Bulgarians to western Macedonia. It is not simply Kosovo which is at stake.”
summit, this one (futilely) aimed at generating support for European refugee burden-sharing initiatives.59

In particular, Milosevic might have bargained that Italy would try to forestall a bombing campaign, especially after the pyramid scheme scandal that toppled the Albanian government in 1997 and created large refugee flows across the Adriatic. Memories of the situation would have been sharpened by reflection on the weak support provided by Italy’s allies during that crisis. As alluded to in the section on hypocrisy costs in Chapter 3, to staunch the outflows and stabilize the situation, the Italian government had unilaterally launched Operation Alba.60 Britain and Germany quickly vetoed their own involvement and that of the EU as a whole. In addition, NATO, the UN, and the OSCE all agreed not to “touch Albania” until they were satisfied that one country bore full responsibility for the enterprise.61 With that historical backdrop in mind, Italian Prime Minister Massimo D’Alema met with President Clinton in early March 1999 and reportedly asked skeptically about contingencies if NATO airstrikes failed to subdue Milosevic. “The result, Mr. D’Alema said, would be 300,000 to 400,000 refugees passing into Albania and crossing the Adriatic into Italy. ‘What will happen then?’” Reported the Clinton Administration’s only answer was, “We’ll keep on bombing.”62 Such an answer could have provided small comfort to the Italian leader.63

58 Ibid. As one diplomat put it: “Germany feels that the rest of Europe is not pulling its weight. It wants its partners to see this as a European problem, not as a German problem.” Unfortunately for Germany, its “partners” did not share its view.
59 Joint burden-sharing proposals presented by the European Commission were rejected by France, the UK and Spain. From Emma Tucker, “Bonn fears it may be left to shoulder burden of refugees: German pleas to treat expected Balkans exodus as a European problem are falling on deaf ears,” Financial Times (London), February 16, 1999, p. 2.
60 Andrew Gumbel, “Italy ready for mission impossible; Intervention in Albania could bring instability to Rome,” The Independent, April 7, 1997, p. 15.
61 Andrew Gumbel, “Albanian mission puts Italy’s government to the test,” The Independent, April 8, 1997, p. 15. Ironically, the decision to undertake Operation Alba and increase political stability in Albania almost led to the fall of the reigning Italian government.
63 It also appears that Milosevic might have viewed Italy as particularly vulnerable to these tactics in that in the first weeks of the war—during Milosevic’s self-declared ceasefire—an open letter to the Italian government was published in the state-run newspaper, entreating the Italians to “show they were better than fascists” and renounce the “military aggression” being pursued by “American-NATO.” From “Open letter to Scalfaro, D’Alema, and Dini,” TANJUG News Service, April 9, 1999; found on-line at www.serbia-info.com/news.
2) Manipulating the Heterogeneity of Preferred Approaches

Milosevic was also aware of the underlying disagreements within NATO about the right tack to pursue in Kosovo, both because they were regularly noted in the press during the lead-up to the conflict, and because the Yugoslavs had "friends" within the alliance. It seems clear that Milosevic attempted to intensify intra-alliance discord by fueling the unease that existed within some European countries about the militant stance taken by the US. For instance, as the Serbian state-run TANJUG News Service reported in the aftermath of Rambouillet, "it could be clearly seen that 'the Americans and the English' stick fast, and completely to a military, militant option, while, on the other hand, considerable wavering has arisen, above all, among the Italians. But it was observable also with the Frenchmen and Germans."

3) Exploiting the Existence of Fear

Similarly, it appears that Belgrade sought to sow divisions between the US and its European allies, by emphasizing that the Europeans had a better appreciation of the possible refugee-generating consequences of NATO action than did the Americans. The West had broadcast its fears about the consequences of refugee flows to Milosevic, and he, members of his government, and press representatives responded with vague and not-so-vague promises of fulfilling them. An open letter

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64 That Milosevic played close attention to what was appearing in the Western press is clear. Consider, for instance, his reference to Henry Kissinger's reaction to Rambouillet, which he discussed in an April interview with a journalist. Milosevic noted that Kissinger had declared Rambouillet "a mechanism for the permanent creation of problems and confrontations" and suggested that "President Clinton should have listened to this wise geopolitical expert rather than some of his own less knowledgeable advisers." Arnaud de Borchgrave, "We Are Neither Angels Nor Devils: An Interview with Slobodan Milosevic," United Press International, April 30, 1999. Moreover, it is known that the Serbs engaged in textual analysis of documents and therefore could have expected the West would do the same, thereby actually "getting" the messages it seems Belgrade attempted to send. For instance, one article in the state-run paper attempts to deconstruct NATO's Joint Statement about operations in Kosovo, and notes "It is interesting in this unusually long statement, they permanently speak about "innocent Kosovo civilians." In previous NATO documents, in each sentence they used the term "ethnic Albanians." See "NATO ministers free themselves of a responsibility by lies," TANJUG News Service, April 13, 1999; found on-line at www.serbia-info.com/news.

65 See, for instance, Arkin, passim.

66 As one well-placed NATO source put it: "Milosevic knew more about our thinking than we wanted [him] to. In a coalition war, more people get told things than they should. We don't think there was an agent, it could just have been clever Serbian intelligence, but he knew more than he should, put it that way." See again fn 45 as well.

67 Though hardly authoritative, see Peter Schwarz, "The Failure of the Rambouillet Conference," February 26, 1999, World Socialist website, says "the Europeans fear the consequences of military escalation. They calculate this could unleash an even greater exodus of refugees into the West. Moreover, souring relations with Russia would have unfavorable results for neighboring eastern European countries that have applied to join the European Union in the future." Can be found at: http://www/wsws.org/articles/1999/feb199/kos-fa6.shtml.
by a Serbian columnist, published in a state-owned newspaper in early March, is illustrative. The columnist began by noting that "there are not only cracks in the Contact Group but fundamental differences in opinion on the crisis and the possible solution" and proceeded to argue that:

"the perspective on Albanians can’t be the same from Washington where they arrive with pockets full of dollars intended for certain senators and other individuals, and the perspective from let’s say Rome where you can see boats full of desperate and aggressive Albanian immigrants along with Shiptar mafia, which is according to the documentation of Italian authorities already overpowering some Sicilian clans. The situation is similar in Germany, France and even Great Britain where ... "The Economist" reports under the alarming headline 'Tirana on Thames' that Albanians organized by their narco-bosses are flooding the 'Proud Albion' under the pretext of political asylum."  

The columnist took aim at the FRY’s more immediate neighbors as well, noting that, Europeans should be "concerned because Americans support Albanians and their extreme demands thus creating grounds for a permanent crisis that could easily spread to Macedonia, Greece and trigger Turkish involvement in the Balkan boiling pot." A day earlier, another columnist in another state-run newspaper, offered similar warnings:

"It’s not a question of ordinary local conflicts or instability that they are provoking in Yugoslavia. It’s about a real possibility of expanding the war beyond Yugoslav borders. In this conflict between ethnic groups and religious elements, the essential part now have political games in the process which are also included (sic) NATO, so-called Contact Group (France, Great Britain, Italy, Germany, Russia) and one actor in the group that is acting for its own benefit: USA.... Within all that, what is noticeable is that a military disposing (sic) is underway, and somebody will have to pay for it one day... (The) failure of the discussion in Rambouillet is an introduction to the new migration wave, which benefits to regional disintegration as well as to stimulating xenophobic elements present in the conflict."

The columnist continued by warning that "Kosovo represents a strategic zone of terrorism and drug trade... It is well known that this terroristic internal structure was supported by Albanian..."

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64 I am making a logical jump here in assuming that a column in the state-run press can reasonably be seen to be reflecting the views and attitudes of the government.
66 Some of which themselves have simmering ethnic tensions. For instance, Macedonia is divided between ethnic Slavs and ethnic Albanians, who make up a third of the population. Fears that large-scale influxes of Albanians would upset the ethnic balance were widespread and probably justified.
67 See again Dusko Vojnovic, "American and European View on Kosovo and Metohia—reasons for differences and disputes."
68 Juan Pablo Cordoba Elias, "The Reform: US Political games on Kosovo and Metohia," Politika, March 4, 1999; found on-line at www.serbia-info.com/news. Elias goes still further and warns that "Kosovo represents a strategic zone of terrorism and drug trade... (and) it is well known that this terroristic internal structure was supported by Albanian communist leader Enver Hoxha... (and) if we add to all this the fact that the terrorists are mostly Moslems, it seams (sic) that things are getting to quite another dimension."
communist leader Enver Hoxha... (and) if we add to all this the fact that the terrorists are mostly Moslems, it seems (sic) that things are getting to quite another dimension." 74 This was a masterful piece of fear-mongering, custom-tailored to push the buttons of anxious western European politicians, i.e., the threat from Kosovo is not only refugees, but Communist, drug-trading, Moslem, terrorist refugees.

The federal government in Belgrade also offered more direct warnings of impending humanitarian disaster and the conflict's potential spreadability. On March 20—the day OSCE observers withdrew from Kosovo—the government published an open letter in the state-run press indicating that, “all those threatening to use force against our country must face the responsibility for the consequences of humanitarian problems, which might arise as a result of the use of such force.” 75 The letter went on to suggest that the “build-up of foreign troops on the border of the FRY as well as the public threats of NATO aggression against our country...could pose a threat to peace and security in the wider region of South Eastern Europe,” 76 a fear that had been publicly enunciated and was widely-shared in the West. 77 A day earlier, a letter from the FRY’s foreign minister prevailed upon the then President of the UN Security Council to call for the withdrawal of NATO troops from the FRY’s borders, which would “contribute to the reduction of tensions and the elimination of unforeseen threats to peace and security in the region.” 78

Milosevic himself issued some warnings probably intended to have a deterrent effect. For instance, we now know that Milosevic told German Foreign Minister, Joschka Fischer in early March 1999 “that he could empty Kosovo within a week.” 79 Similar warnings were reportedly also issued to Italian Foreign Minister, Lamberto Dini. Furthermore, on the day before bombing started, Milosevic threatened in an open letter that “anyone who tries to impose solutions by force will have to take the responsibility for actions against the policy of peace and face the ensuing

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74 Ibid.
76 Ibid.
77 See again Perlez.
consequences.” But it was Vojislav Seselj, “the rabidly nationalist Serb Deputy Prime Minister”, who was clearest about what the Serbs were prepared to do, in the event of a NATO attack. Speaking at a rally, Seselj warned that any bombs would be met by a Serb attack on Kosovo, and that “not a single Albanian would remain if NATO bombed.” And just four days before the campaign began, Lt Gen Nebojsa Pavkovic, Commander of the Third Army in Kosovo, warned that if they were attacked, “Yugoslavia will deal with the remaining terrorists in Kosovo.”

Thus, it is reasonable to conclude that between the end of the Rambouillet Conference on February 22nd and the beginning of the bombing campaign on March 24th, Belgrade did attempt to signal to the West that it would respond with force if provoked, and would be inclined to do so in a way designed to create fear and provoke panic in potential refugee-receiving states, including within several NATO members. Granted, some of the threats as issued were vague, and others could have been easily construed as swagger or domestic propaganda; and to be fair, some observers would have had to be paying close attention to understand what was at stake.

However, it is also true that Milosevic would have also realized that such threats could have real resonance, at least in certain NATO capitals and neighboring countries. Moreover, it is clear that some leaders did understand these signals. In addition to the aforementioned concerns voiced by the Greeks and Italians, we now know that both President Kucan of Slovenia and President Gligorov of Macedonia also warned NATO that Milosevic might resort to mass expulsions.

Moreover, even the independent Yugoslav media understood that Milosevic had an appreciation for the influential power of strategic expulsions. On March 27th—three days after the bombings started—Belgrade-based journalist Braca Grubacic wrote in his column:

"Milosevic will try to destabilize the entire southern Balkans and expand the conflict to Macedonia, Bosnia, and Albania in order to scare his adversaries in NATO. He intends to expel a large number of Albanians from Kosovo in order to provoke a reaction"

81 "Kosovo: The untold story; How the war was won."
82 Nevertheless, given the number of diplomats, policy makers, and analysts tracking the Kosovo situation, it seems reasonable that somebody should have entertained the possibility that Milosevic was sending genuine and serious signals.
83 See, for instance, Timothy Garton Ash, “The war we almost lost: Was Nato’s Kosovo campaign a legitimate response to a humanitarian catastrophe - or did it cause one?,” The Guardian, September 4, 2000, p. 2.
from Western Europe, which already does not know what to do what the masses of Albanian refugees and fake asylum seekers.64

In addition, General Wesley Clark—at least after the fact—claims that by Rambouillet those in began to ask “the right questions”, including, “What if the Serbs follow through on threats to take revenge on Albanian civilians”?65 This statement by Clark implies two important things: first, that Milosevic himself (and/or his proxies) had articulated threats to launch outflows in a transparent enough manner that at least some in Washington recognized that he was trying to influence their behavior; and second, that at the end of February 1998 civilian-directed attacks had not yet begun in a systematic way, despite later claims to the contrary.

4) Signals Sent, but Not Received?

Nevertheless, despite a variety of threats and admonitions from Belgrade, worried queries from potential receiving states, and direct warnings from Yugoslavia’s neighbors, NATO failed to prepare for the possibility that Milosevic might resort to political jujitsu and use refugees as asymmetric weapons in any concerted fashion. As UNHRC’s Nicholas Morris notes,

Like almost every Western decision maker and commentator, and indeed like most Kosovan Albanians, UNHCR did not predict the mass expulsion of the majority of the ethnic Albanian population of Kosovo. That we were in such company is no excuse. However, in the days before the exodus began, the international community, particularly the Western governments, were banking on peace, and urging UNHCR to get prepared to the early implementation of the Rambouillet Accords.66

“There were a lot of Milosevic watchers who said a few bombs might do it (i.e., lead him to capitulate)...What was not assumed, and not postulated was that he would try to empty the country of its ethnic majority,” acknowledged another senior NATO official.67 And the forewarned Joschka Fischer later said “he regretted not having taken Milosevic seriously” when he

84 Cited in Judah, Kosovo: War and Revenge, p. 242.
85 Clark, Waging Modern War, p. 164.
86 Nicholas Morris, “UNHCR and Kosovo: a personal view from within UNHCR,” Forced Migration Review, vol. 5, 5 August 1999, electronic version. This view of events is supported by the fact that only one week into the bombing, the alliance was running short of cruise missiles and found its stockpiled food aid—in Kosovo—behind “enemy lines.” See, for instance, Mary Dejevsky, “Will America Crack? While the US Stands High in Military Might, on the Human Front it is Finitely Vulnerable,” The Independent (London), April 2, 1999, p. 5.
said he could empty Kosovo in a week.\textsuperscript{88} As French Foreign Minister, Hubert Vedrine, admitted: 

"What we had expected was the Serb army to attack all KLA positions, and for the KLA to launch a guerrilla war. That's what we thought. And most experts thought the KLA would have held out for longer. What most experts underestimated was that the collective memory of massacres in the Balkans was such as to unleash mass migrations."\textsuperscript{89}

More significantly, however, NATO's failure to comprehend that Milosevic was engaged in refugee-driven coercion/deterrence demonstrates why Milosevic's attempt to deter the NATO alliance was destined to fail. As Schelling notes, "one needs the adversary to understand what behavior of his will cause the violence to be inflicted and what will cause it to be withheld. The victim has to know what is wanted, and he may have to be assured of what is not wanted."\textsuperscript{90} Because, as is frequently the case with powerful actors—particularly in the context of refugee-driven coercion—NATO had crafted but one scenario, one in which Milosevic's diplomatic intransigence would give way to retreat and deal-cutting once the stakes were raised, there was no room for bargaining, a key feature of successful coercion.\textsuperscript{91} In the end, though Milosevic got little of what he desired, he did receive a better deal than the one NATO offered before the bombing, i.e., at Rambouillet.\textsuperscript{92} The question is, if NATO had listened to the signals from Belgrade and more realistically evaluated their foe,\textsuperscript{93} would they have been better able to assess \textit{ex ante} what this

\textsuperscript{88} Lara Marlowe, "War and peace revisited."

\textsuperscript{89} Vedrine, quoted in "Kosovo: The untold story; How the war was won."

\textsuperscript{90} Schelling, p. 169.

\textsuperscript{91} Even a month into the conflict, NATO leaders were incapable or simply unwilling to acknowledge that events might have gone differently if they had been willing to negotiate. At the NATO summit in Washington, reporter Jim Hoagland asked the foreign ministers of Britain, France, and Germany what they would change or do differently in Kosovo with the benefit of hindsight. "Their separate answers were terrifyingly uniform. They could think of nothing that the international community could have done to change the course of events." Joschka Fischer went farther and said, "It was only in going through the experience of discovering that Milosevic was capable of this...that we have arrived at the support we have in our democratic societies for what we are doing now. I don't accept that it was a miscalculation." Cited in Hoagland, "Misreading Milosevic." Unfortunately, a cynical reading of Fischer's statement could imply that the cleansings were even welcome, in that they gave nervous politicians succor in facing possible domestic displeasure with the tactic NATO had taken.

\textsuperscript{92} Notably, in the end Milosevic got an agreement policed by the UN, (not NATO) only in Kosovo (not throughout the FRY), and the (impending) referendum was then taken off the table for the indefinite future. See again Posen, "The War for Kosovo"; and Judah, \textit{Kosovo: War and Revenge.}

\textsuperscript{93} As one high-ranking Russian official said early in the crisis, "The Americans don't get it. There is absolutely no way Milosevic is going to accept a NATO presence in Kosovo. He might accept Swedes or Indians or us. But not NATO." Judith Matloff, "Talk still drowned out by combat's roar," \textit{The Christian Science Monitor}, April 16, 1999, p. 1.
deal would cost? Evidence suggests the answer is yes.\textsuperscript{94} As Kevin Tebbit, the Permanent Under Secretary at the British Ministry of Defense, acknowledged: "The aim was to persuade him that he had miscalculated. It was designed as a deterrence - a coercive use of bombing. It was never intended as straight war fighting." "The speed with which he unleashed the ethnic cleansing took us all by surprise. We did not foresee he would move so thoroughly and so fast. I have asked myself since whether we should have predicted more precisely."\textsuperscript{95}

### III. Deterrence Begets Compellence: Why the Campaign Expanded After Bombing Began

A) Milosevic Ups the Ante

Despite claims to the contrary by some within NATO, most now agree that the bombing campaign provided motivation and opportunity for wider and more savage operations by Yugoslav forces than were originally envisioned. Unable to deter NATO, evidence suggests Milosevic switched tacks and tried to compel the NATO alliance to stop bombing by forcing upon it a dose of what it purportedly feared most, namely a massive refugee crisis. While evidence is circumstantial, Milosevic likely calculated that once the bombing started his best chance of success was to push forward with great alacrity to his primary objective, i.e., to crush the KLA—recognizing that doing so would generate a non-trivial number of refugees—and then to sue for peace and bargain from a position of relative strength.\textsuperscript{96} (As the analysis that follows indicates, the patterns, and timing of refugee outflows are consistent with such a strategy.) Evidence suggests Milosevic was gambling on the prospect that by that time discord and conflict within NATO\textsuperscript{97}—and in the court of public opinion—would entice the alliance to deal, due to heterogeneity of opinion amongst alliance partners on two distinct fronts: bombing and refugee flows.\textsuperscript{98} Milosevic's offer to withdraw some

\textsuperscript{94} See, for instance, Barutciski, "Western diplomacy and the Kosovo refugee crisis," for a discussion of how the West failed to exhaust the possible diplomatic options before resorting to force and the high costs of doing so; as well as Kissinger, "The New World Disorder"; and British House of Commons report.

\textsuperscript{95} "Kosovo: The untold story; How the war was won."

\textsuperscript{96} "BETA Examines Milosevic's Kosovo Options," \textit{BETA News Service}, March 4, 1999, offers a precient echo of this theory of Serb strategy, although it also the author also predicted that Milosevic would attempt to partition northern Kosovo at this point, which did not happen.


\textsuperscript{98} Lamberto Dini's post-conflict acknowledgement that his government had been approached—with a bilateral offer—by Milosevic in April 1999 further supports this proposition.
troops from Kosovo on April 3\textsuperscript{99}, followed by his decision to declare a unilateral ceasefire on April 6—coupled with an announcement that he had by that point achieved his objectives vis-à-vis the KLA—further suggests this was his intention.

Whatever his intentions, however, the fact is that Milosevic’s task became even more difficult once the NATO bombing campaign commenced, as the stakes and the costs of backing down had changed for both sides. Exacting the desired response through compellence is as a rule more difficult than through deterrence because the costs of complying with the other side’s demands rise significantly. To be successful, compellence demands a visible shift in behavior, in response to an equally visible and forceful initiative by another.\textsuperscript{100} In contrast to deterrent threats, compellent actions more directly engage the prestige and passions of the put-upon states. In the case of compellence, a state has “publicly committed its prestige and resources to a given line of conduct” that it is now asked to abandon. Thus, compellence is intrinsically harder to attain than deterrence, because it “demands mere humiliation” from the compelled state(s).\textsuperscript{101} Milosevic failed to appreciate the magnitude of the task he set before himself because he did not or could not fathom the new and complex interplay that would be born of compellence. While NATO’s myopia may have led to a failure of deterrence, Milosevic’s mistaken gamesmanship led to a conflict of greater ferocity than either side foresaw at the outset.

B) Timing and Patterns of Refugee Flows\textsuperscript{102}

1) When Did the Expulsions Begin?

The assertion that Milosevic’s campaign shifted to ethnic cleansing—in which he unleashed “demographic bombs” against NATO staging areas in Macedonia and Albania—only after aerial bombing commenced is borne out by several facts. First, on March 22—two days before the alliance launched its airstrikes—in tacit acknowledgment that cleansing had not begun in earnest, NATO officials asked the KLA “to desist from terrorist attacks against Serbs in Kosovo so as to

\textsuperscript{99} See, for instance, “Kosovo: The untold story; How the war was won.”


\textsuperscript{101} Ibid.

\textsuperscript{102} For a somewhat more complete analysis of the timing and pattern of outflows and killings during the conflict, see Kelly M. Greenhill, “The Use of Refugees as Political and Military Weapons in the Kosovo
not give Belgrade a pretext to engage in ethnic cleansing." Second, the first reports of mass expulsions began to emerge only after bombing had been under way for several days. Third, significant numbers of refugees did not appear on the borders of Albania and Macedonia until several days after the bombing began. For instance, two days after the bombing began, the UNHCR’s representative in Tirana gave a briefing to diplomats, local UN staff and the Director of the Albanian government’s Office for Refugees. They discussed the few recent arrivals (of which there had been none that day) and the state of the organization’s preparedness. No one present expressed concerns or indicated they believed an impending crisis was brewing. Fourth, the pattern and timing of these arrivals indicate that the expulsions were dictated (at least at the beginning of the war) by strategic and tactical requirements, as the following analysis indicates.

2) Patterns of Refugee Outflows

Statistical analyses of the patterns of refugee outflows during the crisis demonstrate that they occurred in three distinct pulses separated by periods of relatively light activity: Phase One, from March 24—April 6, when most refugees came from western and southwestern Kosovo; Phase Two, April 7—April 23, during which most refugees fled from the northern and central municipalities; and Phase Three, April 24—May 11, when most refugees hailed from the western and southern municipalities.

105 Also the OSCE cites UNHCR figures indicating that there were only 69,500 refugees throughout the region before March 24, when the bombing began, but a total of 247,000 a week later, and 450,000 four days after that. From Kosovo/Kosovë: As Seen, As Told, Part I, p. 99.
106 See Judah, Kosovo: War and Revenge, pp. 339-40.
107 This analysis is roughly consistent with my own impressionistic assessment of the flows, derived from an examination of a variety of US and European news sources, State Department, UNHCR, and OSCE documents, and a number of reports from human rights organizations.
108 See Patrick Ball, Policy or Panic?: The Flight of Ethnic Albanians from Kosovo, March-May 1999, which was published on-line by the AAAS Science and Human Rights Program. Found at: http://hrdata.aaas.org/kosovo/policypanic/.
a) Phase One

The first refugee pulse—which started on March 24th (when the bombing started) and ran until April 6th (when Milosevic declared his “Orthodox Easter ceasefire”)—included the heaviest flow of the entire conflict, with migration concentrated in the Pec-Prizren corridor. The nature of Phase One flows offers strong circumstantial evidence that Milosevic’s initial campaign was directed at the KLA, first and foremost. NATO perhaps inadvertently acknowledged as much at the end of this phase, since it accused Milosevic of continuing to “conduct counterinsurgency sweeps” in spite of his unilaterally declared ceasefire. Outflows were particularly heavy in municipalities that were areas of strategic significance (along the Albanian border), many were also known KLA strongholds, and they were all heavily targeted.

In addition, sending refugees across the borders to potential NATO staging areas was surely also a tactical objective of Milosevic during this initial pulse of expulsions. FRY forces effectively emptied two cities (Pec and Prizren) and more than 500 square miles of territory. This greatly surprised and unnerved NATO and the FRY’s neighboring states, including Macedonia, which shut its border until the alliance promised to airlift out of the region almost 100,000 refugees and provide it with significant financial and logistical assistance.

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109 Ibid. Other areas were also targeted—in particular, Kosovo Mitrovica and Pristina—though less intensively.
111 Pec, Djakovica, and Prizren all sit on the border with Albania, and the main road through southwest Kosovo flows through Suva Reka. Djakovica, Orahovac, Suva Reka, and Pec were also known to have strong KLA presences. Prizren did not, though its strategic significance straddling both the Albanian and Macedonian borders, made control of this municipality critical for the Serbs. Moreover, it is possible that a number of Prizren’s residents may have fled the KLA, rather than the Serbs, as the OSCE recorded numerous KLA attacks against perceived as Serb loyalists. See Kosovo: Kosovo: As Seen, As Told, Chapter V (The Municipalities).
112 NATO (perhaps inadvertently) acknowledged that this was the intent of the cleansing when it accused Milosevic of continuing to “conduct counterinsurgency sweeps” in spite of his unilaterally declared ceasefire for Orthodox Easter. See Thomas W. Lippman, “NATO Expands Fleet of Aircraft; Refugees Reappear At Kosovo Borders; NATO to Expand Fleet of Warplanes,” The Washington Post, April 11, 1999, p. A1.
113 In fact, one could make an argument that this was really the only intent of the expulsions, i.e., designed to impede KLA and NATO military operations, as well as to tax their infrastructures. However, the evidence suggests this was not the refugees’ only purpose, i.e., it appears they were used as “smart weapons”, not just “dumb bombs.” For instance, the expulsions were for the most part not random, but rather targeted KLA strongholds and supposed sympathizers. Moreover, they appeared to be in large part orchestrated movements—they ebbed and flowed, shifted trajectories, and concentrations—not simply an uncontrolled flood across the border.
b) Phase Two

By the middle of Phase Two, which ran roughly from April 7 through April 23, it is harder to interpret exactly what was happening, but evidence suggests that Milosevic was still manipulating outflows in a tactically, if not strategically, significant way.\(^{15}\) Migration was concentrated most heavily in the northern and central municipalities, though significant movement of peoples continued in areas previously targeted, i.e., in the southwest.\(^{16}\) Many of the municipalities targeted in Phase Two also hosted significant KLA presence, particularly Srbica in the central Drenica region, which according to the OSCE, had been “a heartland” of KLA activity since its inception.\(^{17}\)

c) Phase Three

By the beginning of Phase Three—which ran from roughly April 24 (which coincided with NATO’s 50\(^{th}\) anniversary summit and the expansion of NATO’s target set to include Milosevic personally) to May 11 (when Milosevic lost his most important ally, Russia)—Milosevic would likely have realized that the refugee gambit was going to fail. Particularly since the NATO summit provided persuasive evidence that the alliance was not going to crumble, at least not imminently. During this phase, refugees came primarily from areas in the south and southwest, and included particularly heavy flows from Prizren, although flows were more modest than they had been previously, probably in large part because so many people had already fled.\(^{18}\)

3) Timing of Outflows

The timing of observed population movements in Kosovo provide evidence that the FRY controlled the migrations to a large extent, starting and stopping them when necessary and in an attempt to compel NATO to halt the bombing.\(^{19}\) For instance, Phase One began with the start

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\(^{15}\) During this phase, flows were greatest from Kosovska Mitrovica and its southern neighbors, Vucitn and Srbica, as well as Kosovo Polje, Lipijan, and Istok, slightly further south and west.

\(^{16}\) See Policy or Panic?, Part II.

\(^{17}\) See Kosovo/Kosova: As Seen, As Told, Chapter V (The Municipalities), Srbica.

\(^{18}\) It is difficult to analyze the pattern of expulsions in this period because almost 50 percent of those who crossed the border in this period had left their homes before April 24. See Policy or Panic?, Part II.

of the NATO bombing campaign and ended concomitantly with Milosevic's self-declared Orthodox Easter ceasefire, at which time the ebbing flow of refugees was stanched by the surprise closure of the border. As suggested earlier, Milosevic may have hoped that NATO would accept a compromise at this point, having been unable to stop FRY forces and to save the Kosovar Albanians from large-scale expulsions. As one observer noted when evaluating the state of play during this period:

...with help from Russian Prime Minister Primakov, Milosevic has begun a diplomatic counteroffensive aimed at making himself appear reasonable, even moderate. It is a measure that can hardly fail to sap NATO's already uncertain resolve. And for good measure, he has made a new friend in Iraqi President Sadaam Hussein—a leader well schooled in the art of turning military defeat into political triumph.\(^\text{120}\)

Following NATO's unequivocal rebuff of his ceasefire overture, Milosevic reopened the border on April 10\(^\text{th}\),\(^\text{121}\) at which time he reinforced the perception that he controlled targeted "demographic bombs" in the form of groups of refugees occasionally released for the final trek to a border crossing.\(^\text{122}\) Observers on the ground sensed that there was "clear management of the flow of refugees."\(^\text{123}\) FRY forces marched them around Kosovo in seemingly random patterns. As part of this herding, it is likely that refugees were used as human shields to protect FRY forces and materiel and to keep open communication routes.\(^\text{124}\) And they were likely used to send signals to NATO that it was he, not the alliance, who controlled the situation on the ground.

Finally, though evidence is circumstantial, it is worth noting that no significant flows occurred after early May, which for numerous reasons is about the time that it had likely become clear to Milosevic that it was time to make a deal.\(^\text{125}\) First, the G-8 talks during the first week in May had generated the broad outlines of a settlement that both Russia and the West were willing to consider.\(^\text{126}\) (And

\(^{120}\) See again Carnes Lord, "What Milosevic Really Wants."

\(^{121}\) See Policy or Panic?, Part II and John Gaps, "Allies add air power; 600 jets deployed; more refugees flee," The Chicago Sun-Times, April 11, 1999, Sunday News Section, p. 1.

\(^{122}\) See again Policy or Panic?, Part II.

\(^{123}\) Ibid., p. 110.

\(^{124}\) See, for instance, As Seen, As Told, Part I, especially pp. 104-11.

\(^{125}\) On May 10th, Milosevic announced an end to attacks on the KLA, claiming that some units of the army and police were being withdrawn. NATO, however, disputed this claim.

\(^{126}\) "Bombs over Belgrade, diplomatic as well as military," The Economist, May 8, 1999, p. 49. This plan bore more than a passing resemblance to the plan that the Germans started to float in mid-April. This proposal, which involved NATO's suspending bombing for at least 24 hours to allow Yugoslav forces to withdraw from Kosovo, also called for the disarmament of the KLA, and recommended a peacekeeping force that would perhaps operate under a UN mandate and include troops from Russia. It would be modeled loosely on
after four days of secret meetings with Swedish financier, Peter Castenfelt, Milosevic could have been in little doubt of the Russians' intentions.)

Second, even the humiliating bombing of the Chinese Embassy on May 7th had failed to crack NATO unity and resolve. Third, on May 13th President Yeltsin replaced Prime Minister Primakov—who was a staunch supporter of the Serbs—which sent a clear signal to Milosevic that he had lost his most important international ally. Fourth, on the same day, though a heated battle took place inside the Bundestag, Germany stood fast as a NATO partner; as did Italy when domestic turmoil arose within its government several days later. Fifth, and perhaps most tellingly, the second week in May saw a rush of new offers from Europe's governments to accept refugees, which made it clear that the refugee gambit had decisively failed. In short, by early May it would have been too late for the international stabilization force under UN mandate but NATO control in Bosnia. See, for instance, Judith Matloff, "Talk still drowned out by combat's roar," *The Christian Science Monitor*, April 16, 1999, p. 1. Allan Little notes that Castenfelt "delivered a message that ended the Serbian leader's dream of a Russian intervention. The Russian government was about to agree a peace plan with NATO and the Russian security forces had accepted it." From Little, "Moral Combat." Offers included one from normally refugee allergic Britain, which said it would take 1,000 a week and from Italy, which said it would take 10,000 more, as well as ferry more aid to the camps in Macedonia. See "Guns or refugees—an unequal alliance?" *The Economist*, May 8, 1999, p. 50. Several weeks earlier, the US had also reversed its policy and offered to take 20,000 refugees, while Canada agreed to take 5,000. See Thomas Lippman and Bradley Graham, "NATO Takes a New Look At Options for Invasion; 20,000 Kosovo Refugees to be Allowed into US," *The Washington Post*, April 22, 1999, p. A1.
have been evident to Milosevic that—despite his attempts at shattering the alliance—NATO unity would not falter, and neither refugees nor domestic dissent were going to lead the Europeans to defect. Accordingly after May 11-12, refugee flows remained low until the end of the conflict in June.129

IV. Why Did Milosevic’s Gambit Fail?

Successful coercion requires making the cost of non-compliance sufficiently high that the object of coercion will be willing to accept the lower cost of backing down. Milosevic’s attempted coercion via the use of refugees was doomed to fail because, in this case, the costs of backing down actually rose over time. In the end, NATO’s (real or perceived) costs of backing down far exceeded those of continuing the campaign for two completely contrary reasons. First, the alliance had ratcheted up its own costs of backing down by leveraging much of its prestige on the success of its efforts. In addition, NATO’s prestige was further engaged by the efforts of a variety of groups—domestic and international NGOs, the KLA and its supporters, and humanitarian hawks—all of which were eager to raise the alliance’s hypocrisy costs of inaction. Second, and conversely, NATO was able to mitigate the pain inflicted by Milosevic’s demographic bombs—i.e., effectively lowering the costs of non-compliance—by a) keeping these costs largely hidden from Western audiences and b) by forcing some of these costs back upon Milosevic, via the use of a massive and extremely effective public relations and media campaign. Thus, while at different times and in different countries it appeared that they would, a policy shifting panic never materialized.130

In some sense, it matters less how NATO responded to Milosevic’s threat to unleash a flood of refugees than the fact that Milosevic appears to have tried to deter the alliance from attacking via

129 Policy or Panic?, Part I.
130 Nevertheless, interviews with the principals, their diaries, and their testimony before their respective legislatures suggests that concerns about panics—and the impression that in some cases they were only narrowly avoided—were nearly ubiquitous. As Karl Kaiser, Advisor to the German government put it in the BBC documentary, “Moral Combat”: “Some of the European allies believed they could not carry public opinion with them much longer. “It was not easy for Germany. This country was particularly interested in getting the war ended. There was a possibility that the crisis could evolve in a way that could end up in a tragedy.” See also, for instance, House of Commons’ Select Committee on Foreign Affairs Fourth Report, May 23, 2000; “How the War Was Won.”
such a threat. This is because, even if threats are well constructed and perfectly understood—which they clearly were not in this case—they remain but one part of the target’s calculus. His ultimate response will be contingent upon all the pressures brought to bear. As Freedman has put it, “the threat itself will be one variable among many and not necessarily the most important: the interests at stake, the underlying political trends, the attitude of allies and so on must also be considered.”

A) The Importance of Preserving NATO

For much of the 1990s, NATO sought to redefine itself as the core of an enlarged security community and a tool for managing conflict within Europe and around its periphery. It emphasized its ability—even its obligation—to maintain stability and safeguard human rights and democracy as key reasons for its continued existence. Perhaps Jamie Shea summed it up best when he stated: “NATO feels that Kosovo is a defining moment for the future of the alliance in showing NATO’s determination to uphold values in the wider Europe.” Thus it was widely believed that if NATO failed in Kosovo, against a foe no better than a “schoolyard bully” commanding an army of “thugs,” its new raison d’être would be undermined, its credibility destroyed, and a dangerous precedent set. As Tony Blair asserted during the NATO summit, “many of our problems have been caused by two dangerous and ruthless men—Hussein and Slobodan Milosevic...(Thus) one of the reasons why it is so important to win the conflict is to ensure that others do not make the same mistake in the future.” Even before the bombing started, General Clark reportedly told Madeline Albright that they would have to go ahead even though they knew

13 Freedman, Strategic Coercion, p. 25.
14 In fact, however, it was arguably this very same fear that finally compelled the US to take more aggressive action in Bosnia four years before. It was only when it became clear in the summer of 1995 that the US was going to have to put its own troops in the region—due to a commitment the Administration had made the previous summer—only to extract its European allies’ troops and humiliatedly declare the peacekeeping mission a failure that the US decided on more aggressive action. For a discussion of this conundrum and the anticipated humiliation associated with it, see, for instance, Charles Boyd, Foreign Affairs (January/February 1998); and Andrew Neil, “Arkansas Kid guns down NATO,” Sunday Times, July 23, 1995.
the consequences could be dire for Kosovar Albanians, because they had “put NATO’s credibility on the line. (They had) to follow through and make it work. There (was) no real alternative.”

Even Henry Kissinger who—although he was initially opposed the NATO campaign—wrote two weeks after it had begun, “NATO cannot survive if it now abandons the campaign without achieving its objective of ending the massacres.” And a month later Kissinger further acknowledged that:

From the start, there has been a vast gap between the rhetoric and the means with which to back it up. Allied pronouncements have ritually compared Milosevic to Hitler. But the transparent reluctance to accept casualties signaled that the Alliance would not make the commitment necessary to overthrow the accused tyrant. Now, if the outcome is to be some kind of compromise, Milosevic will inevitably be legitimized and emerge as a valid interlocutor. By justifying the war in terms requiring total victory while conducting a strategy impelling compromise, NATO has maneuvered itself into a trap.

In the end, NATO could not accept failure because it had so entwined its whole reason for being with the success of its mission in Kosovo. In essence, it made the costs of backing down impossibly large. As one US Air Force officer put it: “There wasn’t really any choice. I mean, really, Milosevic was a two-bit jerk, a real piece of sh-t. Do you think, even for a minute, we [i.e., NATO] could just roll over and play dead?” And as LTG Short put it: “If we allowed this butcher, murderer and dictator to defeat the most powerful alliance on the face of the earth because we didn’t have the stomach for collateral damage and we didn’t have the stomach for unintended loss of civilian life, then we were going to cease to exist as an alliance.”

Thus despite Milosevic’s attempts at cracking the NATO front—and though many of NATO’s European members resented their military reliance on the US and frequently grumbled about its heavy-handed dominance of the alliance—but its members were clearly wholly unprepared to let it

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139 Author interview, August 2000.

140 Quoted in Little, “Moral Combat.”

collapse.\textsuperscript{144} Even Jacques Chirac, a frequent and vocal critic of NATO, proclaimed at the anniversary summit, "Unity and determination, total and unanimous."\textsuperscript{143} The possibility that a real or perceived NATO failure in Kosovo could spell the death knell for the alliance led its European members to stifle (at least publicly) their criticism of the conduct of the war and to forego all opportunities to defect from NATO's stated strategy.\textsuperscript{144} Whatever the costs of sticking with an US-driven alliance, at the time the Europeans obviously viewed them as lower than shouldering future costs alone.

B) The Force Multiplier of Hypocrisy Cost Boosters

1) The "Something Must Be Done" Brigade

The costs of backing down were further elevated by a variety of domestic and international actors, many of whom were members of what author Michael Ignatieff has called "the Something Must Be Done Brigade."\textsuperscript{145} These actors—who included some human rights organizations, members of the media, and the KLA and its supporters—worked throughout the conflict to make NATO de-escalation impossible, by publicly highlighting both the potential consequences of NATO inaction and the visible consequences of inadequate NATO action. For instance, in early April, Holly Burkhalter, then of Physicians for Human Rights, read an essay on National Public Radio, in which she urged Clinton to deploy ground troops to stop what she believed was a genocide in the making. She proclaimed that "If President Clinton avoids taking the painful action necessary to expel Serb forces from Kosovo, he will be remembered as the President on whose watch three genocides unfolded."\textsuperscript{146} Burkhalter later admitted that on the issue of genocide in Kosovo, she "was wrong. ...
but [maintained that] if you wait until it is proved to you six ways to Sunday, you haven't prevented it, have you?\textsuperscript{147}

2) Leadership's Cost Escalation

Furthermore, the leadership in some NATO capitols hoist themselves higher "on the hook" of potential hypocrisy, by trying to signal NATO's resolve, both before and during the crisis. For instance, in 1998 Madeleine Albright pledged: "We are not going to stand by and watch the Serbian authorities do in Kosovo what they can no longer get away with doing in Bosnia."

However, not long thereafter, she was forced to acknowledge the potential consequences of failing to live up to this pledge. As Albright put it:

Not only was it a \textit{déjà-vu} about the subject generally, but we were in the same room that we had been in during Bosnian discussions. I thought it behooved me to say to my colleagues that \textit{we could not repeat the kinds of mistakes that had happened over Bosnia, where there was a lot of talk and no action and that history would judge us very, very severely}.\textsuperscript{148}

Likewise, once the bombing campaign had begun and ethnic cleansing was continuing apace, Clinton declared:

\begin{quote}
We have a lot of tough questions to answer about this operation, and I am quite sure that we cannot answer every one to everyone's satisfaction. But I would far rather be standing here answering these questions, with these people, talking about this endeavor, than I would to be standing here having you ask me why we are permitting a wholesale ethnic slaughter and ethnic cleansing and the creation of hundreds of thousands of refugees, and not lifting a finger to do anything about it.\textsuperscript{149}
\end{quote}

British Prime Minister Tony Blair too felt the pressure of adhering having to adhere to his own rhetoric.\textsuperscript{150} As he put it shortly after the conflict ended:

\begin{quote}
People used to say to me occasionally well for goodness sake Tony just don't talk about it at all, I'd say look it's quite difficult; I mean you're out there and people ask you; and as I say we don't have Milosevic's media and jolly good thing that we don't. But the fact is my guy's asking me, and your guys ask you, and you know you're expected to have some sort of answer to this. ... The bottom line was we couldn't lose. If we lost, it's not just that we would have failed in our strategic objective; failed in terms of the moral purpose - we
\end{quote}

\begin{flushright}
\textsuperscript{148} Quoted in Little, "Moral Combat."
\textsuperscript{149} "Crisis In The Balkans: President's Strategy: 'Our Plan Is to Persist Until We Prevail!,'" The New York Times, April 5, 1999, p. A13. Clinton was clearly eager to avoid a repetition of that very criticism, which had been intense and stinging in the aftermath of the massacres at Srebrenica. See, for instance, Power, A Problem from Hell, pp. 430-1.
\textsuperscript{150} See again Garton Ash, "The War We Almost Lost."
\end{flushright}
would have dealt a devastating blow to the credibility of NATO and the world would have been less safe as a result of that. 151

3) The Media

Members of the media further helped raise NATO’s costs, by publishing (sometimes later discredited) interviews with refugees, many of whom took NATO to task for failing to do more. For instance, one “grandmother from Pec, whose two eldest sons were killed in earlier attacks, was quoted as claiming she was “sending [her] youngest son to join the KLA (Kosovo Liberation Army) [because]... I feel guilty that I stopped them all from joining earlier, because I put my faith in NATO.” 152 Another was quoted asking, “If they didn’t want to finish this war, why did they start it and leave us to take the punishment? How much more do we have to pay?”153 Some KLA supporters—including the infamous 16-year-old Rajmonda Rreci, who claimed she was joining the KLA to avenge the death of her sister—were later forced to acknowledge that their stories were untrue, but they remained unrepentant.154 Besides, the effects could not be undone.155 As Paddy Ashdown put it in the midst of the conflict, “‘This is the first war in history that is being fought for refugees. And we have set ourselves an unforgiving measure for judging its success. If they don’t go back, we have lost.’”156

In short, while their significance may seem pale beside the paramount issue of NATO’s survival, the material role of hypocrisy cost boosters should not be underestimated, nor in fact can their role really be disaggregated from the issue of NATO’s preservation. Consider that Ignatieff, for one, believes that the imposition of hypocrisy costs were decisive both in bringing about the intervention and in ensuring that NATO could not back down. “The war in Kosovo came about not through any democratic process, he says, but through pressure from media pundits just like

151 Quoted in Little, “Moral Combat.”
153 Ibid.
154 Ms. Rreci, who later admitted she had actually been a member of the KLA and had known all along that her sister was alive, rationalized her lie by stressing that “other Kosovar girls had lost their sisters, and why shouldn’t she do it for them?” Ultimately, however, Rreci admitted that what she said was just KLA propaganda. Tom Regan, “Conned in Kosovo: a CBC reporter’s dilemma,” The Christian Science Monitor, September 13, 1999, p. 7.
155 Although the CBC reporter who originally aired Rreci’s story did produce a follow-on report, “The Truth About Rajmonda: A KLA Soldier Lies for the Cause,” which examined not only her story, but what it said about how news is reported from war zones. Ibid.
156 “Kosovo: The Untold Story; How the War Was Won.”
him... 'We have replaced institutional democracy through our representatives with a kind of media-ocracy.' ...And the war lasted 78 days rather than two largely, Ignatieff claims, because politicians both in the UK and the US knew they had no democratic consent.\[157\]

B) The Critical Role of the KLA—Active Agents Provocateurs

However, it ought not be forgotten that it took time and a concerted effort by the KLA, its supporters, and international advocacy groups to turn what the New York Times called a “noticed but not dramatized” background problem into a negatively salient crisis that demanded an international response.\[158\] Although the 1998 Serb offensive was at least as brutal as anything that happened in the period leading up to the start of the bombing campaign a year later, during the first period, as Mary Robinson, UN High Commissioner for Human Rights, puts it: “No one was listening to us.” An official in the office of then Italian Prime Minister, Massimo D’Alema, confirms: “there were immense delays in facing up to the problem, particularly on the part of NATO and its European members.”\[159\] US officials later conceded: “At times it seemed that the administration was only paying ‘sporadic’ attention. And what attention the US and the rest of the international community did pay to Kosovo was full of contradictions that would paradoxically increase the risk of NATO joining the conflict.”\[160\] Indeed, it was only the active intervention of the KLA, aided by the international media that shifted the stakes and forced NATO’s hand. As Veton Surroi, the Kosovo Albanian political leader, noted: “There [was] a message...being sent to the Kosovars—if you want to draw international attention you have to fight for it. That is exactly it. You need to use violence to achieve your goals.”\[161\] And so they did.

Consistent with what the theory of extortive engineered migration predicts, when the KLA agents provocateurs launched the armed challenge also fully expected it to provoke massive Serbian

\[157\] “An undemocratic war.”
\[158\] For instance, the need to take aggressive media-generating action was acknowledged by Kosovo Albanian political leader, Veton Surroi, who said: as soon as we got the photographs we put them on the internet because that was the most horrendous thing we had seen until then. Kids, shot dead, were images of a war that people needed to see. We were shocked and we thought that other people needed to see this because this was getting out of control. Quoted in Little, “Moral Combat.”
\[159\] Ibid.
\[160\] “Kosovo: The Untold Story; How the War Was Won.”
\[161\] Quoted in Little, “Moral Combat.”
retaliation in the form of a military offensive against the province. As KLA fighter, Zymer Lubovci, acknowledged: "We saw them [the Serbs] coming, so we prepared and opened fire. ... [I]t was guaranteed that every time we took action they would take revenge on civilians." Furthermore, KLA leader, Hashim Thaci, subsequently admitted: "we knew full well that any armed action we undertook would trigger a ruthless retaliation by Serbs against our people. ... We knew we were endangering civilian lives, too, a great number of lives."

Indeed, despite the costs, provoking such retaliation was a stated goal, in the service of mobilizing support for their campaign for independence, both within Kosovo and internationally. According to Shukri Klinaku, a senior official of the LKCK—another rebel group—which merged with the KLA in May 1998, "the Albanians were weak, so they could do nothing without NATO. Without NATO, the Albanians would have been eliminated." In short, as Alan Little has put it: "The war in neighboring Bosnia taught them the value of a resort to the gun. ... From the remote wooded hilltops of rural Kosovo, they embarked on a strategy to draw the world's most powerful military alliance into their struggle." And as Albanian negotiator Dugi Gorani conceded, "Every single Albanian realized that the more civilians die, intervention comes nearer. ... The more civilians were killed, the chances of international intervention became bigger, and the KLA of course realized that."

Arguably the Kosovars' expectation—i.e., that by instigating a violent Serbian response they would succeed in galvanizing international support—was largely an inadvertent consequence of a misreading of signals designed principally to deter Milosevic, rather than encourage the KLA.

For instance, in January 1999, an American official was quoted as saying that the KLA rebels

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161 This strategy is consistent with that used by the North Vietnamese against the US in the late 1960s (see again Chapter 1), as well as that of the insurgents operating in Iraq in late 2003. See, for instance, John Walcott, "Iraqi Guerrillas Have A Clear Strategy, Goals, U.S. Officials Say," *Philadelphia Inquirer*, December 1, 2003; found at: http://ebird.afis.osd.mil/ebfiles/e20031201237539.html. See also Merom, Chapter 1.
162 Quoted in Little, "Moral Combat."
163 Ibid.
164 See, for instance, Frelick, "Refugees as Weapons of War," Lelyveld; and Kuperman, PhD dissertation, Chapter 8.
165 Interview conducted by Kuperman, and quoted in ibid.
166 Quoted in Little, "Moral Combat."
167 Ibid.
"think we support their goals. But that’s only because they’re not listening to us. They hear the
music, but they don’t pay attention to the words." Nevertheless, obviously listening to a
different tune, and driven forward by international hypocrisy cost generators, within two months,
NATO had—in line with their hopes and expectations—undertaken a military intervention on
behalf of the Kosovar Albanians. As Timothy Garton Ash put it:

There is no reason to doubt that Western leaders were concerned about this real human
suffering. However, as politicians they were undoubtedly more concerned about the
human suffering of the Kosovar Albanians than they were about that of the Congolese,
Angolans, Sierra Leoneans, Rwandans, or Colombians, because television and the press
covered Kosovo more intensely and graphically, with energetic commentaries from what
one British minister sarcastically called the "something-must-be-done brigade." So [once
the crisis made it to the international radar screen] this was also a war for which the mass
media were implicitly and explicitly making a case.171

In the end, although hundreds of thousands of Kosovar civilians had to endure great suffering in
support of their militant leadership’s goals, by successfully portraying themselves as victims of Serb
depredations—and by convincing the international media to cover (and even exaggerate) this
suffering—the KLA succeeded in their goals of ending the Serbian oppression of Kosovo, while
further dooming Milosevic’s simultaneous attempt to coerce the NATO alliance via the use of
refugee-driven political jujitsu.

C) Alleviating the Pain of Coercion

1) The Value of Troops in Albania and Macedonia

When Milosevic launched demographic bombs against Albania and Macedonia, he likely hoped
that—in addition to impeding KLA and NATO military operations—the refugees would
overwhelm the local infrastructure and possibly destabilize the region.172 Given how few
preparations the West had made to accommodate the massive flows that emerged, this was a
reasonable gamble. And for a time, it appeared that it might work. When the refugee crisis along

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170 R. Jeffrey Smith, "U.S. Envoy Warns Serbs, Kosovo Rebels; U.S. Urges Restraint on Both Sides of


172 Certainly some of the threats issued from Belgrade implied as much. And refugee expert, Kathleen
Newland, contends that “Milosevic very consciously directed refugee flows from Kosovo toward
Macedonia rather than toward Albania because Macedonia had a much more complicated ethnic mix, was
politically more fragile, and had its own problems with its own ethnic Albanian population.” See again
the Macedonian border crossing near Blace "increased the potential costs of collaboration, key figures in the (Macedonian) government threatened to publicly criticize the air strikes and ask NATO forces to leave the country." 173 This led the US embassy to intensify its efforts to solve the refugee crisis at Blace and placate the Macedonian government, who benefited handsomely as passive opportunists in this crisis.174

However, in the end, here too Milosevic's gambit failed. Over 90,000 refugees were temporarily evacuated from the region, thus reducing pressures at the Macedonian border.175 In addition after promises of significant financial aid and logistical support were forthcoming, the Macedonians did reopen their border. And tens of thousands of NATO troops, in conjunction with UNHCR and the NGO community, provided relief to the refugees that remained, thereby further mitigating the pain Milosevic hoped to inflict on NATO and its neighbors. Thus although a week into the crisis it was claimed that "without international relief assistance, starvation [wa]s expected within 10 days to two weeks," catastrophe never struck.176 Ironically, therefore, though ground troops were never sent into battle against Milosevic, effectively they degraded his refugee "weapons" capabilities.

2) Localizing the Pain

The containment of the vast majority of refugees to the Balkans and the relatively small number of NATO casualties also helped dampen the domestic costs of continuing the conflict. An examination of polling data is illustrative in this regard. For example, though in mid-April 1999, 87 percent of the British people polled still widely favored NATO action to protect Kosovar Albanians, only 15 percent of them were willing to accept any Kosovar refugees into Britain.

174 Ibid.
175 Ibid. See Richard Caplan, "Kosovo: the implications for humanitarian intervention," Forced Migration Review, vol. 5, August 5, 1999, p. 7 (inset box), for a breakdown of the locations to which the 91,000 Kosovars were transported during the Humanitarian Evacuation Program (HEP).
176 Holger Jensen, "New Dangers Now Arise in Kosovo Crisis," Denver Rocky Mountain News, April 1, 1999, p. 2A. 177 The bilateral, as the NATO armies came to be known, were hugely important in the relief effort, not only providing the logistical support traditionally associated with the role of the military, but also setting up and managing refugee camps on behalf of the governments that they represented." From Toby Porter, "Coordination in the midst of chaos: the refugee crisis in Albania," Forced Migration Review, vol. 5, 5 August 1999, electronic version.
Moreover, 56 percent of those polled said they would not sacrifice the life of a single British soldier to save the lives of Kosovar Albanians. 177 Similarly, a poll in Der Spiegel in late March indicated that while 64 percent of those in the western part of Germany supported air attacks on the FRY, only 33 percent would support the addition of ground troops to the operation. (The numbers for the eastern part of Germany were even lower.) 178 Though this evidence is hardly conclusive, it suggests that as long as the costs of NATO action appeared to be negligible to domestic audiences, support would hold. 179 As Ignatieff noted in Virtual War, Kosovo was a “virtual conflict,” in which while people suffered and died on the ground, the foreigners who become involved were able to view the war as if watching a sporting event on television, in which they were able to root for their team—the “good guys”—and then change channels. “And even though the game was in deadly earnest, the deaths were mostly hidden, and above all, they were someone else’s.” 180 If, however, either refugees with suitcases or the good guys’ soldiers in body bags had started appearing at home, support likely would have plummeted. 181

3) Domestic Containment Policies

A slick and dexterous NATO public relations campaign cum media machine further aided the effort to make the costs of the campaign appear negligible to Western audiences. As Prime Minister Blair put it: “. . . we had to take a grip on the whole way the thing was run and organised because it was a big - it wasn’t just a military campaign it was also a propaganda campaign and we had to take our public opinions with us.” 182 For several months, NATO members also neutralized domestic opposition to the bombing campaign and sidestepped questions about whether it had inflamed the crisis, through the work of spokespeople who likened Kosovo to Cambodia under

177 See www.gallup.com/gallup/polls/Kosovo/bombings.htm. To be fair, not all poll results are equally grim. Some European states strongly supported hosting refugees, even if only for a limited period. 178 Der Spiegel, March 29, 1999. This level of support was replicated in many NATO countries, including Britain, France, and the Netherlands, where throughout the early part of the war, support for the bombing—but not for the introduction of ground troops—was strong. See, for instance, Richard Boudreau, “Europeans Hardened by Reports of Serb Atrocities,” Los Angeles Times, April 1, 1999, p. 8. 179 Reportedly, on the eve of the NATO summit, Clinton urged Blair to stop talking about the possibility of introducing ground troops into the campaign because “it caused domestic problems for allies.” From Dana Priest, “A Decisive Battle That Never Was,” The Washington Post, September 19, 1999, p. A1. 180 Michael Ignatieff, Virtual War (New York: Metropolitan Books, 2000), Introduction. 181 As Secretary of Defense William Cohen had said, during his time in the Senate, “And the hearts that beat so loudly and enthusiastically to do something, to intervene in areas where there is not an immediate threat to our vital interests...when those hearts that had beaten so loudly see the coffins, then they switch, and they say, ‘What are we doing there?’” Cited in Samantha Power, A Problem from Hell, p. 455. 182 Quoted in Little, “Moral Combat.”
Pol Pot and likened FRY activities to "the Great Terror." Tearful accounts by refugees, accompanied by pictures of clogged border crossings, filled Western television screens. At one point Pentagon spokesman, Kenneth Bacon, went so far as to claim that "it would be much easier to attack Serbian military targets on the ground in Kosovo following the 'temporary departure' of ethnic Albanians from Kosovo."  

Journalists on the ground had access to on-site scanners and satellite communications, which enabled them to file stories with an ease and speed unprecedented in refugee camps. However, this did prove to be a double-edged sword when good information was hard to come by. "We were all hamstrung," a NATO official says. As the war dragged on, he says, 'NATO saw a fatigued press corps drifting towards the contrarian story: civilians killed by NATO's bombs. NATO bombs. (In response), NATO stepped up its claims about Serb "killing fields." For instance, on the same day that the story broke about NATO's accidental bombing of a refugee convoy, NATO's estimates of the number of people being killed by the Serbs also jumped, with General Sir Charles Guthrie, Britain's chief of staff, declaring: "There are reports that thousands of young men have been murdered. I hesitate to quote a more precise estimate." In the same vein, refugee reports that Serb soldiers used rape to drive expulsions "went from an assertion to an assumption of a systematic pattern in the span of a day."  

It is clear, at least in retrospect, that much of the coverage generated by the NATO media machine was exaggerated, misleading, or just plain wrong. For instance, a report released by the

19 Quoted in Michael Cameron, "NATO raids could go on indefinitely," Hobart Mercury, April 7, 1999.  
22 Quoted in "Macedonia fears it could become KLA staging ground; All Kosovo is burning," CCN-online, April 16, 1999, posted at 11:19 p.m. EDT (0319 GMT).  
24 Pearl and Robert Block, "Body Count: War in Kosovo Was Cruel, Bitter, Savage; Genocide It Wasn't," Wall Street Journal, December 31, 1999, p. A1. In the same vein, refugee reports that Serb soldiers used rape to drive expulsions "went from an assertion to an assumption of a systematic pattern in the span of a day." From Frank Bruni, "Dueling Perspectives: Two Views of Reality Vying on the Airwaves," New York...
State Department—and widely disseminated—claimed that 100,000 Albanian men had been herded into a Pristina soccer stadium and held against their will. However, when one French journalist went to see for himself, he found the stadium empty. Nevertheless, the propaganda campaign was extremely effective. And it was instrumental in permitting NATO turn the refugee weapon back onto Milosevic, convincing the world that he alone was responsible for the tragedy that had unfolded and effectively neutralizing any benefit he had hoped to derive from the export of refugees. In short, the triumph of NATO’s propaganda campaign was thrusting the costs associated with the refugee crisis that Milosevic sought to impose on the West, back onto him. (It is worth noting that Milosevic’s brutal behavior during the earlier Bosnian war helped make the propaganda offered up during the Kosovo campaign more credible than it might otherwise have been.)

Moreover, ironically, in the end NATO was actually able to use the refugees to sustain support for its intervention. It fixed upon them and succeeded in portraying their existence as the key reason for the intervention, though that only became the mission’s defining goal well after the bombing began. As one close observer of the conflict has suggested, “Western public opinion would have turned against the bombardment, had it not been for the wrenching scenes of refugees pouring over the borders. “The question would have been asked, ‘How can we bomb a small country—whatever we think of its government—because it refuses to sign an agreement about the future of part of its territory?” In short, whatever its causes, the graphic images and media coverage of the heinous consequences of Milosevic’s campaign reduced public antipathy to

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Butler.

190 One illuminating example is offered by Jamie Shea’s response to criticism of NATO after the bombing of the refugee convoy near Djakovica. Shea turned the argument on its head and asserted that the blame for the refugees’ deaths lay with Milosevic, not with the pilots who make mistakes “in the heat of bombings,” after all, “why was a refugee convoy escorted by Serb military vehicles on the Prizren-Djakovica road at 3:00 yesterday afternoon in the first place?” From Thomas Lippman, “Allies Confirm Civilian Attack.”


192 Judah, Kosovo: War and Revenge.
Kosovars, who were—at least during the critical period of the bombing campaign—viewed more as victims than as threats.194

4) And A Dash of Luck for Good Measure
In spite of the success of NATO’s media campaign, after several months of bombing, NATO’s rationalizations had grown threadbare in some circles, and it appears that the tide may have been turning. For instance, by late May, even in the US—where support for NATO bombing campaign had been consistently strong—human rights and peace groups began to mobilize against it, insisting that the bombing campaign had failed to protect civilians targeted by FRY troops. The groups admitted that concerns about alleged Yugoslav atrocities had “made some of us think twice about what to do,” but that by mid-May they believed they should agitate for a new approach.195 Demonstrations were planned throughout the country, which were to culminate with a rally in the capital on June 5. Luckily for the Administration and for the alliance as a whole, Milosevic agreed to the G-8 deal on June 3rd.

V. Hypothesis Evaluation
The case largely supports the study’s key predictions. First, it provides further evidence in support of the proposition that extortive engineered migration is both a real phenomenon and a strategy that may be utilized by a variety of actors, often simultaneously. A plethora of direct and indirect evidence suggests that refugee flows (and the threat thereof) were indeed used strategically and coercively—and with fundamentally incompatible objectives(!)—in Kosovo, by a generator, agents provocateurs, and by at least one opportunist. The outcome of this case also suggests the possibility that in cases where “pariah” generators and “victimized” agents provocateurs are simultaneously engaged in extortive engineered migration, generators are likely to fare relatively poorly. This is true for a variety of reasons, all of which tend to redound to the benefit of the agents provocateurs. First, even if generators are provoked into responding in ways that create refugee flows, objectively speaking, the generator will still be viewed as a really bad actor. By choosing to target

civilians—even if inadvertently, the generator has chosen to engage in behavior that is generally viewed as internationally illegitimate and will suffer for it.\textsuperscript{196} Second, objectively speaking, it is difficult to blame the victims of such attacks, particularly since they make the most sympathetic objects of media coverage.\textsuperscript{197} Third, the kind of hit-and-run attacks that agents provocateurs, such as the KLA, engage are more easily blamed on isolated, rogue actors than is usually true for government-level responses. Interestingly, this is the case even when the planning for guerrilla-type attacks might be highly-centralized and organized, while the responses may be undertaken by isolated, rogue military, paramilitary, and/or police units.\textsuperscript{198} In short, while further research would be necessary to confirm this finding, this case suggests that when competing groups engage in extortive engineered migration, agents provocateurs will tend to do better than their generator counterparts.

Second, the nature of the perpetrators is consistent with the hypotheses advanced in Chapter 2. The generator was indeed a weak, semi-legitimate, actor with few other policy options at his disposal, particularly in the aftermath of the failed Rambouillet conference. Nevertheless, although Milosevic was hardly a reluctant generator, evidence indicates that his preferred strategy for dealing with the KLA would have generated a notably smaller outflow than the one that actually resulted; consider, for instance, his early April ceasefire overtures and offers to negotiate an end to the crisis relatively early on. Likewise, his willingness to pull troops out of the province in late October 1998 and to adhere to the 1998 ceasefire agreement until the KLA abrogated it suggests that he had a well-developed sense of the potentially damaging political costs of “bad” (read internationally illegitimate) behavior, even for a pariah such as himself.\textsuperscript{199}

In short, it appears that Milosevic may have aimed to use a coercive “risk” strategy in the initial stage of the conflict, but it failed for a few reasons. First, NATO failed to take his government’s threats to use refugees coercively seriously. (This was surely further complicated by the fact that a

\textsuperscript{196} See again Merom, \textit{How Democracies Lose Small Wars}, Chapter One.
\textsuperscript{197} See again Braumann, “When Suffering Makes a Good Story,” pp. 135-148; and Bob, “Beyond Transparency.”
\textsuperscript{198} See again \textit{As Seen, As Told}; and Little, “Moral Combat.”
\textsuperscript{199} See also Hayden; Salla. Moreover, the timing of the outflow seems peculiar, if Milosevic was really intent on emptying Kosovo whatever NATO did. Why wait until the world’s attention was finally and
fair number would have been displaced as part of his militarized use of refugees against the KLA insurgents.) Second, and relatedly, the outflows that actually resulted were larger than either side had anticipated or desired.\textsuperscript{100} In the end, the fact that NATO failed to recognize that Milosevic would follow through on his threats if it followed through on its own—coupled with the scope of the humanitarian disaster that resulted—fundamentally undermined Milosevic’s ability to successfully prosecute a risk strategy.

Likewise, as predicted, the KLA \textit{agents provocateurs} were also relatively weak actors, who explicitly espoused the idea of altruistic Machiavellianism. KLA representatives explicitly recognized that their behavior would result in the deaths of many Albanians, but they deemed these deaths an acceptable price to pay in the service of their larger goals. Again, as Dugi Gorani acknowledged: "Every single Albanian realized that the more civilians die, intervention comes nearer.... [And] there was this foreign diplomat who once told me 'Look unless you pass the quota of five thousand deaths you'll never have anybody permanently present in Kosovo from the foreign diplomacy (sic)."\textsuperscript{101} Also, as predicted, the independently weak KLA sought out stronger and sympathetic international supporters, and they were monumentally successful in their efforts. As Richard Holbrooke put it: “I don't believe that any of the liberation forces, or guerrilla forces of our lifetime moved more rapidly, or more successfully, from total obscurity to international standing and recognition than the Kosovo Liberation Army."\textsuperscript{102}

In addition, in its role of opportunist, Macedonia’s decision to engage in financial blackmail is consistent with what the theory predicts about the nature and behavior of opportunists, who need only believe that they can manipulate an existing refugee situation to their advantage.\textsuperscript{103} Clearly, Albania also benefited from this financial largesse, but the evidence is less clear that Albania did so decisively focused on him, and not act earlier when the international community’s attention was elsewhere?

\textsuperscript{100} As French Foreign Minister Vedrine: “What most experts underestimated was that the collective memory of massacres in the Balkans was such as to unleash mass migrations.” Quoted in "Kosovo: The untold story; How the War Was Won.” In other words—consistent with Human Rights Watch’s own findings—many more chose to leave their homes than were directly or even indirectly impelled to leave. See again H.R.W. \textit{Under Orders}.

\textsuperscript{101} Quoted in Little, “Moral Combat.”

\textsuperscript{102} Ibid.

\textsuperscript{103} See again Porter, “The Partiality of Humanitarian Assistance.”

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in more than an inadvertent way, i.e., when providing recompense to Macedonia, NATO and the EU felt compelled to also provide funding to Albania—which was, by the way, hosting about twice as many Kosovars as was Macedonia.

Third, there is abundant evidence to suggest that Milosevic and the Yugoslav government apparatus, more broadly, did explicitly attempt to exploit the anticipated heterogeneity of responses within the alliance, in a kind of two-level coercion. As the nature, diversity, and delivery mechanisms of the threats issued indicate, this two-level coercion was targeted at both the “domestic” level of the alliance—i.e., the leadership of individual members—and at the domestic audiences within member countries—i.e., the internally divided populations who could put pressure on their leaderships. This is true vis-à-vis fears associated with a potential refugee influx, as well as vis-à-vis intra-alliance disagreements about how to engage the Yugoslav government politically and militarily.

On the other hand, I have uncovered no “smoking gun” evidence in support of the proposition that Milosevic actually attempted to directly impose hypocrisy costs on alliance members. Instead, it appears he relied on the existence of heterogeneity of interests (more broadly defined) as being sufficient to, first, deter the alliance from attacking, and, second, cause it to fracture. At the same time, it is nevertheless true that Milosevic understood well the norms-driven strengths/weaknesses under which his (mostly) liberal democratic targets labored and recognized that these norms limited their freedom of action in ways that could redound to his benefit. For instance, we now know that Milosevic spoke openly about his regime’s ability to “step over bodies and keep going,” a freedom his liberal targets did not have.204 We also know that, while the campaign was underway, Milosevic attempted to make bilateral deals with individual NATO members, designed to not only make him look like a reasonable and humane man, but also to undermine NATO unity.205

204 Quoted in Borchgrave, “We Are Neither Angels Nor Devils.”
205 For instance, Lamberto Dini reports that he received a call from Milosevic, in which he proposed a deal to hand over Albanian activist Ibrahim Rugova. According to Dini, “Milosevic said, ‘I don’t want to talk about the war. . . I just want to arrange for Rugova’s return. He would like to go to Macedonia,’ he says, explaining that he cannot grant him that concession because his life would be in danger there. If you are agreeable, I shall have him fetched from Pristina with his family tomorrow. The aircraft can only arrive in the afternoon. I want them to travel by day.” Quoted in “Kosovo: The untold story; How the War Was Won.”
At the same time, as outlined in detail above, there is abundant evidence that the KLA agents provocateurs tried to influence their targets through the use of the media and the imposition of hypocrisy costs. Moreover, as the fact of the NATO intervention (and the political consequences of its aftermath) makes clear, they were obviously successful. As the following excerpt makes evident, it was finally—in the aftermath of the widely publicized, if intentionally instigated, massacre at Racak—the obvious disconnect between the rhetorical commitments of the alliance's most powerful member and its theretofore profound lack of actual follow-through that forced NATO's hand:

Through it all, the memory of Racak would be twisted like a bloody thread. In Washington the first news of the Racak massacre presented a grotesque headache. The ghastly images put the administration of President Bill Clinton under pressure "to do something." But for a President still mired in the embarrassment and political paralysis of his impeachment for the Monica Lewinsky affair there was a wider concern.

Typically for this administration, the issue that gripped Clinton's officials in the days after Racak was not a humanitarian one, but one of presentation: the thought that a looming crisis in Kosovo might overshadow the summit in Washington on 22 April to celebrate NATO's fifteenth anniversary.

But Racak was also an embarrassment to Clinton and his advisers for another reason: it was the culmination of a period of fumbled foreign policy decisions by an administration that had seemed to sleepwalk through the previous 12 months of the Kosovo crisis. Racak cast that period in a sharp light.²⁰⁶

Whether there would have been political costs to be paid for further inaction is a counter-factual question that cannot be answered decisively. What can be said with certainty, on the other hand, is that the Administration obviously believed they needed to act to make the gap between rhetoric and action disappear.²⁰⁷ As General Clark put it: "Clearly, after Racak, extraordinary measures had to be taken."²⁰⁸

Finally, what can also be said is that, as predicted, in the interest of alliance unity and political expediency, the key figures in this case—with the possible exceptions of Tony Blair and Madeleine Albright—behaved far more like "political moralists" than like "moral politicians." Action came late, only when provoked by growing negative salience associated with inaction, and only in a

²⁰⁶ Ibid.
²⁰⁷ As one former NSC official put it: "So we made some mistakes. Maybe we were poorly prepared for what actually happened. But tell me how were we going to justify not doing anything when we were hearing things like 'a village a day keeps NATO away'". From a conversation with this author, November 2002.
limited way, i.e., via a bombing campaign that never had the capacity to forestall the very ethnic cleansing it inadvertently made profoundly worse. General Klaus Naumann, Chairman of NATO's Military Committee, put it bluntly: I told “the Council, we cannot stop this by using air power alone. It's impossible. No-one in the political arena should have had the illusion that we could do it, but as soon as a statement is done, it's there.\textsuperscript{205}

**VI. A Few Additional Conclusions and Parting Thoughts**

As Schelling has said, “a certain death may stun (a man), but it leaves him no choice.”\textsuperscript{210} When NATO presented Milosevic with the terms of the Rambouillet Accords, it dictated what probably seemed like certain death, and thus its attempt at coercion failed. However, NATO was saved from total failure because its short-sightedness, borne of hubris and indifference, was matched by Milosevic's substantial miscalculation of Western resolve, resilience, and resourcefulness... and most critically, the magnitude of the credibility stakes it had gambled on the success of this mission. Milosevic had hoped to use the threat of refugees to undermine NATO cohesion, and in this, he failed. He failed, first, because the fears that individual member states had of being overrun with refugees never materialized. He also failed because the conflict was contained within the region, which kept the human (and hence, also the domestic) costs of the conflict that had to be borne by the West low. Finally, he failed because NATO—with the assistance of the international media and the aggressive coverage-generating efforts of the KLA—successfully turned the refugee weapon back on Milosevic.

Nevertheless, before declaring his use of the refugee gambit a total failure, it is worth remembering that, in the end, the terms of the G-8 deal to which Milosevic agreed were preferable to those on offer at Rambouillet. Moreover, although he was ousted from power 18 months later, it was not because of NATO bombs, but rather because his own political and economic cronies and the Yugoslav people had finally decided that costs of international isolation and internal corruption had grown too great to bear. Thus it was only after a September \textsuperscript{210} election, in which Serbian

\textsuperscript{205} Quoted in Little, “Moral Combat.”
\textsuperscript{209} Ibid.
\textsuperscript{210} Schelling, p. 170.
economics professor, Vojislav Kostunica, ran against him, that Milosevic was finally and truly defeated.

In the end, close examination of the course of events demonstrates that even though Milosevic ultimately failed, at least for a time, he came close to succeeding. This fact alone ought to give us pause, because along with all of the purported “lessons” keen observers and future adversaries may glean about the limits of coercion and the power of propaganda, they may also learn a thing or two about the potential firepower of demographic bombs. Rising xenophobia in Europe and around the world may still make the refugee game worth playing for some. Moreover, cases where one country faces a crisis alone (e.g., Italy in 1997) are likely to be more common than those where a 19-member coalition comprises the opposition, particularly since NATO may not wish to put its credibility to a test again soon.

Conversely, NATO’s intervention in Kosovo—which was driven at least in part by the actions of the KLA and the support it garnered via intelligent use of the global media apparatus—may encourage other groups to manipulate international opinion (via their own propaganda campaigns). By provoking attacks upon themselves by their own governments, these groups may seek assistance with their bids for self-determination, or the overthrow of “undemocratic” governments, as the KLA now readily admits it did. If Prime Minister Blair’s notion is taken seriously, of when the principle of noninterference in others’ internal affairs may be acceptable—i.e., whenever oppression produces massive flows of refugees that unsettle neighboring countries—it could provide a “virtual blank check” for future interventions. Such a proactive stance by NATO may present a powerful incentive for those struggling for independence, and not one that we can afford to dismiss lightly. Finally, it is worth noting that on the question of whether—in the aggregate—the situation on the

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211 See again Judah, *Kosovo: War and Revenge*; Daalder and O’Hanlon, *Winning Ugly*; and “Kosovo: The untold story” on the incredible stresses the conflict placed on the alliance and how—if Milosevic had not capitulated in early June—the “center may not have held.”

ground in Kosovo represents a net improvement over the pre-war state of affairs, the jury is still out.\textsuperscript{213}

\textsuperscript{213} There is a voluminous literature on post-conflict Kosovo—including on the ethnic cleansing of Serbian Kosovars in the aftermath of the conflict—but, even at the end of 2003, the final chapter on this situation has yet to be written.
Chapter 6

A Policy at Sea—The Case of the Haitian Boatpeople (1991-94)

_"I would never [have thought] that the U.S. would tremble or the President would be trembling because of some little Haitians._
— Unnamed Haitian military official, January 1993

_"I've seen this movie before, and I don't like it._
— US State Department official on the Haitian refugee crisis, July 1994

Even before being sworn in for his initial term as US president—and leader of the world's sole superpower—William Jefferson Clinton made the first foreign-policy decision of his administration. Remarkably, perhaps, Clinton's initial foreign policy decision was not about the future of Russian nuclear weapons, the Iraqi no-fly zone, or even the future of the NATO alliance. Instead, it was a decision about how to deal with would-be refugees from the tiny island nation of Haiti.¹

Responding to the Bush Administration's treatment of those Haitians fleeing from the repressive rule of the junta that had come to power in a coup in September 1991, candidate Clinton ran on a platform that included a promise to repeal what Clinton had called the Bush Administration's "callous," "cruel," and "immoral" policy of repatriating all Haitians interdicted at sea. Unfortunately for Clinton, many Haitians took him at his word.² Clinton's election in November 1992 stimulated such an "orgy of boat building" in Haiti's impoverished coastal towns, that by early January 1993 it began to appear that his "lavish inauguration bash" might be overshadowed by a massive influx of between 50,000 and 200,000 Haitians.³ Well aware of the potential political damage such an influx

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¹ David Beard, "Boat-Building Haitians Blast Clinton for 'Lying'," Chicago Sun-Times, January 17, 1993, p. 16.
⁴ As one commentator put it at the time: "If politicians need evidence that people actually believe campaign promises, they need only look to the speeches of Bill Clinton and the reaction of the impoverished and politically oppressed people of Haiti. When candidate Clinton promised that he would change President Bush's policy of systematically turning back all Haitian refugees, Haitians did two things: They hailed Clinton as their savior, and they started building boats, many by ripping siding and roof beams from their houses to use as construction materials. A week ago, those planning their escape from Haiti spoke of President-elect Bill Clinton with reverence. His statements in favor of Haitian refugees had earned him a common saying, 'After God comes Bill Clinton.'" From Howard W. French, "Haitians Express Sense of Betrayal," The New York Times, January 17, 1993, p. A3.
might cause, days before his inauguration the President-elect suddenly changed tack and announced that the existing Bush Administration policy was not so “morally-reprehensible” after all and would remain in effect after he came into office. Although widely condemned by human rights activists, Clinton’s move was effective at staving off the anticipated political and refugee crises, albeit only temporarily. The consequences of his policy flip-flop and rhetorical “tumble from the moral high ground” would continue “haunt his administration for the next 21 months,” eventually generating overwhelming pressure to respond militarily to resolve the ongoing political crisis and put an end to the exodus of Haitian boat-people. The Haitian crisis would not come to a definitive end until Clinton launched the domestically unpopular Operation Restore Democracy—in which more than 20,000 American soldiers were dispatched to restore Aristide to power and end the refugee exodus—and only after somewhere between 60,000-100,000 Haitians had taken to the sea in a desperate attempt to reach the United States.

This chapter presents a longitudinal case study that tackles the question of why the Clinton Administration decide to launch an invasion of the island nation, despite only tepid public support for—and significant Congressional opposition to—military intervention. In the context of this examination, the chapter also tackles the following questions: 1) “Was extortive engineered migration actually employed, or were the outflows that resulted simply an unintended externality of the junta’s oppressive rule? 2) If it was attempted, did it succeed? 3) If so, for whom? And if not, why not?; and 4) Did the imposition of hypocrisy costs play a role in the resulting policy outcomes, as theory presented herein predicts?

To briefly summarize my findings: The 1991-94 Haiti case did not commence as a case of extortive engineered migration. After raising his own potential hypocrisy costs to dizzying heights by

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7 Ibid.
9 In addition, while the figures are imprecise, during the junta’s reign as many as 4,000 people were killed, around 300,000 became internally displaced, and thousands more fled across the border to the Dominican Republic. From Robert Macgure et al, *Haiti Held Hostage: International Responses to the Quest for Nationhood, 1986-1996*, Occasional Paper No. 23 (Providence, RI: Watson Institute, 1996). See also Kate Doyle, “Hollow Diplomacy in Haiti,” *World Policy Journal*, vol. 11, no. 1 (Spring 1994), pp. 50-58; and Ian Martin, “Haiti: Mangled Multilateralism,” *Foreign Policy*, no. 95 (Summer 1995), pp. 72-89.
promising to abandon the Bush repatriation strategy, in January 1993 the Clinton Administration was able to successfully fend off an imminent refugee crisis and political fiasco by explicitly promising to reinstall the exiled Haitian President, Jean-Bertrand Aristide. However, when a year into the first Clinton administration, Aristide was no closer to being restored to power, the exiled Haitian leader went on the offensive, employing a strategy of refugee-driven political jujitsu.\textsuperscript{10} Largely as a consequence of his own rhetoric, Clinton became trapped—in a kind of pincer movement—between Aristide's two lines of attack: one, his supporters within the US—e.g., the Congressional Black Caucus, the Trans-Africa Lobby—who threatened to raise the domestic political costs of inaction to unacceptable levels; and two, Aristide's demographic bombs from farther afield, which threatened to impose profound economic and political costs on the US and on Clinton, if and when they arrived on US shores.

In the end, only by launching a military operation whose express mission was the restoration of democracy in Haiti could Clinton de-fang his critics at home \textit{and} staunch the outflow of boat people from abroad. Although outside of Aristide's supporters there was little domestic support for such an operation within the US, over time the option of taking no action began to appear even more politically costly.\textsuperscript{11} As William Raspberry succinctly put it: "Clinton tried to split the difference: threatening military action he didn't want to undertake in the hope that Cedras [the leader of the junta in power in Haiti] and the others would take him seriously and leave voluntarily. As a result, the American president found himself on the brink of an invasion for which, despite his earnest explanations, there was virtually no political support at home."\textsuperscript{12} In the end, it was Aristide's attempt at extortion engineered migration—coupled with a successful effort to heighten

\textsuperscript{10} i.e., extortion engineered migration

\textsuperscript{11} Consider, for instance, that as late as July 1994, when asked "Would you approve (or disapprove) of the following policies to end military rule in Haiti?", only 23% favored a military invasion, still fewer—i.e., 14%—favored paying off the generals to give up power and leave the country, while 63% favored a compromise in which the generals give up power to someone other than Aristide and new elections are scheduled and 50% favored giving economic sanctions more time to work. (Nevertheless, within two months the Administration had launched a military action and paid the generals to leave the country!) From Tom Post et al., "Getting Ready," \textit{Newsweek}, July 25, 1994, 16. For this \textit{Newsweek} poll, Princeton Survey Research associates interviewed 751 adults by telephone July 7-8, 1994. The margin of error was +/-4 percentage points.

the crisis's negative salience—that finally forced the US's hand and brought the crisis to a close.\textsuperscript{13} See Figure 6.1 below for an illustration of the crisis's \textit{denouement} in the spring and summer of 1994.\textsuperscript{14}

\textbf{Figure 6.1: Haitian Boatpeople 1994: Aristide (and allies) as \textit{Agents Provocateurs}}

\begin{align*}
\text{(AP)} & \quad \text{(T)} \\
\text{Concession} & \quad \text{Concession} \\
\text{De-escalation} & \quad \text{De-escalation} \\
\text{De-escalation} & \quad \text{De-escalation} \\
\text{Assassination} & \\
\text{Expulsion, anyway} & \\
\text{War, Bombing} & \\
\text{Immediacy/Close} & \\
\end{align*}

\textbf{(AP) \textit{Agents Provocateurs}: Aristide and supporters} \\
\textbf{(T)arget: the US}

This case is noteworthy for several reasons. First, it demonstrates that refugee-driven extortion can be successfully conducted even from afar, since Aristide was living in exile in the US when he launched his coercive use of refugee flows emanating from Haiti. Second, it provides a model illustration of the very real dangers of engaging in rhetorical grandstanding. The policies pursued under the Bush Administration were no more injurious to the principles of refugee protection than those Clinton relied on. Yet candidate Clinton's decision to resort to lofty moral rhetoric would lay bare these inherent contradictions and force him to take actions as president that his predecessor had successfully avoided. Third, though he did so reluctantly—and for self-interested, political reasons—Clinton's decision to intervene militarily in Haiti to restore its democratically-elected leader to power did mark a turning point vis-à-vis emerging norms of justified intervention,

\textsuperscript{13} This is not an interpretation everyone shares, however. See, for instance, Monica Hirst, "Strategic Coercion in Latin America," in Lawrence Freedman (editor.), \textit{Strategic Coercion: Concepts and Cases} (Oxford, UK: Oxford University Press, 1998), pp. 153-62. According to Hirst, the US was actively engaged in trying to restore Aristide to power long before the spring of 1994. However, the chronology of events—and the apparent relative passivity of the US—in the period from September 1991 through early 1994 seem to belie this contention.

\textsuperscript{14} The shaded boxes indicate the decisions actually taken by both the perpetrators and the targets.
a position that would be pushed still further with the campaign in Kosovo in 1999. Fourth, the various constituencies in the US calling for and opposing intervention ironically represented a total role reversal of their earlier attitudes towards US military intervention (as a result of the Vietnam War), demonstrating how much the world had changed in the previous two decades.15

The remainder of this chapter is divided into four parts. First, I provide a short history of recent US-Haitian relations, including a brief examination of an earlier US-Haiti bilateral migration crisis—the consequences of which bore directly on the crisis in the 1990s. Second, to set the stage for what follows, I outline the background to the 1991-4 crisis. Third, I explain how and why these actors' strategies and tactics shifted over the course of the crisis, as well as analyze the consequences of these shifts, in light of the responses they generated within the principal target state, i.e., the US. In other words, I offer a narrative-driven analysis of the dynamics that drove what I shall argue represents another compelling case of extortive engineered migration. At the same time, I also evaluate whether these evolving strategies (and their accompanying tactical actions) are consistent with the theory's predictions. Fourth, I present a comparison of the media attention given to Haiti and to Rwanda in the spring of 1994—i.e., during the genocide—which I hope offers an instructive illustration of the power of "negative salience" to stimulate policy change. Finally, I revisit the major hypotheses advanced in this study and evaluate them in light of the evidence presented in this case. Finally, I offer a few additional thoughts and possible implications of this particular case.

Research materials for this chapter have been drawn from primary sources—including archival materials from the Carter Library and contemporary US and Florida state government documents—as well as a variety of secondary scholarly, popular, and journalistic sources. For additional perspective, I conducted interviews with relevant, former Carter and Clinton Administration officials; US military officers who participated in Haiti-related operations between 1991 and 1994; US military officers responsible for Caribbean immigration enforcement at both US Southern Command (SOUTHCOM) and US Coast Guard, Miami; a representative from the Haitian Refugee Center; officials from the administration of former Florida governor Lawton Chiles;

employees of the Miami District Office of the US Immigration and Naturalization Service (INS); and former Haitian boatpeople now residing in south Florida.

I. Background

A. Historical Precedents

*Operation Restore Democracy* was not the first military intervention the US undertook in the Caribbean, or even the first on the island of Hispaniola. Between 1915 and 1934—in accordance with the Roosevelt Corollary to the Monroe Doctrine—US Marines occupied Haiti and the neighboring Dominican Republic. For a variety of reasons, it was not an occupation that served the island nation particularly well. First, although some infrastructure improvements were undertaken during the US occupation, when the Marines left in 1934 the country was little better off than before they arrived. For instance, although Haiti had once been France’s richest colony, when the US withdrew it was still the poorest country in the hemisphere; a fact that remains true today. Second, the pre-existing racial and social cleavages between Haiti’s majority impoverished black population and its mulatto-dominated elites were not improved under the US occupation; in fact, due to the nature of US policies, these cleavages were actually reinforced. Finally—and most problematic—the most lasting artifact of the occupation was the US-created *Garde d’Haiti*, a well-organized and equipped military force that was subsequently (and repeatedly) utilized by the elites to oppress the black majority.

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17 For a history of the occupation, see, for instance, Max Boot, *The Savage Wars of Peace: Small Wars and the Rise of American Power* (2002); and Alex Dupuy, *Haiti in the World Economy: Class, Race, and Underdevelopment Since 1700* (Boulder, CO: Westview Press, 1989). Some have argued that it was the fact of the earlier occupation—and that the Americans left behind a powerful, albeit corrupt, paramilitary apparatus—that obligated the US to intervene to restore democracy in the 1990s.


Neither was the period following Aristide’s ouster the first time Haitian and US immigration policies became inexorably intertwined with their foreign policies. Such connections had existed since Francois “Papa Doc” Duvalier’s accession to power in 1957 and continued through the reign of his son, “Baby Doc” Duvalier, who came to power upon his father’s death in 1971. Although both Duvaliers were widely recognized to be tyrannical and repressive leaders, the US stalwartly supported them as bulwarks against Communism in the Caribbean, particularly after Cuba fell to Fidel Castro in 1959. The repressive rule of the Duvaliers drove tens of thousands of middle class professionals from Haiti to the US, so that as early as 1968 there were more Haitian physicians overseas than inside the country. Even so, migration from Haiti to the US did not become politically problematic until the 1970s, when the size and nature of the migratory stream shifted upwards numerically and downwards socio-economically. This quantitative upsurge culminated in an outflow of that was deemed to be one of “crisis proportions” and which was cited in 1980, in conjunction with the concomitant Mariel crisis, as proof—by then presidential candidate, Ronald Reagan—of the incumbent Jimmy Carter’s ineffectual leadership. At the same time—as Clinton was to do 14 years later vis-à-vis the Haitian outflow—candidate Reagan made effective political hay out of condemning Carter’s efforts to shut off the boatlift, declaring “I can’t agree with that. … As long as thousands are trying to get here, I can’t understand the lack of humanitarianism in

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21 According to Naomi and Norman Zucker, successive US administrations believed that “if the Duvalier stranglehold were loosened, the political disorder that followed would have led to a communist takeover.” From Naomi Flink Zucker and Norman L. Zucker, “US Admission Policies towards Cuban and Haitian Migrants,” in Robin Cohen (editor), *The Cambridge Survey of World Migration* (Cambridge, UK: Cambridge University Press, 1995), p. 447.
that." As the former NSC official who was responsible for overseeing the Haitian crisis during the Clinton Administration admitted: "We got stuck in the middle, where there was no right answer. Taking them in got us in trouble. Trying to send them home got us in trouble. Locking them up really got us into trouble." 16

Nor was the population outflow that followed Aristide's ouster the first that Haiti's leadership was able to exploit for its ends. According to regional experts, on various occasions both Papa Doc and Baby Doc Duvalier extracted financial and political concessions from the US in exchange for keeping illegal immigration from Haiti under control. 17 For example, having successfully argued during the 1980 US election campaign that the Cuban and Haitian crises demonstrated Jimmy Carter's incompetence, the newly elected President Reagan was keen to avoid soon finding himself victim to the same accusation. 18 As Christopher Mitchell put it: "Since the major public relations costs of appearing to have lost control of US borders were incurred in the politically strategic state of Florida, it was far preferable to deflect migration at sea rather than round them up and detain them within range of newspapers and TV stations in Miami." 19 229 Thus within months of his inauguration, the pragmatic Reagan formed a task force dedicated to tackling the issue of Haitian migration and declared that the movement of undocumented Haitians to the US had become "a serious national problem." 20 Soon thereafter, in one of the few documented examples of pre-

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15 While acknowledging concerns within the US about unemployment, Reagan further noted that: "if the building is burning, and there is still a chance to get people out of the upper-floor windows, you don't worry about jobs." Quoted in Michael Getler, "Reagan Attacks Carter Policy On Refugees," The Washington Post, May 17, 1980, p. A3.

16 Interview with this author, April 2000.


18 See, for instance, Vernon M. Briggs, Jr., Mass Immigration and the National Interest (New York: M.E. Sharpe, Inc., 1996), p. 130. Fears associated with this potential threat were made more acute in the period between Reagan's election and inauguration by pressure from the south Florida Republican party and Congressional delegation "for strong measures to curb the flow of Haitian boat people." Stepick, "Unintended Consequences," p. 142. See also Task Force on Immigration and Refugee Policy, "Issue Paper—Subject: What Policy Should the United States Adopt with Regard to Foreign Persons Who Enter South Florida Without Visas?" no. 3 (June 26, 1981), (Memo to President Reagan from task force established by him on March 6, 1981).


20 Reagan did so despite the fact that, at that time, Haitians comprised less than two percent of the US's undocumented population. See Testimony (before the US House of Representatives) of David Hiller, Special Assistant to the Attorney General, Coast Guard Oversight—Part 2, Hearings on Military Readiness of International Programs, Subcommittee on the Coast Guard and Navigation, Committee on Merchant
emptive concession to extortionate engineered migration, Reagan and Baby Doc concluded the 1981 US-Haiti Interdiction Agreement. Under the Agreement, the US obtained the right to summarily return all Haitian boat people intercepted at sea, after a preliminary screening for potential asylum claimants.

For its part, Haiti agreed to keep outflows to a minimum. Officially, the US offered nothing in return, beyond some assistance in implementing the bilateral accord and a promise to provide Haitian citizens with more non-immigrant visas. However, "off the record" (sic) US officials admitted that they had promised to "de-emphasize human rights" and "look the other way on graft and corruption" inside Haiti. In addition, Duvalier's government was promised significant economic and security-related financial support. Moreover, the Haitian Navy reportedly also obtained free fuel from the US Coast Guard, which it was then able to sell on the open market.

As Jorge Dominguez bluntly characterized it, "The Haitian government had been bought."

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3 It is worth noting that between 1981 and the coup in 1991, 22,716 Haitians were returned to Haiti, while only 28 were allowed to enter the US to pursue asylum claims. US Committee for Refugees, World Refugee Survey 1995 (Washington, DC: USCR, 1996). p. 180.

35 See, for instance, Lawyers Committee for Human Rights, Refugee Refoulement: The Forced Return of Haitians under the US-Haiti Interdiction Agreement (New York: Lawyers Committee for Human Rights, 1990). A US State Department Study Team that traveled to Haiti in the late 1970s found that as a rule most Haitians encountered little resistance to their departure. Although departure without travel documents and exit authorization was a punishable offense under Haitian law, such offences were rarely prosecuted. Moreover, the only enforcement that usually occurred was when local authorities felt that were "not adequately paid to ignore the activity." From the James Earl Carter Presidential Library, "Department of State Memorandum, June 19, 1979, Subject: State Department Study Team on Haitian Returnees," CR&J—White Box 23, Cubans and Haitians [8].

36 Stepick, "Unintended Consequences," p. 147. See also Stepick, "The Haitian Exodus: Flight from Terror and Poverty," in Barry B. Levine (editor), The Caribbean Exodus (Westport, CT: Praeger, 1987), p. 148. These claims appear to be confirmed by the fact that in the three years that followed, the Reagan Administration continued to maintain that "Haiti was making satisfactory progress in implementing political reforms," despite the fact that the US Congress came to very different conclusions and worked steadily to cut financial aid to the island nation. From US Congress PL08-181, "Continuing Resolution," p. 824; Stepick, "Unintended Consequences," p. 149. See also Mitchell, "Implications," in the same volume.

37 Then Assistant Secretary of State Thomas Enders testified before Congress that Haiti could not alone manage to control the departure of its citizens, and that, in addition to assistance with the interdiction program, "the economic and security assistance requests for fiscal year 1982 will be essential to enable the Haitian government to deal with a severely strained economy." Enders, quoted in Jorge Dominguez, "US-Latin American Relations," in Robert W. Tucker, Charles B. Keely, and Linda Wrigley (eds.), Immigration and U.S. Foreign Policy (Boulder, CO: Westview Press, 1990), p. 158.

38 Ibid. See also Stepick, Unintended Consequences"; and Zolberg "From Invitation to Interdiction."


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Whatever its origins, as the table below demonstrates, for a time—namely, until the unseating of Baby Doc in 1986—this bilateral arrangement worked fairly well.38

Table 6.1: Undocumented Haitian Migration to the US (via S. Florida): Apprehensions39

<table>
<thead>
<tr>
<th>Year</th>
<th>Apprehensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>24,530</td>
</tr>
<tr>
<td>1981</td>
<td>8,069</td>
</tr>
<tr>
<td>1982</td>
<td>134</td>
</tr>
<tr>
<td>1983</td>
<td>333</td>
</tr>
<tr>
<td>1984</td>
<td>896</td>
</tr>
<tr>
<td>1985</td>
<td>539</td>
</tr>
<tr>
<td>1986</td>
<td>3,595</td>
</tr>
</tbody>
</table>

Under the 1981 Agreement, Haiti greatly reduced the size of its population outflows, and—until US Congressional pressure grew too great—the Reagan administration provided political and financial succor to Baby Doc's regime.40 But the end was not long in coming. In February 1986, just before he was due to be deposed, Baby Doc left the country and retired to the south of France.41 It would take nearly five more years, four more presidents, two more coups, and two failed election attempts, before Haiti would hold its first fully "free and fair" democratic elections and the populist priest, Jean-Bertrand Aristide would be swept into power, with an impressive 67 percent of the vote.42

II. The 1991 Coup and Advent of the Migration Crisis

A New Day in Haiti

While Haiti's new leader was wildly popular with the country's impoverished black majority, he was despised by its small, but powerful, socio-economic mulatto-dominated elite and by its

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38 The costs of this program were modest, but not trivial, i.e., about $30 million/year for the full-time use of one Coast Guard cutter.
40 For a discussion of how and why things began to deteriorate around 1984, leading to Duvalier's ouster two years later, see Stepick, "Unintended Consequences," pp. 147-52.
42 The election of Francois Duvalier in 1957 was ostensibly democratic, but it had been widely condemned as corrupt. The 1990 election was held in response to an Organization of American States (OAS) offer and overseen by the organization.
military, both of which felt threatened by the wide-ranging economic and political reforms
candidate Aristide had promised to implement. He further alienated the country's ruling class by
his manner of governance. He neglected to build much-needed political alliances, eschewed the
participation of the Haitian legislature in governance, engaged in widespread nepotism and
patronage, and, critically, failed to condemn his supporters' behavior when they resorted to the use
of violence against his political opponents. Thus, it came as little surprise to many when—less
than eight months after he came into office—Aristide was overthrown in an elite-supported
military coup d'état led by Lieutenant General Raoul Cedras, Army Chief of Staff, Brigadier
General Philippe Biamby, and police chief, Lieutenant Colonel Michael Francois.

Back to the Future

In the aftermath of the coup, the junta engaged in widespread political repression. The armed forces
and the police attacked, arrested, tortured, and, occasionally, murdered Aristide's supporters. At the
same time, the junta stopped policing the island's borders. After a three-week interval—and days
before the initial post-coup international trade sanctions imposed by the UN and the Organization
of American States (OAS) were to come into effect—the first Haitians began to arrive on US
shores. Evidence suggests that Haiti's military rulers were not actively encouraging people to leave;
nevertheless, only rarely did they attempt to stop them. Instead, evidence suggests the Cedras-led

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43 Avecedo, "The Haitian Crisis and the OAS Response," p. 131. See also Robert C. DiPrizio, Armed
Humanitarians: US Interventions from Northern Iraq to Kosovo (Baltimore, MD: Johns Hopkins University Press,
2002), p. 89.

44 As Alex Dupuy put it: "Aristide represented the worst fears of the prebendarist state and the propertied
bourgeoisie because he was not preaching a democracy that would protect the interests of all sectors of
Haitian society equally. Rather, he advocated a democracy that would rectify past injustices and promote
the interests of impoverished and excluded majority more than it would those of the privileged classes."
From Dupuy, Haiti in the New World Order, p. 104.

45 For instance, Aristide failed to condemn the practice of "necklacing," whereby supporters placed burning,
gasoline-filled tires around their victims' necks. See Weiss, "Haiti, 1991-1996: Why Wait So Long?".

46 When Aristide had named commander in chief of the military a few months earlier
47 Soldiers sometimes turned up to extort a pay-off from rafters, but rarely to stop departures. Greg
Chamberlain, "US Offers Haiti Army $50m To Restore Democracy; Military agrees to observers' force as

48 Why no Haitians arrived in the US before October 23, and relatively few until October 29, remains
somewhat unclear. However, I expect it is likely due to a combination of two (and possibly, three) distinct
factors. First, interviews with former boatpeople suggest that in the immediate aftermath of the coup some
decided to take no action until it became clear that their president would not quickly be restored to power.
When the imposition of sanctions was announced in late October, the answer became clear, and thereafter
many Haitians took to the sea. Second, many Haitians required some amount of time to build sea-worthy
vessels. Of course, this cannot account for the fact that no one arrived before October 23. Third, as definitely
occurred later in the crisis, it is possible that Aristide's supporters directed Haitians to stay at home in the
weeks following the coup. However, neither interviews nor documentation have provided evidence to
support this explanation.

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junta attempted to use the tacit threat of a massive outflow as part of their strategy to accomplish two things: first, to dissuade the international community from imposing sanctions, (a tactic that was mostly unsuccessful)\(^49\); and second, to discourage the US and Latin American states from taking active measures to unseat them, (which was for a time successful).\(^10\) As Cedras put it: he was “the pin in Haiti’s hand grenade; if pulled, an explosion will follow.”\(^31\)

In other words, while Aristide was the pivotal actor in the 1991-94 Haitian migration drama, the leaders of the junta also played supporting roles. Moreover, as shall become clear below, critical roles would also be played by other parties in the region, most particularly, the country of Panama.

See Table 6.2 below for a list of the key actors in this case:

<table>
<thead>
<tr>
<th>Perpetrators</th>
<th>Targets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tacit Generator</td>
<td>United States</td>
</tr>
<tr>
<td>Haiti (Cedras and junta)</td>
<td>The United Nations</td>
</tr>
<tr>
<td>Agents Provocateurs</td>
<td></td>
</tr>
<tr>
<td>Exiled President Jean-Bertrand Aristide</td>
<td></td>
</tr>
<tr>
<td>Congressional Black Caucus</td>
<td></td>
</tr>
<tr>
<td>Trans-Africa lobby</td>
<td></td>
</tr>
<tr>
<td>Other NGOs</td>
<td></td>
</tr>
<tr>
<td>Opportunists</td>
<td></td>
</tr>
<tr>
<td>Panama and some Caribbean island states</td>
<td></td>
</tr>
</tbody>
</table>

The Bush Administration Response

Although the 1981 Agreement was technically still in force in the aftermath of the coup, beginning in November 1991 a series of US courts issued temporary restraining orders that prevented the


\(^10\) Of course, this would an over-determined outcome, as few states were interested in taking military action in Haiti. The troika believed—for a long time, correctly—that the US lacked the stomach to take actions strong enough to lead to their ouster. Reluctance within the Pentagon to consider an invasion, combined with the Bush Administration's belief that “the security of our country or the safety of our citizens was not at risk,” meant “no serious consideration was given to the use of force to restore Aristide to power in Haiti.” Author Interviews in July 2000; and March 2001. See also Robert A. Pastor, “Haiti, 1994,” in Robert J. Art and Patrick Cronin, \textit{The United States and Coercive Diplomacy} (Washington, DC: United States Institute for Peace, 2003), p. 122; and James A. Baker, III, \textit{The Politics of Diplomacy} (New York: G. P. Putnam’s Sons, 1995), pp. 601-2, respectively.

Bush Administration from forcibly repatriating those Haitians interdicted at sea. The Administration thus found itself caught on the horns of a dilemma. Having condemned the coup and supported (albeit in a half-hearted way) the imposition of sanctions, the Bush Administration was hard-pressed to claim that those fleeing were only economic migrants. Thus, beginning in November 1991, instead of being returned to the island after a cursory shipboard screening, those picked up at sea were to be transferred to the US Naval Base at Guantanamo for screening, as part of an “off-shore safe haven” program. Those found to have a credible basis for claiming asylum were then transferred to the US to pursue their claims.

As the UN and OAS sanctions—while leaky—continued to bite into the Haitian economy and the junta continued its repression, the tide of boat people began to swell significantly. By May 1992, the camp at Guantanamo was overflowing. 13,000 Haitians were still awaiting asylum screenings, new would-be refugees were being intercepted at rates of as high as 1,300 per day, and rumors abounded that more were on their way. Within the Bush Administration, mounting concerns over the potential electoral consequences of a major Haitian boatlift in the summer before the presidential election was to produce a major policy shift. On May 24, 1992, Bush issued the “Kennebunkport Order,” a directive that effectively meant that the Interdiction Agreement was back in force.

Basically Bush made a calculated political decision that he was more worried about the probable political backlash associated with accepting the fleeing Haitians than the backlash of the Haitian community, their advocates, and of refugee supporters. "Mariel definitely left a shadow.

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51 For instance, because of the prevailing conditions on the ground in Haiti, a lawsuit brought by the Haitian Refugee Center in November 1991 resulted in the temporary suspension of the US policy of automatic repatriation.
53 The border with the neighboring Dominican Republic was never effectively closed.
54 "Haitian Exodus Predictions Doubted," St. Louis Post-Dispatch (Missouri), January 17, 1993, 3A.
55 In February 1992, in response to reports of widespread persecution, the rise of paramilitary groups, and the absence of an imminent solution, led to the creation of “in-country processing” of asylum claims. But the program was slow to get up and running—such that only 54 refugees were processed that fiscal year—and thus the numbers at Guantanamo continued to mount. Elizabeth Ferris, “After the Wars Are Over,” in Global Migrants, Global Refugees (New York: Berghahn Books, 2001), p. 341.
Washington [was] nervous all year about the Haitian influx,” according to Father Richard Ryscavage, head of the US Catholic Conference’s Office of Migration and Refugee Services, which provided social and legal services to some Haitian refugees.\textsuperscript{58} Thenceforth, all Haitians interdicted on the high seas would be returned directly to Haiti, without prior screening.

Although little had changed on the ground in Haiti—if anything, conditions had gotten far worse\textsuperscript{59}—the official line out of Washington became that the boat people were fleeing economic deprivation, not political repression.\textsuperscript{60} Off the record, however, some officials were willing to concede the “problematic” nature of their position. For instance, one of Bush’s “foreign policy aides” conceded: “if you ask who faces the greatest danger of being killed or arrested as a result of political turmoil, a Cuban or a Haitian, I’d have to pick the Haitian.” Nevertheless, Haitians were again to be repatriated, while Cubans were not. Thus from May 1992 until Clinton was forced to abandon the policy two years later, in-country processing became the only option for Haitians trying to legally enter the US.\textsuperscript{61}

The apparently “hypocritical” and “pandering” nature of Bush’s position was not lost on those who believed the US had a responsibility to do better, as the following New York Times editorial suggests:

> With little political incentive to please American blacks, Mr. Bush ignored refugees and starvation in Haiti and Somalia. In so doing, he forfeited America’s moral leadership. For the first time since 1945, America has no moral basis for urging humanitarianism on others, and cannot credibly implore Europeans to care for refugees from Yugoslavia and Romania. ... All Presidents play politics with foreign policy in election years. But to keep his office Mr. Bush has, to an unprecedented degree, stroked the lesser instincts of Americans — and squandered America’s credibility, moral leadership and power.\textsuperscript{62}

Another put it:

> It’s so hypocritical, so mean. What’s happened to America?...Bush must know these people will be persecuted, even shot at, when they return home. Has he no heart?... It’s not a question Bush likes to hear. Last week, in another classroom in a predominantly white and

\textsuperscript{58} Quoted in “Send ‘Em Back!,” Time, vol. 139, no. 23 (June 8, 1992). And Ira Kurzban, an attorney for Miami’s Haitian Refugee Center, lamented: “the Haiti policy played to the basest part of the Republican Party, the anti-alien group, the racists, to keep them from crossing over to Ross Perot.”

\textsuperscript{59} Haiti Held Hostage: International Responses to the Quest for Nationhood

\textsuperscript{60} During this same period, partisans of the coup start donning T-shirts and selling bumper stickers that proclaim, “Haiti, love it or leave it.”

\textsuperscript{61} See, for instance, Americas Watch et al., No Port in a Storm: The Misguided Use of In-Country Refugee Processing in Haiti, vol. 5, issue 8 (September 1993).

Republican suburb of Atlanta, a black father stood and asked if America no longer opened its arms to all refugees fleeing oppression. The President reddened and replied in a tone of bottled heat. 'It's a very good question,' Bush said, 'and the answer is this: Yes, the Statue of Liberty still stands, and we still open our arms, under our law, to people that are politically oppressed. I will not ... open the doors to economic refugees all over the world.'

And still more trenchantly, another said:

President Bush's treatment of Haitians fleeing their nation highlights glaring inconsistencies in U.S. refugee policy. It also sets a woeful precedent that could prompt other countries to curtail assistance to refugees...In turning away boatloads of Haitians without screening them, the U.S. is violating the spirit, if not the letter, of a 1951 United Nations convention against such a practice, experts say. The State Department claims that the U.S. technically is in compliance because it is turning the Haitians away before they reach U.S. territory. 'The obligation not to repatriate refugees against their will does not apply until an individual has entered U.S. territory,' the department says. ...But the U.S. never made that narrow distinction when, for a decade, it urged other nations to rescue Vietnamese boatepeople fleeing communism.

The most significant criticism, however, came from Bush's rival for the presidency. As candidate Reagan had done in 1980, candidate Clinton was quick to use Bush's policy shift on Haiti as a political cudgel against him, denouncing it as "a blow to America's moral authority in defending the rights of refugees." As noted at the outset, Clinton would continue to wield this rhetorical weapon until the potential political consequences of doing so came back to haunt him in early January 1993. Clinton biographer, Elizabeth Drew, put it plainly: the campaign strategy of having Clinton "appear [to be] more the activist in some areas ... led him to say some things that he would later regret.

With the assistance of the outgoing Bush Administration—and fearing a massive outflow of as many as 150,000-250,000 Haitians—the incoming President instituted what his advisors would, oddly enough, call an "humanitarian" naval blockade. The cordon, called Operation Able Manner,

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63 "Send 'Em Back!," *Time*, vol. 139, no. 23 (June 8, 1992), pp. 43.
68 The idea being that the military would intercept boats to prevent people from drowning. We're looking at the general path they usually take coming out," said Jack O'Dell, a spokesman for the Coast Guard. "We want to be in a situation where we can prevent any possible loss of life should the sea get rough." Quoted in Steven A. Holmes, "U.S. Sends Flotilla to Prevent Exodus From Haiti by Sea," *The New York Times*, January 16, 1993, A1.
entailed the establishment of a naval barricade outside Haiti's 12-mile territorial limit to block an exodus; any intercepted boats were to be returned to the island. The US Coast Guard, Navy and Marines launched an operation to dispatch up to 22 warships, cutters and patrol boats. Ironically, this meant there would be a substantially larger naval presence in the area under the "humanitarian" Clinton than under the "racist" Bush, who had tasked only two to three cutters to patrol the 600-mile route from Haiti to southern Florida since the September 1991 coup. In any event, the "humanitarian" blockade was unnecessary, because the exodus never materialized. Instead, a personal intervention by exiled President Aristide saved the incoming Clinton Administration from its own pre-inaugural "Mariel." The question is how... and why?

III. The Crisis That Wasn't and The Critical Role of Jean-Bertrand Aristide

Like many agents provocateurs, Jean Bertrand Aristide was a weak, non-state actor—i.e., since he had been deposed—with few policy instruments at his disposal. However, even before Clinton was elected, Aristide had recognized that "the threat of an exodus was one way to focus the attention of the international community, and especially the Clinton administration, on the political stalemate in Haiti." He also recognized that he could use this threat to help him achieve his primary goal: namely, to return to power in Haiti. As Dupuy has put it: "he hoped to convince Washington that, without his return, the crisis in Haiti and its consequences for the United States, especially the refugee dilemma, would not be resolved." Aristide had failed in his attempts to persuade the Bush Administration to reinstall him—Bush had dismissed the idea of military intervention out of hand, declaring the return of Aristide "not worth the life of a single American soldier"—Aristide believed he would have more success with the incoming president. Hence,

69 William Booth, "Navy, Coast Guard To Surround Haiti; U.S. Seeks to Stop Expected Exodus at Sea," The Washington Post, January 16, 1993, p. A1. The Coast Guard component comprised two large cutters, five 100-foot patrol boats, 12 Falcon jets and several helicopters. In addition, the US Navy provided five ships—a destroyer, two frigates and two floating dry-docks—as backup. See also Andres Vigilucci, "Marine Patrol On Alert For Influx," Miami Herald, January 20, 1993, B3. (By way of comparison, note that during the earlier post-coup spike in Haitian emigration in November 1991, the Coast Guard had stationed 20 vessels in the area, although most were at anchor, serving as temporary floating camps for Haitians.)
70 "U.S. sends 22 ships to keep Haitians in Haiti," St. Petersburg Times (Florida), January 16, 1993, 1A.
71 See Dupuy, Haiti in the New World Order, Chapter 7, for a description of Aristide's limited maneuver room in the aftermath of the coup.
73 Dupuy, p. 142.
74 Martin Walker, "Immigration Fears Put Us In Quandary Over Haiti; A hot election issue is fuelling calls to invade," The Guardian (London), July 9, 1994, p. 14.
when President-elect Clinton approached him in early January 1993, Aristide was ready and willing to make a deal.75

It was agreed that in exchange for the US government taking a more aggressive stance against the junta and working for his restoration to power, Aristide would help stop the impending refugee crisis.76 As Aristide put it:

A “deal,” as Americans like to call it, could be made between the two of us [President Clinton and me.] I would discourage the boat people and he would favor the return to democracy. The Haitian refugees would stay in the country and, in concert with the UN, the American president would put all his weight into the balance in order to get rid of the de facto power. This was a collaboration from which each side had something to gain.77

In justifying his decision to trust Clinton, despite his flip-flop, Aristide avowed that: “our first contacts had given me the impression of a change, even if his first decision contradicted his commitment to break with the junta. ... I had the sense that he understood the stakes and that his choice was for democracy. In short, he could play an essential role.”78

Thus while Clinton would concentrate his attentions on working with the UN to reach a resolution to the festering crisis, Aristide would work on convincing Haitians to stay at home.

Aristide took a variety of public and private steps to make this happen. First, on January 16, 1993, Aristide announced in an interview that he had received private assurances from Clinton that the new Administration would support his restoration as the leader of Haiti. “There is no doubt [Clinton] is supporting me,” as he put it.79 (In their own pronouncements, transition team officials acknowledged Clinton’s commitment to Aristide’s return, but they were noncommittal as to the timing and strategy for implementation.)80 Nevertheless, Aristide was prepared to believe that Clinton would move quickly. “I go with him, because that way we can have that democracy back in

78 Kate Doyle, “Hollow Diplomacy in Haiti.”
79 Jean-Bertrand Aristide (with Christopher Wargny), Dignité (Paris: Editions du Sevil, 1994), p. 110. Robert Pastor confirms that such a deal was struck between Clinton and Aristide, as he was apparently in the room with Aristide when Clinton called. From Pastor, “Haiti, 1994,” p. 124, fn 14.
80 Aristide, ibid., pp. 110-11.
82 Ibid.
Haiti as soon as possible.”

Second—sometimes with Clinton at his side, and sometimes alone—Aristide broadcast numerous radio messages to Haiti, urging his countrymen not to flee, but rather to stay home and fight. Third, he made television appearances, including one on CNN, where he told his interviewer: “You cannot imagine how happy I am when last night I was talking with President Clinton and seeing, now, together, it’s so beautiful to work for democracy.” In the same interview, he also hinted strongly that he would soon return to Haiti as president.

Fourth, in a letter and in a subsequent Voice of America broadcast, Aristide announced that: “Once international observers were in place, he would name a new prime minister, form a consensus government, and grant amnesty to the army.” Fifth, Aristide and his supporters in Washington and in south Florida made personal phone calls to Aristide’s network of personal and political supporters on the ground in Haiti and told them to counsel those were considering taking to the sea to stay home.

Aristide’s personal entreaties and public media appearances proved extremely effective. The threatened exodus was averted. As one youth in Sunshine City, Port-au-Prince’s largest and most wretched slum, declared: “Aristide says wait for him. Okay, we’ll wait, but if he doesn’t come back, we’ll go.” Another Haitian, a commercial pilot who “lived in the area for 35 years and flew over the region frequently” reported that “the word is out not to go. They are going to wait it out. … Right now there is no movement at all.” And as Reverend Antoine Adrien, Aristide’s chief representative in Haiti, put it, in a telephone interview at the time: “To be frank, I am more hopeful now, because before Mr. Clinton was promising the moon. Now he is promising something more real, to try to bring back democracy. …Everyone knows that if there is real political will in Washington, the army cannot resist.” In short, Haitians declared that their primary reason for staying put was Aristide and his personal appeals, not Clinton’s “humanitarian” naval blockade.

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8a See, for instance, Constable “In departure from pledge, Clinton says he will send Haitians back.”
8a Dupuy, p. 141.
8b Author interviews, February 2000; July 2000; and ibid.
8e Constable “In departure from pledge, Clinton says he will send Haitians back.”
Of course, one must be careful about assigning too much credit to Aristide in single-handedly forestalling the outflow. Undoubtedly a number of Haitians decided to remain in Haiti simply because Clinton’s policy shift made the prospect of asylum less likely. Nevertheless, it must be noted that in the days before Aristide took to the airwaves, journalists on the ground had reported that in the wake of Clinton’s announcement, there was “little immediate indication that those planning to leave had changed their minds.” Moreover, Aristide was indirectly assisted in his efforts to convince Haitians that he would soon return, due to the efforts of Jesse Jackson, who paid a visit to Haiti just after Clinton’s inauguration. At a sermon in Haiti’s capital, Jackson spoke before pro-Aristide parishioners and announced that “there [was] a new U.S. policy for Titid [Aristide’s nickname] to return.” During his visit, Mr. Jackson also affirmed that Clinton had indeed made an agreement with Aristide that committed the US to the exiled Haitian leader’s return and said that he had heard this directly from White House officials. He even went so far as to declare: “This could be (President) Clinton’s first foreign-policy victory. There is no reason it cannot happen in the first 100 days. Victory in Haiti would be far easier than in Bosnia or the Middle East.”

With the benefit of hindsight, it may seem peculiar to some that Aristide and others were so easily led to believe that Clinton would act in earnest, particularly since he had just reneged on one of his major campaign promises. Nevertheless, at the time many took Clinton seriously when he said he still believed “the policy should be changed. ...I just don’t think we can do it on a dime on January 20.” Although their impression of his credibility and commitment would soon shift, at the start of his first term, both opinion-makers and the US public had very high expectations for William Jefferson Clinton. A majority in a USA Today/CNN/Gallup Poll said they believed Clinton would

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91 Vita, “Clinton to Haitians.”
92 See, for instance, Andrew Kohut, “Arms and the People,” Foreign Affairs, vol. 73, no. 6 (November/December 1994); Richard A. Melanson, American Foreign Policy since the Vietnam War: The Search
“create a new spirit of idealism,”99 and an ABC/Washington Post poll found that 64 percent surveyed believed Clinton would try to keep his major campaign promises.94 In short, it appears many interested parties—Aristide included—simply believed Clinton needed a bit more time to follow through on them. For instance, one Congressional staffer “active in Haiti policy” reported that Aristide and his backers believed Clinton’s commitments were sincere, and they would give him time to fulfill them.95 Likewise, Representative Charles B. Rangel (D, NY), a long-time Haitian supporter, publicly argued in favor of giving Clinton’s approach time to work.96 This marked a sharp reversal for Rangel, who had been long critical of US policy towards Haitians, declaring that summary repatriations “would not have happened if the refugees were Europeans.”97 (Rangel claimed to be impressed by Clinton’s behind-the-scenes efforts to prod the OAS and the UN to take action on Haiti and was willing to give him a chance to succeed.98)

Moreover, it must be remembered that while there were myriad Haitian and human rights activists within the US who were committed to the restoration of democracy in Haiti, many of them would have preferred to see someone other than Aristide assume the leadership role when that time came. As implied above, there were many who did not trust him.99 His aforementioned apparent embrace of the practice of “necklacing” did not help matters.100 There were a non-trivial number of people who simply did not like him. As one close observer had diplomatically put it: Aristide was “unaccustomed to the need of compromise in politics and the tactics required of a parliamentary president.”101 Finally there were others who simply thought he was unhinged. As Deputy Under Secretary for Policy, Walter Slocombe, would later say: his own agency was staunchly opposed to

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99 “Clinton’s presidency can offer the nation hope,” USA Today, January 20, 1993, p. 14A.
95 Jon Sawyer, “Clinton’s Reversal Over Haiti Spawns New Diplomatic Ripples,” St. Louis Post-Dispatch (Missouri), January 16, 1993, 8A. The same Congressional source also praised the work of Secretary of State Lawrence Eagleburger, who, after succeeding Baker in August 1992, took a much more active role and pressed for UN intervention.
98 Jon Sawyer, “Clinton’s Reversal Over Haiti Spawns New Diplomatic Ripples,” St. Louis Post-Dispatch (Missouri), January 16, 1993, 8A.
100 See again fn 44.
101 Brune, United States and Post-Cold War Interventions, p. 45.
risking soldiers' lives to put "that psychopath" back in power. While a State Department official who had worked closely with Aristide said, "He can drive you crazy, but that doesn't mean he is crazy." In short, the fact of Aristide's relatively low prestige and popularity within the US at the outset of the first Clinton Administration stymied criticism of Clinton's own policy failings on the Haitian front and allowed him to defer action on the Haitian crisis for some time to come.

IV. The Crisis that Was and the Critical Role of Aristide

However, eighteen months later—in the wake of another set of Haiti-related policy flip-flops that culminated in a Clinton Administration decision to abandon the "Kennebunkport" repatriation policy—a new spate of boat building commenced and Clinton again found himself boxed. However, for reasons I shall detail below, this time around there was no dodging the bullet. Aristide was again to play a pivotal role. But in stark contrast to the assistance he had provided the previous January, the second time around the exiled Haitian President actually took actions that would encourage more Haitians to take to the sea. As Figure 6.2—at the top of the following page illustrates—it was a sudden and precipitous increase; one that by the first week of July 1994 would lead to the largest operation in the US Coast Guard's history since World War II, and by the second week in September to a military operation designed to restore Aristide to power.

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104 For instance, as late as October 1993—when the US was theoretically moving towards the implementation of the Governor's Island Accords—intelligence officer for Latin America, Brian Latell, prepared a psychological profile on Aristide that concluded he was mentally unstable. Such studies provided ammunition for anti-Aristide legislators on Capitol Hill and other influential figures such as former Bush NSC adviser, Brent Scowcroft, who described Aristide as "erratic" and concurred with then Senator Jesse Helms, (R, NC) that he was "probably a certifiable psychopath." From Mark Danner, "The Fall of the Prophet," New York Review of Books, December 2, 1993, p. 44.
Token Efforts, Little Movement

After the first crisis was averted and the immediate threat of a massive outflow past, there was little acute pressure placed on Clinton to fix Haiti. The crisis became figuratively “relegated to the back burner” of the many policy issues occupying the new Administration. Over the months that followed the Clinton Administration did play a role in a number of multilateral efforts—mostly through the UN\textsuperscript{104}—to bring the crisis to a peaceful end. However, as it had done on the repatriation policy—and despite Clinton’s pre-inaugural promises to the contrary—his Administration initially followed Bush’s basic policies of lax enforcement of the OAS sanctions and deferring to the OAS and the UN to negotiate Aristide’s return.

Also in keeping with Bush Administration policy, Clinton pursued what might be viewed as a kind of Janus-faced strategy.\textsuperscript{105} On one hand, he condemned the coup and refused to recognize any of the governments installed by the military leaders. On the other hand, he began to pressure

\textsuperscript{104} However, as Weiss notes, actions taken by the Security Council were “neither as rapid nor as vigorous” as they might have been, “due to the widespread unease among many developing countries that such action would set a precedent concerning intervention in the name of democracy and human rights.” Weiss, “Haiti, 1991-1996: Why Wait So Long?,” p. 175. Moreover, the US government’s reluctance to see Aristide returned to power further stymied progress. See, for instance, Alex Dupuy, \textit{Haiti in the New World Order}, Chapters 6 and 7, see esp. fn 6 on pp. 167-8; and Malone, “Haiti and the International Community.”

\textsuperscript{105} Malone, ibid.
Aristide to make ever more concessions to the junta leaders. It was reportedly believed that such measures would stall the return of Aristide until after his term expired in 1996. To achieve this goal, it was “necessary to appear to be encouraging a negotiated settlement of the crisis while allowing the Haitian military junta...to reject any deals that involved Aristide’s return.”

This position was justified on the grounds that Aristide himself had a poor human rights record, and because it was believed that his restoration might lead to further strife on the island, should he pick up his revolutionary agenda where he had left off before the coup. At the time, Clinton officials knew this was a risky strategy. But reportedly many inside the Administration believed that Aristide’s lack of popularity within the US, as well as amongst the Haitian elite would protect the Administration from the need to act more decisively.

Then, on July 3, 1993, under considerable pressure from UN Nations Special Envoy Dante Caputo and the Clinton administration’s envoy, Lawrence Pezzullo, the best chance for a resolution in quite some time seemed to be at hand. After a difficult period of negotiations, Aristide and Cedras signed the so-called “Governor’s Island Agreement (GIA).” The GIA provided for Aristide’s return on October 30, 1993, amnesty for the coup leaders, and the installation of a UN peacekeeping force. At the same time, however, reports of escalating violence in Haiti began to emerge. Although it first appeared that Cedras would follow through with the agreement, those opposed to the GIA—aided by the FRAPH and former Tontons Macoutes—began threatening that they would prevent the institution of the agreement and start assassinating Aristide supporters.

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106 Dupuy, Haiti in the New World Order, p. 139.
107 Doyle, p. 53; Martin, p. 74; and ibid., pp. 140-1.
109 The steps included Aristide’s nomination of a prime minister to assume office after being confirmed by a reconstituted parliament; the suspension of global economic sanctions; the provision of international aid to facilitate reforms of the civil bureaucracy, the judiciary, the armed forces, and the establishment of a new police force; a political amnesty for the perpetrators of the September 1991 coup; and Cedras’ retention of his position until Aristide’s resumption of the presidency on October 30, 1993.
110 Serie Livres Blues des Nations Unies, vol. XI, Les Nations Unies et Haiti, 1990-1996 (New York: Departement de l'Information Nations Unies, 1996), pp. 28-48. Also, under the Accord, amnesty was to be granted to the coup leaders and Cedras would retire upon Aristide’s—now officially supported—return, although for his part, Aristide would name a new prime minister before he returned; wide-ranging political and legal reforms would be implemented; there was to be a lightly armed international force military to assure stability during the power transition and military engineers from the US and Canada to help rebuild Haiti’s infrastructure. See again Serie Livres Blues des Nations Unies, vol. XI, Les Nations Unies et Haiti; et l’Accord Governor’s Island, Document 74, pp. 314-16.
111 Militants also disrupted a meeting between the UN and Haiti’s Finance Minister, holding the delegates hostage and threatening to kill ministry staff that favored Aristide’s return.
Despite the rising violence and demonstrations, the UN and the Clinton Administration moved to fulfill the July agreement. On September 23, the United Nations Security Council approved the deployment of 1,200 peacekeepers. In early October, the junta reaffirmed its opposition to Aristide’s return—as well as dealt a telling blow to the GIA and started the ball rolling towards a military confrontation. When the USS Harlan County, with 200 lightly armed US soldiers and twenty-five Canadian military trainers aboard, arrived within sight of Port-au-Prince on October 11th it was to discover that the junta had reneged on the provisions of the GIA. While Haitian soldiers stood by, FRAPH-organized thugs blocked the docks, and armed militants harassed waiting diplomats and journalists, shouting “Kill the whites!” and “Somalia! Somalia!” With the images of an American soldier being dragged through the streets of Mogadishu just a week before still fresh in the minds of those in Washington\(^{13}\), after waiting nearly two days to decide how to respond, Clinton ordered the Harlan County to return home.

**A Turning Point: Aristide Goes on the Offensive**

However, after the Harlan County embarrassment, it appeared clear to both the junta leaders in Port-au-Prince and to Aristide and his supporters in Washington that the Clinton Administration lacked both the desire to see the Haitian president returned to power and the will to push the junta out.\(^{14}\) As Haitian rights activist, Jocelyn McCalla, put it: “Aristide basically decided that Clinton ha[d] abandoned him.”\(^{15}\) As Aristide himself put it: although “I was rewarded with the knowledge that Haitian policies in the United States are not decided by the White House. A politician makes decisions in accordance with his interests and not with his personal convictions. He may choose the speed of light or the snail’s pace.”\(^{16}\) Evidence suggests that, having concluded that Clinton had decided to move at a snail’s pace—and only in response to his “political

\(^{11}\) DiPrizio, *Armed Humanitarians*, p. 91.


\(^{14}\) Many reports have confirmed that the junta leaders felt secure in backing away from the GIA, because there was so much disagreement within the US (and the OAS and UN) as to what tack to take. It was even argued that DIA-CIA agents aided in preventing the Harlan County landing because they told Cedras that the UN could be easily thwarted. One report even stated that US Marine Major General John Sheehan told Cedras “One shot and we’re out of there.”


\(^{16}\) Aristide *Dignité*, pp. 110-11.
interests”—Aristide decided it was time to embark on an exercise in extortionate engineered migration.17

Avenue A: Turn up the Political Thermostat

As noted previously, Aristide had long been “seen in the US as a marginal figure without clout in Washington, [and thus] not well-placed to press his suit with the Administration.”18 But by late 1993 the tide had turned. Despite their personal dislike for Aristide, those concerned with the plight of Haitians generally had run out of patience with Clinton, which benefited the unpopular Aristide, who began to be viewed as the best hope of seeing democracy restored to Haiti in the foreseeable future. Thus, acting “on expert advice” and “seizing on a vacuum in Washington’s Haiti policy in early 1994,” Aristide was finally able to confront the Administration head-on.19 Having concluded that domestic politics was the real “governing factor in Clinton’s lurching policy shifts over the Haitian crisis,”20 Aristide decided that the most expedient way to attack the Administration was to escalate the domestic political pressure on the Administration on two fronts: one, by upping the hypocrisy costs associated with the US’s Haitian refugee policy, and two, by increasing the prospective political and economic costs associated with an unending flow of refugees. He was aided in his efforts on the domestic political front by the legitimacy that the OAS and the UN had already invested in his claims, as well as by a wide variety of supporters, including the Congressional Black Caucus, the Trans-Africa Lobby, some liberals within the Democratic Party, and members of newly-motivated civic and religious groups.21 He was aided on the refugee threat side by the respect and esteem, in which Haiti’s impoverished majority held him. To give teeth to this threat, characterizing the Clinton policy towards Haitian refugees as a ‘cruel joke’ and ‘racist’, he informed the Administration that in six months he would rescind the 1981 Interdiction Agreement that had

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17 Those on the ground in Haiti appeared to come to the same conclusion. As Emmanuel Constant, leader of the dockside demonstration, put it: “My people kept wanting to run away. But I took the game and urged them to stay. Then the Americans pulled out! We were astonished. That was the day the FRAPH was [really] born. Before, everyone said we were crazy, suicidal, that we would all be burned if Aristide returned. But now we know he is never going to return.” Quoted in Ian Martin, “Haiti: Mangled Multilateralism,” Foreign Policy, vol. 95 (summer 1994), pp. 72-3. See also Grann, “Giving the Devil His Due,” p. 60.
19 Ibid.
permitted Washington to intercept Haitians at sea and repatriate them.\textsuperscript{122} As one observer put it at the time: “What the repudiation [of the Agreement] does is it forces the White House out of its foxhole.”\textsuperscript{123}

With a Little Help from Some New and Old Friends

The help offered by Aristide’s allies took a variety of forms. First, in response to growing repression and an increase in the number of killings on the ground in Haiti, the more liberal members of Congress—on whose support Clinton was dependent to pass his broad social agenda—began to mobilize and exert pressure on him to shift his position towards the junta and towards the Haitian boatpeople.\textsuperscript{124} For instance, Representative Major R. Owens (D-NY), whose district included a large Haitian community, argued for military action “because it signals to Haiti’s military leaders that ‘the days of blessings and mixed signals are over. ... Maybe the president will have the guts to stand up to bring the illegal terrorist government [of Haiti] down.”\textsuperscript{125}

Second, Randall Robinson, executive director of the Trans-Africa Lobby, wrote a scathing letter to the New York Times—which ran in a full-page ad format—in which he accused Clinton of willful ignorance and gross ineptitude in dealing with Haiti.\textsuperscript{126} The letter was signed by more than 100 prominent Americans, including civil rights, religious, and labor leaders, a variety of Hollywood celebrities, and members of Congress, who—in the letter—also accused the Clinton Administration of pursuing a racist policy towards the Haitian refugees and demanding the return of Aristide.\textsuperscript{127}

Third, Randall Robinson also announced that he would go on a hunger strike until the Administration fired Lawrence Pezzullo [the US envoy to Haiti] and changed its policies towards


\textsuperscript{123} Jocelyn McCalla, of the National Coalition for Haitian Refugees, quoted in Phil Gunson, “Aristide attacks Refugee Policy.”

\textsuperscript{124} Dupuy, Haiti in the New World Order, p. 156.


\textsuperscript{127} Dupuy, Haiti in the New World Order, p. 156.
both the junta and the refugees.\textsuperscript{18} Robinson's highly publicized 27-day hunger strike further galvanized the public to place more pressure on Clinton. (The hunger strike was even covered on a daily basis by a \textit{Washington Post} reporter, who shared with readers the graphic details of Robinson's weight loss and physical deterioration.) Robinson had long been advocating amplified efforts to oust the junta, but his immediate goal with the hunger strike was much narrower: the end of the summary repatriation policy. "All we need to do is undertake a hearing to separate the economic refugees from the political refugees. ... I end this fast when we give the people a hearing."\textsuperscript{19}

Fourth, the Congressional Black Caucus introduced legislation demanding the replacement of the current US envoy to Haiti—who was viewed as hostile to Aristide—and tougher sanctions against the junta.\textsuperscript{20} Although by mid-July 1994, the measure had not yet come up for a vote, it hardly mattered; the White House had adopted virtually all of the bill's provisions as US policy toward Haiti. As one Congressional staffer who closely followed the issue noted, the bill "was a blueprint for what was done in the coming months. [It] was what they rallied around and pushed for. And they got almost everything." As another State Department official put it, "The basic components of the [B]lack [C]aucus approach—the military is the problem, Aristide is the solution; we shouldn't move away from him even two inches; we should do nothing that smacks of any kind of alternative to Aristide, like work with a prime minister"—all that was adopted.\textsuperscript{21}

Finally, domestic dissent from one of the President's core bases of support—namely, African-Americans—further increased the negative salience of the crisis. It also led to significantly higher levels of network news coverage of the Haitian crisis and the events surrounding it. (The crisis had previously dropped in prominence as a lead story soon after Clinton's inauguration and the


\textsuperscript{20} The fact that the number of Caucus members had grown from 26 to 40 after the 1992 election meant that by mid-1994 it was playing an instrumental role in the Administration's decision-making. (This was particularly true since some within Congress and within the Administration counted on the Caucus to provide critical support for Clinton's initiatives on health care and welfare reform, as well as on the crime bill. Steven A. Holmes, "With Persuasion and Muscle, Black Caucus Reshapes Haiti Policy," \textit{New York Times}, July 14, 1994, p. A10; also author interviews with former Clinton Administration officials, conducted in July 2000; May 2001.

\textsuperscript{21} Ibid. This statement accords with the author's own interview findings.
concomitant anticipated—but never materialized—refugee crisis was averted.33) For instance, in late April-early May 1994, nearly 66% of the network stories on Haiti featured criticism of Clinton’s policies by Randall Robinson, members of the Congressional Black Caucus (some of whom were arrested during protests outside the White House), and others.34 In short, the bulk of the media coverage during this period focused on the policy struggle that pitted Haiti policy critics against the Administration, which was forced to publicly acknowledge the shortcomings of US policy.

Moreover, the US’s culpability in the state of affairs in Haiti was also increasingly publicly and frequently articulated, as the following editorial illustrates: “Of all the intractable foreign policy knots frustrating the Clinton administration, Haiti seems the toughest to cut. The crisis there is so acute—and so very much induced by past US actions—that passivity is no longer possible.”35 (See also Section IV below.) Similarly, the head of the American Bar Association’s Coordinating Committee on Immigration Law admitted that while charges of racism were being used to “blur the debate,” it was undeniably true that the US government’s repatriation policy was “a knee-jerk insensitive reaction to a human tragedy of which our foreign policy played a substantial part.”36

Policy Panic I

In short, Clinton was soon forced to admit the salience of the activists’—and particularly, of Robinson’s—tactics. “I understand and respect what he’s doing... And we ought to change our policy. It hasn’t worked.”36 Within a week of making this very candid admission, Clinton reversed course on three major policy positions, exactly in line with activists’ and Congressional Black Caucus demands. First, he replaced his unpopular envoy to Haiti (Pezzullo) with former Congressmen and president of the United Negro College Fund, William Gray, III. Second, he announced a shift in US refugee policy, whereby henceforth all Haitians interdicted at sea would be granted proper asylum hearings aboard US ships or in third countries. And third, he proclaimed the US willing to support

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33 Strobel, *Late-Breaking Foreign Policy*, p. 186.
34 Ibid., p. 185.
tougher economic sanctions against the junta.\footnote{President Clinton's statement at a White House press conference, May 8, 1994, \textit{Public Papers of the Presidents of the United States, William J. Clinton, 1994, Book I}, pp. 859-63. And at the urging of the US, shortly thereafter the UN Security Council adopted extensive new sanctions against Haiti and demanded as well that the leaders of the junta would have to step down.} Although the Administration asserted that the policy shifts had been in the works for a long while, and were not the result of domestic political concerns, one aide acknowledged, "Of course, the pressure does matter. We live in a cocoon here."\footnote{"Pressure drop," \textit{The Nation}, May 30, 1994, vol. 258, no. 21 (May 30, 1994), p. 737.}

The policy shifts undertaken by the Clinton Administration led Robinson to end his hunger strike and eased the pressure from the Caucus for a short time. However, while the policy shifts quieted Clinton's domestic critics for awhile, they did not make the Haiti problem evaporate. In fact, inadvertently—and in very short order—these policy shifts were to make the problem much worse. By repudiating the summary repatriation policy, the Clinton Administration spawned a new spate of boat building and provoked a new refugee outflow, thereby also providing further ammunition for Aristide in his attempt to convince the Administration that unless he was returned to power, the crisis in Haiti would continue indefinitely, as would the refugee problem.\footnote{Dupuy, \textit{Haiti in the New World Order}, p. 142.}

Avenue B: Raise the Refugee Threat

Thus, just as the White House was hoping that the junta was starting to feel the heat of the new sanctions it had imposed on May 8\textsuperscript{th} and would soon step down, the new refugee exodus shifted the pressure back onto the United States. The renewed surge began only days after a US naval ship started screening and processing Haitian refugees in Jamaican waters on June 15\textsuperscript{th}, as part of the new policy whereby all Haitians were to be treated like potential refugees.\footnote{"Taking to the boats," \textit{U.S. News \\& World Report}, vol. 117, no. 2 (July 11, 1994).} Within three weeks, nearly 18,000 Haitians had been intercepted—each of whom had to be individually screened—and intelligence reports suggested more were on their way.\footnote{James Adams, "Clinton considers covert operations against Haiti," July 3, 1994, \textit{Overseas news.}} (Only two days before, the US Coast Guard had intercepted 3,458 in just one day, the highest one day total ever.) Guantanamo had only been reopened the previous week, but it was already close to its 12,500 person capacity.
The upsurge not only threatened to overwhelm the facilities at Guantanamo, but it had also re-
ignited fears in Florida of a large influx of Haitians.143 This had in turn also ignited the political
fears of its leadership, where both the governorship and a Republican-held Senate seat were up for
grabs in the November elections. Even before the new influx, Governor Lawton Chiles had filed a
lawsuit against the federal government for the $739 million he claimed the state paid out in
education, welfare and other services for illegal immigrants the previous year. And Florida Senator
Bob Graham quickly became one of the strongest voices in Congress calling for an invasion to
restore Aristide. As one report put it at the time: “Although [Graham’s] public reasons are high-
minded, his mailbag and calls from constituents stress that Florida has too many immigrants
already.”143

Even those within the Administration were having a hard time putting a positive spin on what was
quickly turning into a major policy crisis and fast pushing the Administration towards a military
response. Clinton officials were forced to acknowledge that the refugee crisis disrupted their
strategy “envisaging a gradual tightening of economic and other sanctions designed to bring about
a return to democracy without military intervention. As one senior Administration official put it:
“We’re seized by the refugee surge, and this has accelerated the discussion of other options.”144
“We cannot absorb this magnitude of outflow indefinitely,” conceded a senior State Department
official. “That raises the urgency of finding a resolution to the problem.”145 Another admitted,
“We’ll be good through the middle of next week. But is this a sustainable policy? No.”146
“Undoubtedly the numbers have been much higher than what we had expected,” said another.
“Now, we’ll just have to wait and see and pray that this time we have a policy that will get them
down to a manageable level.”147

143 Martin Walker, “Immigration Fears Put Us In Quandary Over Haiti; A hot election issue is fuelling calls
144 Ann Devroy and Barton Gellman, “Exodus From Haiti Strains U.S. Policy; Military Intervention
In a demonstration of how salient the crisis had become by this point, it is worth noting that Clinton was found himself unable to talk about much else. For instance, any policy success he might have hoped to garner from the July 1994 Group of Seven summit in Naples was undermined by the Haiti crisis. First, upon his arrival, he felt compelled to remain on Air Force One for half an hour to be briefed on the Haitian situation by Vice-President Gore, a fact that was then widely reported by the international press corps. Second, although Clinton did not mention Haiti in the opening statement at his news conference on the Naples waterfront, “questions about the troubled island dominated his meeting with reporters,” in which he “took pains to defend the [most] recent switch in policy.”

An Unhelpful Aristide

It is apparent that the Administration mistakenly believed Aristide would again come to their aid to staunch the ever-growing outflow. It had set up an airborne radio service—which could override all Haitian radio frequencies—to enable Aristide to speak to the Haitian people. But while the first time around Aristide was instrumental in stopping the flow, this time Aristide steadfastly refused to cooperate. In fact, instead he began to speak out against Clinton’s appeals to Haitians not to flee the country. “It would be immoral to ask people whose very lives are at risk to stay in Haiti,” Aristide said, “a Haiti I am compelled to describe as a house on fire.” He also declared—in marked contrast to his January 1993 entreaties—that:

it’s better to die on the high seas than to live kneeling at the feet of the putchists. Take the risk rather than experience deprivation and repression... in spite of the American reception, which consists of taking the fugitives back where they came from each time they are apprehended by the Coast Guard.

And—in what can only be interpreted as demonstrable proof that he both recognized the power of the refugee weapon and was actively wielding it against the Clinton Administration—Aristide declared that: “stopping the flow of boat people constitutes an essential motive for the American

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152 “Incident at Baie du Meso,” Time, vol. 144, no. 2 (July 11, 1994).
153 Aristide, Dignity, pp. 78-9.
government in its attempts to get out of crisis. [But] there is no solution without a return to democracy.\footnote{Aristide, Digne.}

The Role of the “Refugees”

Aristide’s messages gave encouragement to Haitians, who responded by taking to the sea. Boats were prepared in nearly every village along the southern coast of Haiti, with the explicit goal of putting more pressure on the US to hasten the return of Aristide. As mentioned in Chapter 3, one villager said: “We cannot get arms to fight. ... The only way to fight is to get the Americans to keep their promises. The only way to do that is to do what they fear most.”\footnote{“Incident at Baie du Mesle.”} In other words, like their exiled leader, Haitians understood well the political significance of their flight, both for Aristide and for the US president. “If Clinton wants to stop the refugee situation, he has to bring Aristide back. ... The refugee issue is a trump card that Aristide is holding and right now he’s going to play it to his advantage.”\footnote{“Incident at Baie du Mesle.”}

Indeed, many Haitians interviewed said that only Aristide’s personal plea asking them to stay in Haiti would prevent them from leaving. “Right now only the little priest can make me stay.”\footnote{Marilyn Greene, “Fewer fleeing Haitian shores,” USA TODAY, July 29, 1994, 4A.}

“We won’t believe in anyone again - only Aristide. Send Aristide back, and there will be no more boat people.”\footnote{“Incident at Baie du Mesle.”}

“We know that if we take to the boats it will help Aristide. No one told us this, we just know it is true. We are not afraid to die in the sea if it helps to return Aristide.”\footnote{Witter Joseph, quoted in Douglas Farah, “Haitians Preparing Boats Denounce Policy Shift by Clinton,” Washington Post, January 16, 1993, A19.} “If Clinton picks us up today, then we will try again tomorrow... we will be on the next boat. That is what Mr. Clinton must understand. Unless we have our president back, we would rather die at sea than die here.”\footnote{Ibid.} (It is nevertheless worth noting that some of those who fled did not return once Aristide
had been returned to power; thus it is possible they likely would have come whatever Aristide had advised.\textsuperscript{68}

Further encouragement to take to the sea came from the fact that shipboard asylum petitions were being approved at a relatively generous rate of 30\%, as compared to the average rate of 6.6\% that had prevailed since the processing centers in Haiti were opened in February 1992.\textsuperscript{164} The proportion of Haitian applicants granted refugee status reached as high as 40\% at one point, due at least in part due to increased work by private human-rights organizations that helped Haitians apply for refugee status.\textsuperscript{69} This placed still further pressure on the Administration to find a more permanent solution.

Moreover, it appears that many Haitians did not even try to get all the way to Florida in the summer of 1994. Rather, evidence suggests they aimed only to get beyond (if only, just beyond) Haiti's 12-mile territorial limit, to use what Haitians called "a shark visa."\textsuperscript{66} Two sources of evidence support this proposition. First, the type of boats used had shifted from larger craft, carrying hundreds, to dozens of smaller boats that could accommodate fewer than 25 people, boats that were ill suited for a voyage to Florida.\textsuperscript{165} Many were little more than rafts that had been constructed from materials taken from—and off of—their own homes. According to a Haitian dockworker, "They are using boats that can't reach Miami. They go out so they can get picked up."\textsuperscript{166} And second, Haitians started leaving from all over the island, not only from areas where currents were favorable. As one

\textsuperscript{68} Several Haitians interviewed by this author said they simply took advantage of the shift in US policy, i.e., July 1994 seemed an auspicious time to seek asylum. One put it plainly, "I had no job, no work. My brother told me it was good time (sic)." However, others said they planned to return to Haiti once they had made more money, moved their families, and/or had become citizens. Author interviews, February-March 1999.

\textsuperscript{164} Of the first 1,111 Haitians processed, 338 received asylum. By contrast, between February 1992 and June 1994, only 3,875 out of 58,793 applications were approved. According to US officials, this was largely due to two factors. First, by July 1994, Haitians received a significantly more sympathetic hearing from examiners deciding refugee status than they had previously, in part because of the consequences of the tightened economic sanctions. Second, UNHCR officials were observing the process and explaining to the Haitians their rights, in effect preparing them better for US. interviews. Ann Devroy and Barton Gellman, "Exodus From Haiti Strains U.S. Policy; Military Intervention Considered," The Washington Post, July 2, 1994, p. A1.

\textsuperscript{165} Ann Devroy and Daniel Williams, "Stay home, Clinton tells Haitians; Surge in boat people spurs talk of invasion that Aristide opposes," The Gazette (Montreal, Quebec), June 29, 1994, p. A1.

\textsuperscript{166} Gary Pierre-Pierre, "Taking a shark visa' proves perilous to fleeing Haitians," The Houston Chronicle, July 6, 1994, p. 12.


US Coast Guard official put it: so many people were taking to the high seas from points where they could not possibly get to the US, it was clear that the refugees' only intention was to be rescued at sea. It feels as if they have got all these boats and we don't have enough ships," said another US naval officer.

Policy Panic II and Failed Third Party Bribery

"But like a gambler who feels too far behind to quit," Clinton then put more chips on the table and announced yet another major policy shift. The Administration made known that it would send all the refugees to temporary refugee camps around the Caribbean, in the expectation that Haitians would be deterred from fleeing once they realize they'll end up in those camps rather than Miami. But this policy too soon fell apart. Four compounds in Panama alone were expected to house 10,000 refugees for up to six months. The Administration's plan was thrown into a tailspin when, suddenly and without warning—facing his own Haiti-related domestic political backlash—then Panamanian President Guillermo Endara abruptly reneged on his country's agreement to temporarily house the 10,000. As one reporter put it at the time, "the Panamanian fiasco added to the impression of an Administration daily lurching this way and that over Haiti." Not only was the Administration suddenly short 10,000 slots for would-be refugees, but also it suffered the humiliation of being rebuked by the leader of a country that owed its freedom to a US military intervention only five years before. As a New York Times editorial put it at the time:

"And when the Administration is publicly humiliated by a Latin leader as indebted to Washington as Panama's President, Guillermo Endara, who was installed by U.S. troops in 1989, it is a sign that U.S. credibility in the region has sunk to an alarming new low. If even Mr. Endara has no compunctions about thumbing his nose at the U.S. and walking away

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170 Nancy Mathis, "Refugees overwhelm sailboat; U.S. gives Haiti's junta notice; Get out in six months or face possible action, rulers told," The Houston Chronicle, July 7, 1994, A1.
171 Endara claimed that US officials browbeat him into saying he would accept the refugees. "I felt mocked and intimidated ... They treated me as if this were a banana republic." Quoted in Martin Walker, "Immigration Fears: Put Us In Quandary Over Haiti; A hot election issue is fuelling calls to invade," The Guardian (London), July 9, 1994, p. 14.
172 As Larry Burns, director of the Council on Hemispheric Affairs, put it at the time: Panama's defection was "a devastating blow to the Clinton policy, and exposes its utter bankruptcy. There is an overwhelming hostility to the US policy throughout the Caribbean islands, where governments and opinion-makers say that to let themselves become dumping grounds for Haitian refugees simply abets Washington's racism." Martin Walker and Jonathan Freedland, "Panama Shuts Off Haiti Safety-Valve For US," The Guardian (London), July 8, 1994, p. 26.
from diplomatic understandings, what is to be expected of Gen. Raoul Cedras and his sneering cronies in Haiti’s junta.

The situation got sufficiently tense that right in the middle of the aforementioned Naples Summit, an “unnamed Senior Administration official” gave a previously unscheduled “Background Briefing” to journalists on assignment at the summit in Italy to discuss the fallout associated with Panama’s defection. In the days and weeks that followed, the Administration tried hard to replace the 10,000 slots with commitments from other countries, some as far afield as West Africa. But they were unsuccessful, thus further increasing the pressure to bring the crisis to a close. It should be noted that a few states were in fact willing to help...but only for cash...only for a finite period...and only if the numbers were small. In the end, without the assistance of Aristide to stop the flow, the assistance of Caribbean nations to contain the flow, or the tolerance of the state of Florida to bear the flow, the Administration was forced to move towards a military solution.

An Invasion to Stop “the Invasion”

Hence, despite significant remaining Congressional objections and tepid public support, in September 1994, Clinton announced that the US would intervene in Haiti to “protect our interests, to stop the brutal atrocities that threaten tens of thousands of Haitians, to secure our borders, and to preserve stability and promote democracy in our hemisphere, and [in a nod to his promise to Aristide, perhaps?] to uphold the reliability of the commitments we make and the commitments others make to us.” Two days before, on 13 September, the State Department had released its third interim report on Haiti’s human rights situation, which compared the current situation to the

176 Dominica, Antigua, Barbuda, and Grenada agreed to provide safe havens for a few thousand refugees, in return for a United States’ offer of financial aid and two promises: one, that the refugees would not have direct contact with the rest of the population; and two, that the refugees’ stay would be brief. Robert Greenberger, “US Sends Marines to Waters off Haiti, Steps up Efforts to Divert Boat People,” Wall Street Journal, July 6, 1994, A3.
177 Public opinion polls found that a majority of Americans (ca. 60%) opposed deploying US troops to restore Aristide; however, support rose markedly (to 69% in favor of invasion) if the mission was to evacuate American citizens, or stop the flow of Haitian refugees to US shores. See Kohut, “Arms and the People”; “Americans Favor Haiti Invasion to Stop Refugees,” Reuters, July 26, 1994; and Helen Dewar and Kevin Merida, “Opposition to Invasion Appears Unswayed by Address,” Washington Post, September 16, 1994, p. A30. See also Strobel, Late-Breaking Foreign Policy, pp. 186-88.

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worst excesses of the Duvalier days. In an attempt to garner additional support for the mission, Clinton drew on this report in his address to the nation. He recounted a litany of politically motivated killings, torture, and rape and declared that: "General Cedras and his accomplices alone are responsible for this suffering and terrible human tragedy."

Given more time before the November Congressional elections and a better set of options, Clinton might not have chosen to invade. In electoral terms, there was little to be gained by getting the approach right on Haiti, while—especially after the debacle in Somalia the previous October—there was much to lose by putting another foot badly wrong. According to opinion polls, Americans disapproved of Clinton’s handling of foreign policy generally and strongly opposed his sending U.S. troops into Haiti. However, it seemed evident to the Administration that it was the only way to bring the escalating crisis to an end in the foreseeable future. Neither promises nor threats had swayed the junta leaders. The refugee flows showed no sign of abating (and Aristide’s deadline for abrogating the 1981 Agreement was fast approaching. At the same time, domestic pressure from advocates of action remained steady or was growing. And opposition to action was growing at the same time that many of those opposed to an invasion were actively criticizing Clinton’s immigration policies for failing to guard the nation’s borders. In short, it became clear that the political costs of failing to act were guaranteed, while, if handled deftly, the political pay-off of a success might boost Clinton’s popularity and also clear Haiti off the public’s radar screen before

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181 As former Carter National Security Advisor Zbigniew Brzezinski said in May 1994, when he publicly predicted that the US would intervene, “the decision will be ‘a hard call’ for President Clinton... [but] the White House will be prompted to act by domestic political pressures.” John Dillin, “Prediction: US Will Intervene in Haiti Mess,” The Christian Science Monitor, May 6, 1994, p. 3.
182 See again fn 152.
183 As Warren Christopher put it at the time, “The timing of this is really dictated by what’s going on in Haiti. We seem to be running out of other options.” Robin Wright, “Christopher Calls for Unity on Haiti; GOP Leaders Reject Consensus Appeal, Pledge to Confront Administration,” Los Angeles Times, September 12, 1994, p. A1.; and author interview with former NSC official, May 2000.
187 See Kohut, "Arms and the People." Also Clinton’s foreign affairs approval rating also reached a nadir for 1994 at only 40 percent positive and 55 percent negative in late September. Available at: www.gallup.com/poltrends/jobapp.htm.
188 See, for instance, Patrick Cockburn, “Haiti: Clinton skates on thin public support for intervention; Relief on all sides and plaudits for Carter as bloodshed is averted, but Aristide’s supporters fear worst is yet to come,” The Independent, September 20, 1994, p. 10; and David Burbach, "Diversionary Temptations: Presidential Incentives and the Political Use of Force," unpublished PhD dissertation (MIT, 2003).
the November Congressional elections. As U.S. Representative Charles Rangel asserted on the eve of the intervention, "everyone knows the open secret that this mission has been motivated only by US domestic politics."

Luckily for Clinton, the need for an unpopular forced-entry operation was alleviated, following a last-minute agreement concluded between a US delegation—led by former President Jimmy Carter, former Joint Chiefs of Staff chairman, Colin Powell, and former US Senator, Sam Nunn—and the leaders of the junta. Considering their position, the junta remained tough negotiators and failed to agree to step down until it was clear that an invasion was imminent. The junta agreed to step down in exchange for amnesty for themselves and the Haitian military as well as "golden parachute" packages. How generous these packages ultimately were remains in dispute. Some sources report that they were quite generous and included the unfreezing of the juntas' assets—e.g., Cedras reportedly got to keep "the $100 million fortune" he compiled while in power—and the leasing of their property—e.g., the US reportedly agreed to pay Cedras $5000/month to "rent" his house. Others argue, however, that the junta's payout was rather more modest.

V. A Constructive Comparison

Is it easy to argue that negative salience mattered in the cases where action was eventually taken and policies changed. But what about cases where it did not? As a measure of whether negative salience matters, it is instructive to compare the US responses to Haiti in the spring of 1994 and to the Rwandan genocide, which was occurring contemporaneously. In the period April 1-May 30,

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189 See, for instance, William Raspberry, "Brilliant or stupid?: As Raspberry put it at the time, "It had long been clear to me that there was no trouble-free path for American diplomacy. Haiti's military leaders seemed determined to remain in power unless and until they were forced out, and Americans had demonstrated that they had no taste for doing what was necessary to force them out. Clinton tried to split the difference: threatening military action he didn't want to undertake in the hope that Cedras and the others would take him seriously and leave voluntarily. As a result, the American president found himself on the brink of an invasion for which, despite his earnest explanations, there was virtually no political support at home."
190 Although much of the credit for the agreement went to Carter, not to Clinton. Moreover, the fact that the White House felt the need to use a "non-governmental negotiating team to carry weight in Port-au-Prince" did not reflect well on Secretary of State Christopher and National Security Advisor Lake. "Haiti: Clinton skates on thin public support for intervention." (And in the 1994 election, the Democrats took a beating; it marked the advent of the—albeit short-lived—"Republican Revolution.")
192 Dupuy, Haiti in the New World Order, p. 160.
193 See, for instance, Pastor, "Haiti, 1994."
1994, the *New York Times* ran eight articles that focused on the US’s response to the situation in Rwanda, which represents slightly less than 10 percent of the total number of articles—91—on Rwanda published in the *New York Times* in this period. These included less than a handful of editorials, one which did condemn the UN’s failure to help Rwandan refugees—while noting at the same time that “Somalia provides ample warning against plunging open-endedly (sic) into a “humanitarian” mission”104—and the other of which praised the US decision not to intervene.

The Clinton Administration has rightly resisted a clamor for instantly expanding a minuscule United Nations peacekeeping force to halt the human carnage in Rwanda. An ill-planned military debacle might only deepen the conflict there and jeopardize peacekeeping missions elsewhere... To enter this conflict without a defined mission or a plausible military plan risks a repetition of the debacle in Somalia.95

As one reporter put it at the time:

...there is no political will, either in Washington or other capitals, to intervene... Washington’s thinking is rooted in a decision last year, following the death of 18 American soldiers in Somalia, to oppose a peacekeeping operation for Burundi, arguing that tribal warfare was so intense that the number of forces needed to stop it would be too high for public opinion to accept. There will be no political cost at home for such an approach.96

The assertion that inaction would be cost-free was demonstrably correct. In testimony before the US Congress on May 18th—by which time it was evident to many that genocide was afoot97—then US Representative to the UN, Madeleine Albright declared that it would be “folly” for a UN force to venture quickly into the “maelstrom” in Central Africa. Not a single member of Congress disagreed or suggested that the US had a moral obligation to respond.98 Republican “humanitarian hawks,” who favored air strikes in Bosnia, had little appetite for intervening in Rwanda.99 Even the Congressional Black Caucus, busy lobbying for a shift in Haiti policy, said little. The few exceptions comprised letters to the editor by the head of Human Rights Watch-Helsinki, Jeri Laber, on April 20th and Alain Dextexhe of *Medecins sans Frontieres*. As noted in Chapter 3, for its part, the Clinton Administration assiduously eschewed the use of the word “genocide” at least in part because of the “enormous amount of responsibility” they perceived they would incur should...

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108 Sciolino, “For West, Rwanda Is Not Worth the Political Candle.”
109 For instance, in an appearance on *Face the Nation* in mid-May, Senator Bob Dole, made clear he did not “think we have any national interest [in Rwanda].... I hope we don’t get involved there. I don’t think we will. The Americans are out.” Cited in ibid.
they do so. In short, the Rwandan genocide—while salient by around April 25, 1994—never became “negatively salient” and hence a potentially costly, political problem for US President Bill Clinton, because the bulk of the contemporaneous media coverage suggested neither that intervention was appropriate, nor that the US President was responsible.

The situation was little different in Europe, even though it was closer to Rwanda and had more binding historical ties. As one reporter put it: “in this conflict between humanitarian impulses and cold calculation of national interest, realpolitik is winning. European governments deplore the slaughter in Rwanda but are not willing to take the risks inherent in trying to stop it.” In fact, although France would eventually launch its own limited intervention, Operation Turquoise, by late May Italy was the only European country that had expressed a willingness even to consider joining a UN mission to Rwanda. In terms of media coverage, television coverage was extensive, but few newspapers gave the genocide regular front-page attention, and bulk of the reportage focused on the difficulties facing those who wanted to help. One London newspaper columnist offered an explanation for foreign reluctance to react forcefully to killings in Rwanda. “Rwandans are thousands of miles away. ... Nobody you know has ever been on holiday to Rwanda. And Rwandans don’t look like us. They have even less clout than Bosnian Muslims.” Few disputed this characterization. Another disheartened (Canadian) commentator concurred:

The trouble is that Rwanda is too far away and not quite important enough.... Only the electronic shrinking of the world into a global media village has put the horror of such a conflict uncomfortably under our noses. In a world with less efficient communications, the West would care even less.

By way of comparison, consider that in the same April 3-May 30 timeframe, the New York Times ran 90+/- articles on Haiti, 63 of which focused on Clinton’s role. It also ran seven editorials and op-eds, one of which praised Clinton’s decision to finally institute sanctions that might “bite”. The

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100 New York Times, June 15, 1994. Those publicly defending the Administration’s position argued that “the first obligation before joining in so unequivocal a castigation is to be absolutely sure of the facts. “As a responsible Government, you don’t just go around hollering ‘genocide,’ said David Rawson, the United States Ambassador to Rwanda. “You say that acts of genocide may have occurred and they need to be investigated.” Quoted in ibid.


102 Ibid.

103 Ibid.

104 Peter Millar, “Live and let die: we should fight in Rwanda, but we won’t,” The Gazette (Montreal, Canada), May 28, 1994, p. B5.
others—which had titles like "In America, Abandoning Democracy," "Treat Haitians Fairly," and "Words, Words, Words"—all criticized Clinton Administration policy as hypocritical, scandalous, ineffective, and grossly in need of reform. For example, consider the following op-ed piece by columnist Bob Herbert, in which he noted that:

The Supreme Court, in its ruling last June, acknowledged that the forced repatriation of refugees at sea "may even violate the spirit" of the United Nations [Refugee] treaty. The Court went as far as to suggest that the drafters of the treaty had not specifically protected refugees at sea because they "may not have contemplated that any nation would gather fleeing refugees and return them to the one country they had desperately sought to escape. ..." Randall Robinson has lost a dozen pounds or so, and if the Administration doesn't change its policy regarding Haitian refugees he will lose a dozen more. He doesn't want to die but he believes the moral issue here is big enough to risk dying for. The United States, he believes, cannot become a barrier to liberty, a nation that sends the seekers of democracy back into the inferno.105

As highlighted above, four days after this column ran—and in an explicit acknowledgement of the political pressure he was suffering—Clinton announced the policy shift that ended screening-less repatriation.

Thus while the total number of New York Times articles published was virtually identical for Haiti and Rwanda, Haiti was negatively salient, whereas Rwanda was not, and this made all the difference. Consider that in late April—at the height of the massacres in Rwanda—Aristide publicly declared Clinton's policy of forcibly returning refugees to Haiti "genocidal" and "racist," and he compared their treatment to that of Jews before the Holocaust. In response, then National Security Adviser Anthony Lake reportedly invited Aristide to hold talks to review US policy.106 In contrast, when a human rights representative "quietly came to lobby [Lake] for United States action [in Rwanda]," Lake reportedly told him he "would be unsuccessful in pressing for an intervention unless a great deal of popular protest began to occur."107 It is worth noting that during in this period, not a single Haitian died trying to reach the US—or if they did, it was not reported in the US press108—while up to 800,000 were killed in Rwanda.

108 Although somewhere between 12 and 20 people did die within Haiti, due to political-related violence.
VI. Hypothesis Evaluation

The finding of this case largely support the study's key hypotheses, with one notable qualification. First, the nature and the motivations of the perpetrators are consistent with what the theory predicts. The (incidental, if you will) generators were indeed weak, illegitimate leaders of the poorest country in the Western hemisphere. On one hand, evidence suggests Cedras and his cadre made a horrible miscalculation in not doing more to restrain the departure of boats and rafts.209 (It was only in July 1994 that the first evidence emerged of attempts to stop outflows, when “calling the mass exodus a political action,” Haitian soldiers began searching for and destroying boats that were being readied to depart for the US.) On the other hand, however, though the junta was removed from power, they left with very attractive retirement packages. Moreover, under the terms of the settlement they were—to use Jimmy Carter's own term—turned into "honorable men."210 Cedras, Biamby, and Francois were permitted to stay in power up to a month before Aristide's return, granted amnesty for all human rights abuses committed by themselves and their underlings since the 1991 coup, and (reportedly) left in possession of millions of dollars they made breaking the oil embargo.211

The predictions regarding the nature and behavior of the principal agent provocateur, Aristide, were also borne out. As a deposed and exiled political figure, Aristide was a non-state actor forced to rely on the support of advocates and the international community; their assistance in heightening the hypocrisy costs for the target state were invaluable in Aristide's quest for reinstatement. He was also helped immeasurably by the actions of Haitians themselves, who stayed in Haiti when asked and took to the sea when needed. That hundreds were to die in the service of Aristide's restoration was a risk of which both he and they publicly expressed a willingness to take.

Moreover, Aristide was also clearly successful in his use of refugee-driven political jujitsu. Although the Haitian crisis did not begin as an extortive exercise, it was only Aristide's escalation of the crisis

209 See, for instance, Mitchell, "The Political Costs of State Power."
212 See Douglas Farah, "U.S. Assists Dictators' Luxury Exile," Washington Post, October 14, 1994; and Dupuy, p. 160. On this last point, there is some disagreement. Most report that the junta did well financially, but Robert Pastor is skeptical. See again Pastor in Coercive Diplomacy.
and attempted extortion that finally brought the crisis to a close. Despite a long-standing reluctance to intervene and a desire to avoid reinstalling Aristide, the Clinton Administration was forced to do both, in order to staunch growing hypocrisy, political, and monetary costs associated with failing to act. It was not only the first time the US had intervened in the hemisphere to restore a popularly-elected president to power, but also it had been cajoled into restoring a man “who had been branded by the US as a radical firebrand” and who was intensely disliked and distrusted by many in the US government.\textsuperscript{31} To add insult to injury, the US still had to offer side-payments to the coup leaders, to entice them to leave without the use of force . . . and thus without suffering any casualties.

It bears noting, however, that if Panama had not defected from its commitment to house Haitians in the summer of 1994, it is possible that the intervention might not have happened, and thus Aristide’s gambit could have turned out very differently. Perhaps if Panama had maintained its commitment, the Administration might have had an easier time convincing other states to agree to share the burden as well. Nevertheless, historical precedent does not suggest one should invest too much faith in this counterfactual. For instance, when Jimmy Carter approached a variety of countries for help with the Mariel crises, he had very little success. Although more a significant amount of financial aid was promised, pledges to actually receive exiles numbered no more than the original 10,800 Cubans who surged into the Peruvian embassy in April 1980—i.e., there were no offers to take any of the 125,000 who would arrive in the US at part of the boatlift. And pledges of accommodation were “often hedged” in some way. For instance, Brazil said it would take those specifically asking to go there. France said it would “take French-speakers with ties in that country,” and Canada said it would take 300, but then back-pedaled, when they claimed “so far we haven’t found any Cubans who said they wanted to go to Canada.”\textsuperscript{34} Moreover, most Latin American countries took the diplomatically convenient position that the Mariel crisis was a bilateral issue between the US and Cuba, and since the refugees’ country of first asylum was the US, they also bore no legal obligation to accept them.\textsuperscript{35}

\textsuperscript{31} Ibid, Farah.
Second, evidence suggests that the existence of heterogeneity within the target state was critical to the perpetrators' successes. Even before the intervention, close observers and analysts of Haiti noted that "political criticism of the interception policy has helped induce the U.S. government to act in favor of a democratic regime in Haiti. Such a political trend would undercut the argument that Haitian boat people are fleeing political persecution and would bolster the policy of repatriation."  

Likewise, there is an abundance of evidence to suggest that the perpetrators did not stumble into the exploitation of this heterogeneity by accident. For instance, numerous reports have confirmed that the junta leaders felt secure because there was so much disagreement as to what tack to take within the US—between the executive and Congress, between different agencies, within the public, etc.—as well as between international bodies dealing with the crisis (e.g., the OAS and UN).  

Similarly, both Aristide and his supporters (as well as average Haitians) made numerous references to the critical role that US domestic politics played in their thinking and their actions. In short, there was a nearly ubiquitous recognition of the power of domestic conflict to drive international outcomes.

Third, it would be hard to argue that hypocrisy did not matter, as it was only after the Congressional Black Caucus and Randall Robinson took up their collective cause, that Washington's policies began to bend.  

Nevertheless—and herein lies the major qualification—I would argue that in this case they served more of a supporting role than an instrumental one. Op-ed columnists from both the left and the right (e.g., Bob Herbert and William Safire in the New York Times) condemned both Bush and Clinton—at least episodically—throughout the post-coup period, yet there was little significant change until 1994. In other words, because critical columns appeared throughout the crisis, it seems evident that they alone were insufficient to cause a policy shift. It was only in conjunction with the expectation of escalating political and economic costs and in the wake of policy panic-provoking events that hypocrisy costs really mattered.

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117 Whether this is true is unclear. In some sense, however, it does not matter because the message was crystal clear. Within the US there was profound disagreement about how to proceed, and thus US credibility was critically compromised.
Nevertheless, it was clear that the Clinton Administration had to find a solution to the crisis because a hypocritical policy that allowed for continued interdiction was not sustainable. As Bob Pastor put it:

by tragic accidents, by Haitian sabotage or snipers, or by the difficulty of installing democracy in a country that had never really had it. Any of these problems would jeopardize his ability to lead both at home and abroad. He [Clinton] was therefore not ready to cross that Rubicon and invade Haiti until he realized that his prestige and power were at risk for failing to deliver on his repeated pledge to restore Aristide to power. The Congressional Black Caucus and other liberal groups exerted important influence. *Clinton knew that they would constantly remind him of his promise, and they were among his most reliable supporters.*

Moreover, Clinton fared far worse than Bush—even though Bush arguably pursued the more consistency harmful policies, from the perspective of actual hypocrisy—because Clinton became hoist on his own rhetorical petard. As columnist Clarence Page observed, “I find Clinton on the subject of race to be uplifting, yet perplexing. He knows human nature well enough to sing the right words and music. Yet when his feet hit the floor on thorny issues like Haiti, they seem to dance out of step.” Thus, as Chapter 3 suggests, condemnation—and its consequences—will be more acute for he who committed himself to lofty heights and then skulked away than for he who simply behaved in a politically expedient manner the whole time. Additionally, Clinton’s critics on the Haiti issue were members of his natural constituency—not so for Bush; thus the hypocrisy costs to be borne were still higher.

Fourth, as predicted, concession occurred late in the game. Evidence suggests this was true in part for all the usual reasons—including hubris, credibility problems, bureaucratic inattention, and information asymmetries. But it also appears that there was one special circumstance that made the intelligence failure part of the problem more forgivable/understandable. Namely, the reason US officials failed to predict the scope of the second migration crisis in the summer of 1994 was that the search for new boat building by US military helicopters and airplanes flying over Haitian beaches did not include the tiny boats used by those just trying to get past the 12-mile barrier, a stratagem that had not been anticipated. And, this made a tremendous difference in their

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calculations because while it can take a year to build a boat large enough to reach Florida, it takes less than two weeks to build one that can go beyond the 12-mile limit. 220

Finally, there is little evidence to suggest that policy outcomes were driven by the principals' moral concerns, but instead were impelled by their political concerns. First, much of the worst of the violence against Haitians occurred nearly a year before the US acted. Although repression definitely did escalate in the summer of 1994, the situation was dire long before the massive outflow that transpired in this same period. For instance, in December 1993, the FRAPH attacked Port-au-Prince's largest slum, ironically enough known as Cite Soleil—or Sunshine City—killing 70 people and wounding many more, as well as burning more than 1,000 shanties and leaving 10,000 people homeless. Second, when (that same month) John Shattuck, the State Department's highest human rights official publicly urged that the Clinton Administration review its policy of summary repatriation—after a firsthand look at the deteriorating situation in Haiti—the Administration's only response was to issue an official rebuke, not of the policy, but of Shattuck. 221 Third, the fact that the Clinton Administration retained the Bush "callous" and "racist" repatriation policy for as long as it could withstand the pressure to abandon it—and even appeared before the Supreme Court to defend it in March 1993—can only be attributed to the dominance of its political concerns. 222

VII. An Epilogue of Sorts

Those who remain skeptical of Aristide's starring role in the 1991-94 Haitian migration drama or of the supporting role played by hypocrisy costs might be swayed by the fact that recently Aristide seemed to be toying with the idea of trying it again. Although the threats made thus far (by the end of 2003) been limited and come to naught, consider the following: in July 2002, Aristide gave a lengthy interview to the New York Times, in which he noted that the dire economic situation in his country might force thousands of Haitians to flood the beaches of southern Florida. "Governor Bush wouldn't want that," Aristide was quoted as saying, "especially in an election year." Aristide

220 Tom Squitieri, "Haitian 'numbers' a surprise / U.S. admits refugee tide not expected," USA Today, July 6, 1994, S.A.
further added that, "Jeb [Bush] and I are in the same boat," suggesting—at least to Haiti
watchers—that Aristide recognized that a Haitian exodus could jeopardize the president’s brother’s
reelection prospects.233

A few months later, the Haitian weekly, Haiti-en-Marche, raised the “invasion” threat in its October
16, 2002 issue. “A bankrupt Haiti,” the periodical suggested:

would mean thousands of refugees heading for the Bahamas and Florida.” ...The U.S. Coast
Guard could not “deter [the boat people]. How does one control a tragedy of such
magnitude? ...The first to arrive would be top news in the large circulation American dailies
and thousands would invade Biscayne Boulevard every Saturday. It is not Iraq, but it is not
insignificant. [Author’s italics]234

The story further noted that since December 2001, Haitian asylum seekers were being detained by
the INS could be used by:

the wily Mr. Aristide and his Democratic allies, especially in the Congressional Black Caucus,
[who] stand to reap some political benefits from the display of what appears to be a double standard.
Nevertheless, as the embodiment of democracy, Mr. Aristide is in an awkward position to
admit that Haitian citizens are fleeing his rule. ...Unless, that is, they bear a message for Gov.
Bush (author’s italics).235

Or, more likely, a message for his brother in the White House?

234 Quoted in Joseph, “Aristide’s Refugee Politics.”
235 Ibid.

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Chapter 7

Burgeoning Border Brouhaha—The Case of North Korea: (2002→)

Humanitarian problems, no matter how urgent, must not be politicized. The Korean diaspora that resulted as our turbulent modern history took its course teaches this painful lesson.

—Unnamed Chinese official, July 2003

This chapter presents a case study of the current North Korean refugee dilemma, in the context of the ongoing nuclear crisis on the peninsula. While the movement of North Koreans across the Chinese border slowed markedly in 2002, the refugee issue continues to complicate—some would say, even “plague”—relations between states within the region and with the US farther afield. This multi-faceted case is used to test hypotheses about the nature of perpetrators advanced in Chapter 2 and those that address the nature, conduct, and conditions that dictate the success of extortive engineered migration advanced in Chapter 3. Specifically, the following questions are addressed: 1) Is there evidence that extortive engineered migration is being attempted? 2) If so, by whom? 3) To what end? 4) Is it succeeding, and for whom? 5) Why, or why not? and 6) Are these findings consistent with what the theory would predict?

This case offers a particularly useful test of the propositions advanced in this study for several reasons. First, the case boasts a range of perpetrators, not only an active—yet reluctant—generator, but also aggressive agents provocateurs and ever less passive opportunists, whose goals and aims are in stark opposition to each other. It also offers significant variation in regime type and in the degree of vulnerability across targets; in short, it is a rich case. Second, although North Korea is currently a distinctly unwilling generator of refugees, its bargaining position on the nuclear front has been benefiting immeasurably from its neighbors’ fear of a massive refugee outflow, a fear which is significantly undermining Washington’s attempts to persuade North Korea’s neighbors to pressure Pyongyang into backing down; this, I believe, makes it an important case, one which demonstrates with clarity how fears of potentially destabilizing refugee flows can circumscribe the range of maneuver of even the world’s sole superpower. At the same time, it is also a somewhat problematic case. As it examines an ongoing

1 Quoted in “Inopportune’ refugee policy,” The Weekend Australian, July 26, 2003, p. T06.
crisis, its conclusions must necessarily be provisional. Also, given its contemporary nature, unlike
the preceding chapters, little documentary evidence is yet available to either bolster or undermine
the propositions forwarded herein; thus I have had to rely more heavily on journalistic accounts
herein than in the other cases examined. Nevertheless, few of the actors involved have been shy
about their ambitions or their objectives. So while the ultimate denouement of this affair has yet to
written, I hope and expect that what has already transpired—particularly since it has been
happening in such a transparent fashion—offers sufficient evidence to serve as a compelling case
of attempted extortive engineered migration.

Research materials for this chapter have been drawn from a wide variety of secondary—mostly
popular and/or policy-oriented—sources, as well as from an array of newspaper, journal, and magazine
articles. For additional perspective, I conducted interviews with several UNHCR officials, a number
of regional scholars, and with a staff member from US Senator Edward Kennedy’s (D, MA) office. I
also had conversations with two South Korean policymakers, both of whom agreed to speak only “on
background.” Unfortunately, attempts to obtain interviews with members of the NGO network
attempting to bring down the North Korean regime have thus far been unsuccessful.

The remainder of this chapter is divided into five parts. First, to set the stage for what follows I
provide some historical background to this ongoing case, situating the refugee situation within the
larger issue of North Korea’s nuclear ambitions. Second, I outline the aims and strategies of the
actors in this case, while simultaneously testing whether these strategies (and their accompanying
tactical actions) are consistent with what the theory of extortive engineered migration predicts
they would be. Third, I explore the reactions of the targets to the perpetrators’ machinations and
ask whether they have had their intended effects. Fourth, I revisit the major hypotheses advanced
in this study and evaluate them in light of the evidence presented in this case. Finally, I offer a few
additional thoughts and possible implications of this particular case.

To briefly summarize my findings: Yes, in fact there are several multi-faceted attempts at extortive
engineered migration currently ongoing in northeast Asia, attempts in which I contend North
Korean "refugees" are being used as coercive instruments against China, South Korea, the UNHCR, and against the North Korean regime itself. Intriguingly, one of these attempts is explicitly aimed at bringing down the North Korean regime, while the other is expressly (albeit tacitly) aimed at propping it up. As Kim Jong-Il's regime does not appear in imminent danger of collapse, the balance of evidence suggests that those attempting to use the refugee weapon to depose the regime are not succeeding. This is largely because the primary targets, China and South Korea, are failing to cooperate with the agents provocateur trying to stimulate regime change, i.e., the targets have not succumbed to policy panic-generated concessions. Even so, both targets' behavior suggests that they have "felt the pain" of hypocrisy costs, in that their policy responses reflect concern with—and recognition of—the potential damage that these political costs can do. It also suggests my corollary proposition also holds, namely that targets will generally adhere to the norms they are bound by, but only so long as they are not suffering negative political consequences from doing so.

I. Background

The 1990s were a tough decade for the North Koreans. In 1991, they lost their superpower patron with the fall of the Soviet Union, and in 1994, they lost their patron saint with the death of the "Great Leader" Kim Il Sung, who had led the country since Stalin designated him leader of the new communist state shortly after World War II. For not wholly unrelated reasons, starting in the mid-1990s the country also experienced a series of devastating famines, which resulted in the deaths of somewhere between several hundred thousand and several million North Koreans and the flight of several hundred thousand more across the border into northern China. Paradoxically,

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1 The famines began as a direct consequence of the fact that North Korea, in a drive to clear arable land, pursued a policy of massive deforestation, which led to devastating floods that pushed down rice and maize production by more than 60% in the past 15 years. They were worsened and deepened as a consequence of internal North Korean politics. See Andrew S. Natsios, *The Great North Korean Famine: Famine, Politics, and Foreign Policy* (Washington, D.C.: United States Institute of Peace Press, 2003).

2 John Gittings, "Life on a diet of roots, grass and seaweed, while the capital gets a facelift, North Korea has run out of food," *The Guardian (London)*, April 29, 1999, p. 16. Estimates of the number of deaths, based on refugee reports, have ranged between 1m-3.5m. But the WFP is skeptical and failed to find hard evidence to support such claims, as the actual body count appeared far lower.

3 Would-be refugees have generally fled northward because it is easier to cross the Tumen River from North Korea into China—which is little more than a creek at the border in the Yanbian prefecture—than it is for them to penetrate the heavily mined DMZ between North and South. Yanbian, which includes about 325 miles of the 870-mile Chinese-North Korean border, has been a favored first destination for those fleeing since the mid-1990s. Not only is the Tumen River narrow and shallow, but also Korean is widely spoken, and many ethnic Koreans feel a strong bond with their neighbors in the North. From Scott Snyder, *Transit, Traffic Control, and Telecoms: Crossing the "T"s" in Sino-Korean Exchange, Comparative Connections, vol. 4, no. 2* (April 2002). Found at: http://www.csis.org/paciord/ccejourn.html#nksk.
however, the country also benefited somewhat from its weakness and instability during this troublesome decade. For instance, after the USSR's disintegration, China became North Korea's main trading partner. After a short period of trying to make Pyongyang pay like a "normal nation," Beijing changed tack and began offering large quantities of aid (both overt and covert), fearing that otherwise famine might precipitate a collapse of the country, creating millions of refugees and perhaps bringing US troops in a unified Korea to its border.⁵ Likewise, by engaging in tactically skillful crisis diplomacy in the midst of a self-created nuclear crisis, North Korea leveraged its weakness into a rather lucrative 1994 agreement to freeze its nuclear program in return for US aid and assistance in building civilian nuclear reactors.⁶

Almost ten years later, the refugee problem along the Chinese border persists, as do the concomitant fears associated with a potential collapse of the North. Moreover, these refugee-related fears continue to redound to the North Koreans' benefit, in the context of a new self-created nuclear crisis. The situation at play in North Korea today offers an interesting, if unconventional, illustration of all three variants of extortive engineered migration in action. See Table 7.1 below for an illustration of the actors in this case.

<table>
<thead>
<tr>
<th>Perpetrators</th>
<th>Targets</th>
</tr>
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<tbody>
<tr>
<td>(Reluctant) Generator</td>
<td>China</td>
</tr>
<tr>
<td>(Aggressive) Agents Provocateurs</td>
<td>South Korea</td>
</tr>
<tr>
<td>(Not so Passive) Opportunists</td>
<td>North Korea</td>
</tr>
<tr>
<td>• North Korea (Kim Jong Il)</td>
<td>• International NGO network</td>
</tr>
<tr>
<td>• The United States</td>
<td>• (UNHCR and WFP)</td>
</tr>
</tbody>
</table>

⁵ Interview with Korea scholar, Dr. John Park, April 2003; Marcus Noland, "Why North Korea will muddle through," Foreign Affairs, vol. 76, no. 4 (July/August 1997), pp. 105-18; and Full Wall Street Journal citation.
Unusually, the potential generator, North Korea, has no interest in actually creating a massive outflow. In fact, reportedly the North Korean leadership fears such an event as much as do its neighbors. Yet the continued threat of such an outflow is a major source of its bargaining leverage. Conversely, the agents provocateurs—a coalition of international NGOs—want to instigate a massive outflow from North Korea, but neither their primary target, China, nor their secondary target, South Korea, nor their tertiary (and ultimate) target, North Korea itself, are inclined to let them succeed. See Figure 7.1 for an illustration of the state of play as of late 2003.

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**FIGURE 7.1:** North Korean Migrants(? 2002--->: NGO network as Agents Provocateurs

(AP)

Concession

(T)

De-escalation

(AP)

Concession

(T)

De-escalation

Expulsion, anyway

De-escalation

Mass Expulsion/Border Opening

(AP)

Concession

Assimilation

War

Bribery

Concession

Assimilation

War

Bribery

Interdiction/Closures

(T)

Finally, the passive opportunists—i.e., a coalition within the United States—were until sometime in 2002 of two minds as to the advisability of a massive outflow. However, of late a group within the US, including President Bush, appears to be growing ever more proactively supportive of the

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7 It is believed that the North Korean leadership especially fears a Romanian-style revolution, in which the leaders of the old regime were summarily executed. See, for instance, David Wall, "When North Korea collapses," *The Guardian*, December 1, 2002.

8 The shaded boxes indicate the decisions actually taken by both the perpetrators and the targets.
provocateurs. This hardening of attitude is undoubtedly a by-product of the North Koreans' intractability on the nuclear issue and the potential dangers this poses. Unfortunately for the US, however, few of the key actors in the region support its position. Because of their fears about destabilization, none of them is likely to be willing to threaten North Korea with the sort of diplomatic or economic sanctions it might take to make Pyongyang back down. As one analyst has put it: "They [the regional players] have no stomach for confrontation. [Furthermore], they all seem to assume that if we have the right carrots to offer Pyongyang, North Korea will negotiate and resume non-nuclear status."  

II. The Perpetrators, their Goals and their Targets

A. A Reluctant Generator: North Korea

Korea experts are split on Kim's motives in the latest nuclear stand-off. Some argue that Kim wants to normalize relations with the West. They point to the fact that Kim has undertaken significant economic reforms and made efforts to foster better relations with the West in the last decade, and they argue that he is now seeking support to navigate further reform without a total collapse of the North Korean economy. Other observers are less sanguine about Kim's motives and suggest that he is merely engaged in short-term extortion to get the foreign aid he needs to weather the latest crisis.

Desperate or not, tactical or strategic, most observers agree that the latest crisis is just another in a long line of self-created crises, designed to "turn up the pressure on the US, but [which] has

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10 Ted Galen Carpenter, foreign policy analyst at the CATO Institute, quoted in Bill Nichols, "U.S. allies afraid of pushing North Korea over the edge," USA Today, December 31, 2002, p. 9A.
11 Western diplomats who have dealt with him say Kim Jong-il is no fool. Rather, he is a well-briefed politician who knows exactly what he is doing and, through satellite TV, his own sources, and (reportedly) two hours a day Internet surfing, he also knows significantly more about the West than the West knows about him. Former US Secretary of State, Madeline Albright, the only senior U.S. official ever to have met Mr. Kim, was impressed, saying soon after their meeting, "I found him very much on top of his brief." Chris Cobb, "North Korea's high roller: He loves wine, women and song. Now he's playing Russian roulette with the West," Ottawa Citizen, January 11, 2003, Saturday Observer, p. B3.
12 For instance, the unilateral clearing of land mines from the demilitarized zone between North and South Korea and an admission that North Korea kidnapped 13 Japanese in the late 1970s and early 1980s to teach its spies Japanese. See also Marcus Noland, "Economy's Ills Shape DPRK Crisis," BBC News, April 23, 2002.
13 David Kang; quoted in Cobb, "North Korea's high roller."
impacts in the region." The North Koreans' strategy of brinkmanship conducted via a recognizable pattern of "drama and catastrophe" has been a tried and true strategy for them; it is a kind of atomic "trick or treat." As Robert Gallucci, who negotiated the 1994 agreement puts it: "They don't have much in the way of a negotiating position... All they have is the threat of doing harm. This is their major asset." And as Kim himself reportedly put it: "[Our] missiles cannot reach the United States, and if I launch them, the U.S. would fire back thousands of missiles and we would not survive. I know that very well. But I have to let them know I have missiles. I am making them because only then will the United States talk to me."

Thus most observers also agree that exerting pressure on North Korea, while necessary, will not be enough to end the crisis, both because the issue of aid is too important to the North Koreans and because they feel shielded by the fact that their neighbors are too concerned about Pyongyang's collapse to risk the kind of escalation Washington favors. As one Korea watcher has put it: "It's essential to give them a way to back down, notably by addressing their security concerns," particularly because it is unlikely that US will be able to muster enough international pressure to

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17 Robert Einhorn, quoted in Sean Gordon, "North Korea turns up heat on opponents: Nation threatens to withdraw from nuclear treaties," *Ottawa Citizen*, December 31, 2002, p. A7. Einhorn also argues that North Korea's threat to withdraw from the NPT is not "a particularly big deal," as North Korea's position within the treaty has been tenuous for years. On North Korea's tried and true strategy of generating crises and offering to solve them in exchange for political and economic payoffs, see again Snyder, *Negotiating on the Edge*, and Habeeb, *Power and Tactics in International Negotiations*.

18 Snyder, *Negotiating on the Edge*, p. 43. Even cursory examination of statements about the behavior of other "rogue" and "rogue-like" states illustrates a pattern of dismissing aggressive negotiation on the part of weak actors as "irrational" and "crazy" and therefore lacking in credibility. For a similar argument, see William M. Drennan, "Nuclear Weapons and North Korea: Who's Coercing Whom?," in Robert Art and Patrick Cronin (editors), *The United States and Coercive Diplomacy* (Washington, DC: United States Institute for Peace, 2003), Chapter 5.

17 Noland, "Economy's Ills."


Chinese political scientist Xia Yishan of the Chinese Institute for International Studies in Beijing summed up the attitudes of those in the region in stressing that it is widely believed that “pressure alone [on Pyongyang] is not enough. We also need patience.”

Moreover, before leaving office, outgoing South Korean president, Kim Dae-jung—who was rarely critical of the US—said “pressure and isolation have never been successful with communist countries.” Finally, as the authors of an article in the March 2003 issue of Foreign Affairs rightly note, “those who think they can outwait Pyongyang by isolating it or pressuring it economically...are likely to be proven wrong.... Pyongyang enjoys an inherent advantage in any waiting game: Beijing.” To guard against collapse of North Korea, China “will ultimately allow food and fuel (sanctioned or unsanctioned) to move across its border with the North.”

Chinese scholar, Shen Dingli of Shanghai’s Fudan University put it bluntly: “China [simply] views sanctions as wrong.”

Why each of North Korea’s neighbors remains more concerned about the short-run consequences of destabilization and an influx of refugees than the long-run prospect of a nuclear (and possibly proliferating) North Korea varies across them, but the fact is that this fear gives North Korea powerful bargaining leverage it would otherwise lack. They are so concerned that, in January 2002, military officials from China, Russia, and South Korea gathered in Seoul for a week of simulated computer scenarios based on a hypothetical flood of 100,000 refugees into the South. And the following January Chinese state media reported a seven-day exercise close to the mountainous North Korean border without giving its exact location or purpose. Some analysts have said that the unusual reporting of such an exercise could be a signal by the PLA that it is prepared for any

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12 Efron and Ching-Ching. Ibid.

13 Ibid. Meanwhile, Russia’s foreign minister has suggested that a policy of isolation would backfire and could “only lead to a new escalation in tension.”


eventuality. But most analysts believe it is more likely that China was training its troops to protect its border from a flood of refugees should North Korea collapse.27

Such behavior and rhetoric can hardly be lost on the North Koreans. In short, for Pyongyang, the fear of refugee flows acts as an effective general deterrent, and it will likely continue to be so for the foreseeable future. While the North Koreans do not want to generate a major outflow, they need to maintain a credible threat of being able to impose unacceptable domestic political costs on potential recipient states, in order to maintain their relative bargaining strength, in the face of their aggregate weakness. Evidence suggests they are succeeding.

B. Aggressive Agents Provocateur: International NGOs

The Actors

In 1989, Hungary opened its barbed-wire border with Austria and allowed thousands of East Germans vacationing in Hungary to escape Communism. This tide of refugees turned into a flood, hastening not only the collapse of East Germany, but also the fall of the Iron Curtain. Since early 200228, a network of at least seven international human rights NGOs—with funding from one to two dozen more—has been working to replicate the eastern European experience in northeast Asia.29 As one UNHCR official put it: “These guys are serious. Regime change by refugee flow; this could be ‘the next big thing.’”30

This network of NGOs—the vast majority (95%) of which are Christian organizations with names like Exodus 21 and Good Friends—have both immediate and more long-range goals.31 They are currently targeting China and South Korea, explicitly attempting to impose hypocrisy costs on these states, via the very visible use of North Korean refugees. As one of the leaders of the

28 The original planning and coordination by this NGO network reportedly occurred in connection with the third “International Conference on North Korean Human Rights and Refugees,” held in Japan on Feb. 9-10, 2002. At that meeting, international NGOs publicly criticized China’s human-rights record, demanding that China not only grant legal refugee status to North Koreans in its border areas but that it also allow foreign NGOs and religious groups to help these people resettle in third countries.
29 Brooke, “China Called Likely to Oust 78 North Koreans.”
30 A current UNHCR official’s communication with the author, December 2002.
movement put it: We are "simply bringing attention to a human tragedy that is inconvenient for politicians...[and] 'working for the overthrow of the North Korean regime." In short, the NGOs are attempting to focus international attention on the plight of the North Koreans and to force the Chinese government to a) recognize them as refugees—instead of economic migrants—with a right of asylum and b) set up transit camps in the border region to help facilitate further flight from North Korea. Secondly, they also seek to pressure the South Korean government to take in more North Koreans. "The theory [being] that if UN refugee camps are established on the China-North Korea border, they will incite a flood of North Korean refugees who want to escape political oppression in North Korea, leading to the same type of regime collapse in North Korea that occurred in East Germany."

A few key figures appear to be the masterminds behind the whole operation. The most widely known is the German physician and activist, Norbert Vollertson, who did aid work in North Korea until he was kicked out of the country in 2000. According to Vollertsen, the short-run goal is to force China to offer protection to the refugees instead of repatriating them, recognizing of course that a more relaxed Chinese policy might trigger a flood of refugees that would destabilize the North Korean government. "We hope to achieve something similar to what happened in 1989 when East Germans sought asylum in Hungary, which forced it to open its borders in a step that led to the collapse of East Germany."

A second major figure in the movement is the Reverend Douglas Shin of the Los Angeles-based Korean Peninsula Peace Project, who claims to be fighting everyone who is preventing us from helping the North Koreans. What are our motivations? Sometimes we just want to help people. Sometimes we feel hatred for the dictatorship. Sometimes we see a war and North Korea's pending collapse. Sometimes maybe we are fighting the Chinese dictatorship as well."

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Shin claims that he and others are prepared to do whatever is necessary in the service of their cause. "Some people will perish, but the majority will get out... There will be a continuous flow until the end"—i.e., the fall of Kim Jong-Il's government. Vollertsen, Shin, and their colleagues are also targeting South Korea's sunshine policy, which is viewed as far too conciliatory towards the North. As Vollertsen puts it: "If all you have is sunshine, well that's a desert. In nature, you need both sun and rain; I am a rainmaker. We work together." That Vollertsen, Shin, and their followers are trying to affect regime change via the employment of a strategy of extortive engineered migration seems self-evident. Whether they will succeed, however, is another matter.

Their Strategy: The Generation of Negative Salience → Major Outflows → Regime Change

The NGOs' strategy appears to be built around a two-pronged attack: one, the staging of dramatic escapes and bids for asylum, which are ideally captured on film and subsequently distributed to major news outlets to maximize the international impact of these events; and two, staging a simultaneous attack in the print media, directed at raising public consciousness on the issue and stimulating pressure on targets on several fronts: by exhorting the US and other Western governments directly to demand that the Chinese and South Korean governments to do more to live up to their moral "obligations"; by appealing directly to public opinion in East Asia and in the US to compel their governments to do the above; and by trying to shame UNHCR and the World Food Program (WFP) into pressuring the Chinese government into changing its policies on North Korean refugees, lest these organizations be viewed as hypocritical themselves.

The selections excerpted below are illustrative of this tactic in action. As the theory of extortive engineered migration predicts, the NGOs and their supporters have been attempting to influence target behavior by highlighting the disparity between lofty words and baser deeds, i.e., by imposing damaging hypocrisy costs. An early op-ed, published in the Washington Post in July 2001, articulates clearly what would become the NGO's explicit agenda about six months later (Author's italics):

The first obstacle is the Chinese government, which has signed an international convention on protection of refugees but refuses to respect its terms. ... it will not allow the UNHCR to operate in the area or screen the arrivals, instead ludicrously insisting that all are mere economic migrants not

36 Ibid.
37 Ibid.
suffering from persecution by the world's strictest totalitarian government. Earlier this year an extraordinary total of 11.8 million South Koreans signed a petition to the United Nations asking for better treatment for the refugees. But it's not clear their own government is entirely on board. South Korean officials have not pressed China to grant the refugees access to the UNHCR or freedom to travel to the South, instead preferring what they call 'quiet diplomacy'.

But it may also be that some in South Korea and in the West fear success. If China were to allow more North Korean emigrants to be designated refugees and evacuated to the South, enormous numbers might head for the border. As all the parties well know, it was just such an outpouring of refugees that caused the collapse of East Germany's Communist regime in 1989. China no doubt prefers North Korea's dependent Communists to a united and democratic Korea. And though South Korea hopes for unification with the North some day, it fears a precipitous collapse of the Pyongyang regime that would swamp it with refugees. Thanks to such concerns, North Korea's refugees have been hemmed into a miserable no-man's land, both diplomatically and literally. The bravery of the Jung Tae-jun family last week at last put their suffering on the international agenda. The United Nations and the Bush administration should act to keep it there—by beginning a serious campaign to give the UNHCR access to the thousands of families left behind.\(^\text{38}\)

Another asserted that

Neither the United Nations nor Western governments have pressed Beijing hard enough on this matter; the assumption seems to be that China can't be expected to take action that might embarrass its fellow Communist regime. But if China can commit to the rules of the World Trade Organization, it should no longer be allowed to flout the refugee convention with impunity, Japan, the United States and other Western governments must make clear to Beijing that the way to avoid further incidents around consulates and embassies is to use the UNHCR, rather than its security thugs, to manage a problem that will not go away.\(^\text{39}\)

Other exemplars have sought to outrage the public through the use of graphic imagery, disturbing historical analogies, and colorful hyperbole. For instance, one called upon the international community to pressure China to behave like "other civilized nations" and recognize North Koreans as refugees because "in the 20th century the world stood by as the Nazis killed millions of Jews, the Khmer Rouge slaughtered a third of Cambodia's population, and millions of people were murdered in Rwanda. This should not be repeated. The world must not turn its back on the horrors taking place in North Korea."\(^\text{40}\)

Another opined that

Just when I was feeling sentimental about leaving China, they issued wooden clubs to the police guarding the diplomatic compound where I live. It wasn't hard to guess what they were for. The heavy, yard-long truncheons were for hitting North Korean refugees, in case any more tried to burst into diplomatic buildings and defect. [The Chinese would be enforcing] its treaty with North Korea promising to return Korean runaways. It is one of many traces of Maoist poison still hidden in the system behind the glittering facades of Beijing and Shanghai,


\(^{40}\) Editorial, "China refuses to assist North Korean refugees; Beijing makes a bad international situation worse by denying asylum to the starving and oppressed," \textit{San Antonio Express-News}, August 6, 2002, p. 6B.
the Starbucks cafés and Porsche showrooms....China sticks to the letter, but not the spirit, of its international promises. It has signed up to a United Nations treaty on protecting refugees. As so often, Beijing has found a loophole to avoid its obligations, insisting that the North Koreans are illegal migrants, not refugees.44

And in yet another, after detailing a brutal death by beating with an iron pipe of a North Korean who had purportedly been killed for the crime of “crossing the border’...by the officials of one country while officials from another country simply watched,” the author implored the US to “use economic leverage to make China comply with the international [refugee] treaties it has signed.”45 Barring that, she advocated a worldwide boycott of Chinese goods and called upon the International Olympic Committee to find a new location for the 2008 Games.43

Established voices in the human rights community have also weighed in, but in less evocative and inflammatory language, and probably not in the service of the agents provocateurs’ cause. Nevertheless, their intention to impose hypocrisy costs is clear. For instance, the United States Committee on Refugees has proclaimed China “in violation of its international obligations as a signatory to the UN Refugee Convention...There is little doubt that North Koreans fleeing to China are refugees. [And] with the US and international spotlight now on North Korea, it is finally time to stop ignoring one of the world’s most desperate group of refugees...and this needs to start with China living up to its obligations under international law.”44 And following the November 2002 publication of the Human Rights Watch report, *The Invisible Exodus: North Koreans in the People’s Republic of China*, HRW’s Washington director for Asia acknowledged “North Korea bears the main responsibility for this exodus of refugees...But [asserted that] the Chinese government has important responsibilities, too. Forcibly returning asylum seekers is a blatant violation of international law.”45

43 Ibid.
Curiously, some groups traditionally viewed as “the good guys” have themselves come under attack. For instance, UNHCR has been targeted because it is viewed by many advocates as complicit in Chinese attempts to deny the North Koreans refugee status. In early December 2002, the NGO network’s activists announced that the UNHCR would “be the target of our actions in the future” because “the one agency with the authority to force a solution has chosen to sit on its hands. It’s not just collusion, it’s culpable negligence to the point of complicity.” Soon after, *The Wall Street Journal* published a scathing criticism of the agency’s inaction on the North Korean front.

Columnist Claudia Rosett asked:

...So what can the UNHCR do? Plenty, if the U.N. bothered to insist on upholding its own mandate and promises. Not only is the Chinese government a signatory to the U.N’s 1951 convention and additional protocols guaranteeing protection for refugees; Beijing actually holds a seat on the UNHCR’s executive committee. Beyond that, and even more germane, China and the UNHCR signed a bilateral treaty in 1995 that guarantees each side the right to call for swift and binding arbitration in the event of a dispute over refugee policy. All the UNHCR has to do is invoke it. But don’t hold your breath. The scandal here is that neither U.N. Secretary General Kofi Annan nor UNHCR head Ruud Lubbers seems to care enough to even make an audible peep, let alone enforce their own conventions and treaties to help the famished, fleeing North Koreans.... [According to US Senator Sam Brownback, who recently visited North Korea, there is] ‘not much interest in pressing the Chinese.’

Not only is this U.N. behavior craven and cruel, it is dumb. Were the U.N. to insist on providing safe haven, or merely safe passage, for refugees flowing out of North Korea through China, the result could be not only the saving of thousands of lives, but quite possibly an exodus that could end the menace emanating from Pyongyang by bringing down the regime. China might not like the idea, but under genuine international pressure, Beijing might be persuaded to cooperate.

Such criticism has been strenuously rejected by UNHCR. Spokesman Kris Janowski responded by saying, “Picketing our offices does not solve the problem. We don’t run China....[Moreover], we have a long-standing request with the Chinese to get access to the border. Where we are hosted by a government, we have to operate with a government’s consent.” As another UNCHR official put it, “the pressure is real. Misguided, but real. Fortunately, in a weird way, UNHCR is protected because it is even now widely viewed as a European refugee agency.”

The World Food Program (WFP) has also come under attack. It has been accused by some—including the well-known NGO, *Medecins Sans Frontieres*—of participating in a cover-up

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46 Quotes from human rights advocates, Willy Fautre of Human Rights Without Frontiers and Tarik M. Radwan of Jubilee Campaign, USA, respectively, in Brooke, “China Facing Protests Over the Plight of North Korean Refugees.”
48 Brooke, “China Facing Protests Over the Plight of North Korean Refugees.”
49 Interview with the author, January 2003.
designed to reduce the pressure on the Chinese government. As one article put it: "The WFP claims it averted a major catastrophe and successfully ensured no aid was diverted to the military. It claims that the food—which supports a third of the population—and medicine is directly given to the most vulnerable North Koreans. If, as the WFP says, there is no humanitarian crisis, China can legitimately claim the refugees are economic migrants who could be expected to be treated reasonably well if returned."\(^5\)

**Dramatic Escapes, Scintillating Reality TV**

Whatever the impact of the print media campaign, a picture is worth a thousand words, and the NGO network has sought to take advantage of this fact by staging a series of media-grabbing dramatic escapes and bids for asylum, ideally captured on film to maximize the international impact. This prong of the campaign has thus far had two phases: embassy crashings—whereby would-be asylum seekers attempt to breach the security of an embassy compound and claim asylum within that country—and boatlifts—whereby would-be asylum seekers take to the sea with the expectation that they will be rescued by passing ships and delivered to a country in which they can claim asylum. The first phase of embassy crashings heated up in the spring of 2002, while the first boatlift of North Koreans in five years landed in South Korea that August, although the boatlift project did not begin in earnest until January 2003.\(^6\)

Over an approximately six month period, the network staged a number of successful, albeit very small-scale, embassy crashings before the Chinese took enough preventive security measures to ensure that future attempts would fail.\(^7\) But for a short time, the crashing strategy was a tactical triumph. With few exceptions, those who managed to breach the embassy compounds were granted asylum abroad, and the NGO network garnered a great deal of press. Why were they successful? The targeted embassies were carefully chosen and then reconnoitered to help improve chances for success.\(^8\) The events themselves were carefully stage-managed as well. As Shin put it


\(^{7}\) See "China's response" below for details.

\(^{8}\) For more on a successful attempt in which would-be refugees managed to “locate” two small openings in the wall of an otherwise impenetrable compound. See ibid.
in fall 2002, early on "we had someone on the spot. It was like teaching a baby how to walk. We took them [the would-be refugees] by the hand and led them in."[4]

The selection of an embassy's nationality was no coincidence, either. For instance, the March 2002 crashing of the Spanish embassy was a consequence of the fact that at the time Spain held the rotating presidency of the EU and a major EU summit was to be held in Barcelona days after the embassy incident.[5] That crashing was also leaked to CNN ahead of time so that the scene of the defectors rushing into the embassy was captured on tape and then distributed across the globe.

In fact, warning of most of the embassy defections were leaked to news organizations ahead of time. Sometimes this led to their failure—as in the attempted escape at the Ecuadoran embassy, of which the Chinese government had also been forewarned—but it also resulted some powerful TV images. For instance, what became a highly-publicized and embarrassing scuffle outside the Japanese embassy in Shenyang in early May 2002 would likely not have attracted much attention but for the fact that the South Korean Yonhap News Agency had been tipped off in advance and filmed the whole thing from a window across the street. The resulting film, which was played around the world, showed the group of five North Koreans making a dash for the embassy gate. Two men got inside (but were later removed), while three others—two women and a small child—were dragged back across the street, kicking and screaming, by Chinese guards.[6] The film, which was played repeatedly on Japanese television, was effective at mobilizing public opinion in Japan, where an already embarrassing situation was exacerbated by comments by the Japanese

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[5] David Hsieh, "N. Korean defections in China staged by activists; A report says foreigners planned the event to get media coverage in a bid to destabilize Pyongyang," The Straits Times (Singapore), March 16, 2002.
[6] John Gittings, "Scuffle highlights the plight of North Korean refugees," The Guardian, May 14, 2002. Following all of the bad publicity, the two sides engaged in a round of mutual recriminations and rationalization. The Japanese accused the Chinese of violating the Vienna Convention on Diplomatic Relations—although on the film three Japanese consular officials are shown "walking calmly across the compound. One of them pick[ed] up the Chinese guards' caps, which had been knocked off in the struggle, and hand[ed] them back to their owners." Not exactly much of a protest. For their part, Chinese information office minister Zhao Qizheng asserted that their guards had "blocked the intruders in a very short time, even at the risk of sacrificing their own lives."
ambassador to Beijing that suggested that the Foreign Ministry was more concerned about damage control than about the events that had transpired.⁵⁷

Similarly, there was widespread outrage in Seoul when footage was shown of a June 2002 incident at the Korean compound in Beijing. Chinese public security officials forcibly entered the compound and dragged away one of the North Korean refugees who was seeking asylum, despite protests, scuffles, and blows to South Korean diplomatic personnel and employees who tried to prevent the removal of the refugee, whose son remained inside the compound. The footage evoked a strong negative reaction from the South Korean public, which was mitigated only by preoccupation with the ongoing World Cup events. Here again the timing and choice of embassies was not an accident. At the time, Vollertsen declared that, “the World Cup is the best opportunity to get our message across [as] there will be hundreds of international journalists and television crews in the country.”⁵⁸ And as Shin put it, when speaking about the would-be refugees who stormed the South Korean compound, “The Chinese will let them go while their team is in South Korea. How can they not let them go. It's a save-face standoff. In the end, the Chinese will close their eyes and say, O.K.”⁵⁹ (They did.) It is worth noting in passing in this same period, i.e., during the World Cup, ABC's Nightline ran a provocative segment about the underground and North Koreans fleeing to China.

“If at First You Don’t Succeed,”... Adopt a New Analogy

After a time—and with the enhanced security measures instituted by the Chinese—it became evident to the activists that embassy crashings needed to be replaced by something more effective, as well as perhaps something that could increase the numbers of escapees from a handful to a boatload. In other words, the East German/Hungary example was abandoned in favor of another successful historical analogy. If the embassy-crashings were reminiscent of the Mariel boatlift's beginnings in Havana, the new strategy of helping North Koreans escape China by sea is “in

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⁵⁷ Brad Glosserman and Scott Snyder, “Borders and Boundaries: The North Korean Refugee Crisis.”
deliberate imitation of the 'boat people' of Vietnam.\textsuperscript{60} Supporters of the so-called 'boat people project' have planned to smuggle thousands of refugees through Chinese ports and into international waters, from where they would seek asylum in South Korea and Japan. The project—which was reportedly concocted in the summer of 2002 by Vollertsen and Shin—got off to a disastrous start in January when the Chinese authorities arrested dozens of asylum-seekers as they prepared to embark on two fishing boats.\textsuperscript{61}

Apparently, the plan had been for two separate groups to sail from Yantai to Chuja, an island off South Korea's southern coast, and Sasebo, a port city on the southernmost main island of Japan, Kyushu. The boat escape was to have been their largest operation thus far.\textsuperscript{62} As Shin puts it: "we are prepared to die doing this. We will try again soon, maybe a month from now, or maybe a few days."\textsuperscript{63} Vollertsen, for his part, said in late January: "This failure will spur us to be more effective next time."\textsuperscript{64} The group is currently trying to raise money for future operations, having spent the bulk of their funds organizing the abortive January operation.\textsuperscript{65}

In any event, the NGO network is not so naive as to believe they can bring down the North Korean regime simply by publishing a bunch of op-eds in elite newspapers and creating some "must-see TV." As the theory advanced in Chapter 3 makes clear, the hypocrisy costs imposed

\textsuperscript{60} Richard Lloyd Parry, "North Korean refugees to be 'boat people,'" \textit{The Times (London)}, January 28, 2003, p. 16.
\textsuperscript{61} However, the analogy appears to have first been made at the fateful Third International Conference that launched the NGOs gambit. At the conference, Marcus Noland, a Korea specialist for the Institute of International Economists, said in a keynote speech at the meeting, "Twenty years ago, the world was confronted with a similar problem with the mass exodus of boat people from Vietnam. The international community underwrote the establishment of temporary resettlement camps in surrounding Asian nations with the promise that these would be way stations to permanent resettlement." Quoted in James Brooke, "Bush Urged to Press China on Providing Relief for Refugees Secretly Fleeing North Korea," \textit{The New York Times}, February 11, 2002, p. A10.
\textsuperscript{62} Barbara Demick, "58 N. "Korean Defectors Held; Authorities capture groups bound for South Korea and Japan at boat terminal in China," \textit{Los Angeles Times}, January 20, 2003 Part 1, p. 3.
\textsuperscript{63} Ibid.
\textsuperscript{64} Philippe Pons, "Forcibly returned refugees face punishment in N. Korea," \textit{The Guardian (London)}, January 30, 2003, p. 29.
\textsuperscript{65} In the meantime, Shin and his supporters are also trying to pressure China to release the jailed South Korean activists and North Korean refugees. He is helping to coordinate demonstrations that were set to commence at the end of February 2003 at Chinese embassies, consulates and cultural venues around the world, including inside the US in the cities of San Francisco, Los Angeles and Seattle. "The Beijing government is playing bully again," Shin said. "Until everybody comes home, and Beijing guarantees refugee rights in China, we'll continue to protest." From Matthew Yi, "Californians reach out to help Korean refugees; Clandestine aid, cash donations, public protests," \textit{The San Francisco Chronicle}, February 15, 2003, p. A15.
must actually engender a policy panic. Nevertheless, members of the network seem to believe that if they can place enough pressure on China that it eventually acquiesces to the establishment of border camps, then things might get interesting. (The rationale behind this supposition being that the creation of camps will catalyze a massive outflow, which will lead to the downfall of the regime.) Again, the NGO network cannot do this alone. They require assistance from a powerful backer such as the United States. Hence, the fact that the vast majority of op-eds calling for action have been published in US papers is probably also no accident, nor is the fact that Vollertsen and others have repeatedly testified before the US Congress in the last eighteen months.

(Ever Less Passive) Opportunists: The United States

Protected from the direct effects of a massive exodus, a disparate and growing coalition in the US—comprising a number of Bush administration officials, policy experts, legislators from both sides of the aisle, and members of the influential Christian Coalition—is supporting the NGOs’ strategy.66 This coalition of opportunists has been trying (thus far unsuccessfully) to persuade China not to repatriate North Koreans, believing, like the NGOs that the establishment of camps in northern China could “set off a chain reaction” similar to what happened in Eastern Europe.67 As one senior administration official put it: “When Hungary and Czechoslovakia opened their borders to East Germans, it helped speed the collapse of the Berlin Wall. Supporting refugees from North Korea could stress their system, too.”68 As Korea scholar Victor Cha, has put it: “If this regime were actually to collapse, it won’t be through an elite coup. Real regime change will come from the bottom, from people who can’t oppose the regime but who can vote with their feet.”69

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68 To further protect itself, the US announced in June 2002 that it should be clear to anyone thinking of targeting US compounds that in the aftermath of the September 11th terrorist attacks, “no diplomatic compound will tolerate unidentified persons breaking through security for any reason... [Moreover], US diplomatic personnel are not authorized to grant asylum to asylum seekers entering a US compound.” Text of testimony given by Assistant Secretary of State Arthur Dewey, to a Senate Judiciary Subcommittee; distributed as well as a press release), June 21, 2002. Can be found at: http://usinfo.state.gov/region/ea/easec/dewey.htm.

69 Dao, US Is Urged to Promote Flow of Refugees From North Korea.”

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Support for this refugee-driven, bottom-up destabilization strategy has been growing among a contingent in Washington since the North Koreans announced resumption of their nuclear program last October, particularly since some believe such an approach may be the only way short of an invasion to affect regime change in North Korea.70 US Secretary of Defense Donald Rumsfeld is a particularly strong supporter of this strategy, and in April 2003 his advisors reportedly circulated a classified memo, proposing that the US team up with the PRC to press for the ouster of North Korea's leadership.71 Others, both within the administration and around Washington, are less sanguine about this strategy, and some even find discussion of it counterproductive, at best.72 Skeptics argue that the North Koreans will likely simply crack down harder on border crossers. "This is not the East German regime, It's much more brutal," according to one Bush Administration official.73 Another has said, "North Korea has been isolated for years. Its main domestic policy is isolationism, or self-reliance. If hundreds of thousands die of starvation, it will not bring down Kim Jong-Il."74 Moreover, critics say, it is "ludicrous" to think that the PRC—which is acting as intermediary between the DPRK and the US—"would join in any American-led effort to bring about the fall of the DPRK government. The last thing the Chinese want is a collapse of North Korea that will create a flood of refugees into China and put Western allies on the Chinese border, according to another senior Bush Administration official.75 "The Chinese might turn up the heat on the North Koreans—as we witnessed with the temporary shutdown of petroleum supplies—but they won't do anything that might endanger the North Korean

70 This represents a noteworthy switch from the position of the US government just a few years earlier. In early 2000, the Clinton Administration provided tacit support for the North Korean regime by remaining silent in the wake of the illegal repatriation by Russia of seven North Koreans whom UNHCR had deemed legitimate refugees deserving of asylum. As further evidence of the tight, but non-obvious connection between the issues of North Korean nuclear and demographic weapons, consider that: "Total silence was how one U.N. official described the Western response to the forced repatriation. This was a direct and clear violation of international law. In most parts of the world, the Americans would be outraged. Aid officials said the silence fits a pattern that started last year when North Korea indicated that it was suspending its development of weapons of mass destruction. Foreign governments grateful for the easing of tension over North Korea's weapons programs have been less energetic about opposing Pyongyang on refugees or pressuring North Korea's leaders to distribute foreign food aid equitably to its famished population, aid officials say." From John Pomfret, "N. Korean Refugees Insecure In China," Washington Post, 16 February 19, 2000, p. A1.
72 For example, distribution of the Rumsfeld memo apparently created anger within the State Department, because the memo's argument was so clearly at odds with the State Department's approach of trying to convince Kim, in the words of one senior administration official, "that we're not trying to take him out." Ibid. See also Joo Yong-joon, "Powell Downplays Regime Change Talks," Chosun Ilbo, April 24, 2003.
73 Dao, US Is Urged to Promote Flow of Refugees From North Korea.
75 Sanger, "Administration Divided over North Korea."
regime; they are too worried about the domestic political consequences," (which are explained in
detail below).  

This general assessment was echoed in a March 2003 *Foreign Affairs* article, in which the authors
argued:

Those who think they can outwait Pyongyang by isolating it or pressuring it economically, as
the Bush administration proposed in late December, are likely to be proved wrong. North
Koreans are a fiercely proud people and have endured hardships over the last decade that
would have led most other countries to implode. It would therefore be a mistake to
underestimate their loyalty to the state or to Kim Jong-Il. When insulted, provoked, or
threatened, North Koreans will not hesitate to engage in their equivalent of a holy war. Their
ideology is not only political, it is [also] quasi-religious.  

Whether the US and/or other governments are providing more than financial support for the
NGOs remains a matter of speculation. However, heretofore, I have been unable to find direct
evidence in support of this proposition. Nevertheless, while previous attempts by Congress to
encourage refugees from North Korea have been blocked by successive US governments concerned
about the opposition from China and South Korea, a sea change has taken place. As was noted
last December, President Bush endorses a policy of helping the refugees, telling The Washington
Post that he loathed Kim Jong II and disagreed with those who say “we don’t need to move too
fast” against North Korea because of the financial costs. “Either you believe in freedom and worry
about the human condition, or you don’t.”

**III. Primary and Secondary Target Responses**

Despite Washington’s wishes, neither China nor South Korea appears prepared to let North
Korea collapse, nor does either appear likely to support a sustained, indefinite policy of squeezing

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66 Author interview with Korea scholar, John Park, April 2003.
67 Laney and Shaplen, “How to Deal With North Korea.”
68 See, for instance, Hsih, “N. Korean defections in China staged by activists”; and STRATFOR.com’s
North Korea coverage, which suggest the US might support such a strategy, while others, such as Brookings
Institution’s Roberta Cohen have argued that Washington would rather see the Pyongyang regime improve
than collapse, since sudden disintegration could overwhelm South Korea with refugees and create political
and economic turmoil. See, for instance, Roberta Cohen, “Aid Meant For the Hungry,” *The New York Times*,
May 16, 2002, p. A25. Of course, Washington’s attitude seems to have changed somewhat in light of recent
events.
69 I have been told by contacts at UNHCR that virtually no such information is currently “available from
public sources.”
70 Marian Wilkinson, “US May Welcome Korean Refugees,” *The Age (Melbourne)*, July 30, 2003, p. 10. It is
further interesting that most of the coverage of this shift in US policy is being covered by the foreign—as
opposed to the US—press.
71 Dao, “US Is Urged to Promote Flow of Refugees From North Korea.”
the North. Both states remain desperately afraid of the unquestionably costly—and potentially destabilizing—consequences of a massive influx, and both have taken away less inspirational lessons about the fall of the Berlin Wall than have the international agents provocateurs and the passive opportunists in Washington.

South Korea

South Korea has long been acutely worried about the economic costs of a sudden collapse of the North, having witnessed the consequences of German reunification, as well as dealt with the aftereffects of the 1997 Asian financial crisis. Analysts from the Korea Development Institute (KDI), South Korea's leading quasi-governmental economic think tank, argue that "the German experience demonstrates that national unification involves enormous costs, and, going forward, this is probably the most critical concern for South Korea." They also note "the experience of German national unification convinced a large number of South Koreans that sudden economic integration in Korea... will result in disaster." These concerns are not necessarily unwarranted. In 1997, analysts calculated that if South Korea were to absorb North Korea, the cost of unification—defined as the capital investment needed in North Korea to choke off the incentive for mass migration—would be on the order of $1 trillion US dollars.

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83 Raymond Whitaker, "The Dark Horses of 1994; North Korea: Kim's weak finger on a big trigger," The Independent (London), January 1, 1994, p. 7. During the 1994 crisis, a Western diplomat also reported that there were fears of political collapse as well: "There's a worry that they [the South Koreans] may be swamped. The first fear is that subversives could slip in pretending to be defectors, and they're also concerned about upsetting the social balance." From Richard Lloyd Parry, "N Koreans flee 'in hundreds'," The Independent, March 16, 1996, p. 12.


86 See Marcus Noland, Sherman Robinson, and Monica Scatassa, "Modeling North Korean Economic Reform," The Journal of Asian Economics (Spring 1997), pp. 15-38. Moreover, however, for a rather different perspective on the costs of reunification, see Eberstadt, "Hastening Korean reunification." Nevertheless, even under optimistic scenarios, such as that presented by Eberstadt, North Koreans will have powerful incentives to move to the South. And, as Noland points out, the potential for such migration is enormous: assuming that a person carrying some belongings could travel 20 miles a day, 40 percent of the population of North Korea lives within a five-day walk of the demilitarized zone.
The conflicting prerogatives at play in the minds of South Koreans have led to a kind of head-in-the-sand reaction; consider, for instance, that the refugee issue was viewed as so sensitive that it was not even discussed during high-level North-South talks in August 2002.\textsuperscript{86} Observers say that Seoul fears that accepting the refugees unconditionally would undermine its “sunshine policy” of engagement, which South Korea’s new president Roh Moo-Hyun has pledged to continue.\textsuperscript{87} “The sunshine policy and the refugee issue are at odds, [and] the biggest victims of [it] are the refugees,” according to one South Korean activist.\textsuperscript{88} Moon Chung-in, a professor of political studies at Yonsei University in Seoul, argues that the government fears sending “a mixed signal” by supporting the refugees and the activists assisting them. “What they are doing is good from a humanitarian perspective. But from a diplomatic point of view it could create problems. Neither the South Korean government nor society is ready to accommodate the refugees. We have to make a distinction between idealism and realism. Right now, we have about 1,300 defectors and refugees living in South Korea, but we are failing to give good treatment to them. If we can’t handle 1,300, how can we handle so many more?”\textsuperscript{89}

Yet the situation is not quite that straightforward. South Korea’s position is complicated by its constitution, which says that anyone from the Korean peninsula is considered a South Korean citizen.\textsuperscript{90} Nevertheless, Seoul has accepted only about 3,000 North Korean refugees since 1954.\textsuperscript{91} As one observer has noted, “the South Koreans have not been famously sympathetic.”\textsuperscript{92} Although legally required to accept all North Korean defectors, in practice it has traditionally turned away all but those with valuable intelligence information.\textsuperscript{93} (Not surprisingly, however, in highly publicized cases, North Koreans have always been enthusiastically welcomed, at least publicly.)

\textsuperscript{86} Marquand, “A refugee’s perilous odyssey from N. Korea.”
\textsuperscript{87} Han Park, quoted in ibid.
\textsuperscript{88} Chao, “Neighbors balk at N. Korean refugees.”
\textsuperscript{89} Ibid.
\textsuperscript{90} Pomfret, “N. Korea Refugees Leave China.”
\textsuperscript{91} Including the record number of 583 that arrived in 2001. See, for instance, Valerie Reitman, “Leading His Flock of Refugees to Asylum; A missionary helps North Koreans flee via China and Mongolia. Risking death, the escapes brave the elements and jail,” \textit{Los Angeles Times}, October 27, 2002, Part 1, p. 1.
\textsuperscript{92} Nicholas Eberstadt, quoted in Dao, “US Urged to Promote Flow of Refugees From North Korea.”
In any event, for the time being, South Korea remains somewhat shielded by China's unwillingness to cave to the activists' demands and/or to recognize the fleeing North Koreans as refugees—thus South Korea really has very few refugees with which to deal. Should a growing number of South Koreans demand that Seoul take a more aggressive stance against the North and/or against Chinese treatment of North Koreans, this could change. However, Roh's 2002 electoral triumph—achieved largely on a platform of anti-Americanism and continued support for the "sunshine policy"—makes this seem unlikely, at least in the short term. Therefore, Seoul's best hope going forward is that China will remain steadfast, and that Washington will not follow through on its threats to press harder for Seoul to accept more refugees after the South Korean presidential election.

China

For its part, China worries more about the potential political consequences of an East Germany-like collapse, namely the potentially destabilizing effect of waves of refugees in China's northeast provinces where a sizable Korean minority already lives. Chinese think-tank experts who "are privy to high-level leadership deliberations" say the Chinese leadership is extremely wary of the US's desire to promote the collapse of Kim Jong-Il's regime. An unidentified Chinese source has been quoted as saying, "This risks exploding out of control. Everyone knows about the Hungary example. We don't want that to happen here." Another—an advisor to both the Chinese and North Korean governments—has asserted, "If we gave them refugee status, millions would pour over our doorstep. That would cause a humanitarian crisis here and a collapse of the North. We can't afford either." And as the Chinese ambassador to Seoul, Li Bin put it, "Beijing is concerned that a flood of asylum bids by the thousands of North Korean defectors hidden in China could

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95 Dao, "US Is Urged to Promote Flow of Refugees From North Korea."
97 Beijing's leadership is reportedly "alarmed" by President Bush's cavalier comments to Washington Post reporter Bob Woodward that he "just doesn't buy" the argument of his advisers who counsel not to "move too fast, because the financial burdens on people will be so immense if this guy were to topple." Bonny S. Glaser, "Beijing Ponders How Hard to Press North Korea," PacNet Newsletter, #54 (December 23, 2002; found at: http://www.csis.org/pacfor/pac0254.htm.
create instability in the region and strain its relations with the two Koreas and the international community. "The issue could bring about difficulties for the improving relationship between South Korea and China." Moreover, the Chinese believe they "have no compelling reason to push for Korea's immediate political reintegration, even by peaceful means," insofar as they "view North Korea as a useful buffer zone that contributes to their national security."

In the end, China faces a real diplomatic dilemma—trying to remain cozy with a stable North Korea, while improving ties with Western countries that have been critical of Beijing's human rights practices. As one Western diplomat put it: "Beijing is keen to maintain its relationship with and influence in Pyongyang and the refugee issue was becoming a real problem." However, as the theory presented herein predicts, given the nature of the regime, China should be less susceptible than liberal democracies—although not immune—to the imposition of hypocrisy costs, because it will be more willing to engage in behavior that would be considered problematic in more liberal targets. The evidence bears out this proposition. In short, as I shall outline below, despite the fact that the intent of the NGOs is to improve the plight of the North Koreans, the international spotlight has heretofore not had the desired effect. In fact, one could argue—consistent with the proposition that states will adhere to the prevailing norms until there a conflict, in which case they will eschew adherence, while trying to appear not to have done so—that the NGOs' strategy has backfired.

Though a signatory to the 1951 Convention, China has long and consistently argued that the North Koreans are economic migrants—not refugees—who cross the border primarily for economic reasons and often stay for only a short time before returning to North Korea with goods.

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100 Ward, "Activist plans more defections by N. Koreans."
103 As Peter Hayes, executive director of Nautilus Institute, a Berkeley nonprofit group that focuses on Asian security issues, puts it: groups involved in smuggling out refugees "are taking what appears to be a shortcut but in fact is not a shortcut but a dead end." Quoted in Yi, "Californians reach out to help Korean refugees."
and money for their families. Thus, the Chinese maintain, they are perfectly within their rights to repatriate the North Koreans who cross into China. Nevertheless, before the NGOs launched their campaign—which made the refugee crisis salient to both domestic and international audiences—the Chinese were inclined to "let sleeping dogs lie" and not take actions against the North Koreans and those helping them. With the exception of a brief period during the summer of 2001 during the nationwide "Strike Hard" campaign "against corruption and social ills"—the tacit modus operandi that had been in place since the late-1990s was that the PRC would tolerate quiet activities by South Korean NGOs to assist North Korean refugees in China and even to facilitate their asylum in South Korea via third countries, but that public attention to these activities would not be tolerated. Thus while previously Chinese authorities often "turned a blind eye" to the refugees who managed to cross the border and allowed those NGOs that kept a low-profile to quietly help some of them get asylum in other countries, the high-profile escapes and accompanying publicity compelled China to shut down the underground railroad. "It's too sensitive," according to one South Korean, who is active in the Korean Christian community in Yanbian. "Two years ago, you could meet with [refugees] officially even. Now, that's impossible."

In short, the NGOs' gambit garnered media attention and facilitated the escape of several dozen North Koreans, but "the hubris accompanying their dramatic and unexpected success" set into motion a harsh and effective—and totally predictable—response from Beijing. As one China scholar bluntly and acidly noted:

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106 Snyder, "Transit, Traffic Control, and Telecoms."

107 Scott Snyder, "Clash, Crash, and Cash: Core Realities in the Sino-Korean Relationship," Comparative Connections, vol. 4, no. 2 (July 2002); found at: http://www.csis.org/pace/ccc/0202Q.html.

108 Ibid.

109 Gady A. Epstein, "Stemming flow of N. Korea refugees; Their plight grows worse as China seeks to tighten restrictions at the border," The Baltimore Sun, February 24, 2003, p. 1A.

110 This reaction was hardly unanticipated, as a February 2002—which was shortly before the NGOs' refugee gambit was launched—letter to the editor of CanKor (a weekly e-clipping service devoted to news and analyses of the Democratic People's Republic of Korea) makes clear. The writer, Tom McCarthy, notes that it might be useful for those recommending "putting pressure on China" to open refugee camps in order to promote change in North Korea to "reflect for at least a moment on the consequences of their actions. [Namely.] China will simply close its borders with North Korea, thereby solving everybody's 'refugee' problems. It's not hard to see who the losers will be." Tom McCarthy, "China and North Korean
In shortsighted pursuit of individual publicity and on a bet that the PRC government had no choice but to accept international humiliation, these NGO activists have needlessly put at risk hundreds of North Korean refugees who might have otherwise quietly followed an admittedly arduous but relatively effective route to South Korea. One need only examine the Falun Gong case to recognize that public demonstrations in Beijing and premised on surprising or embarrassing China’s public security department and senior leadership are counterproductive and do not persuade the Chinese leadership to respond constructively to these issues. (Author’s italics)"

The expectation was that this means of escape would force the Chinese to cooperate, to build refugee camps along the border." But it would appear—as the theory would predict—the Chinese feel more vulnerable to the consequences of a North Korean downfall than the hypocrisy costs imposed by international NGOs." Thus, with the assistance of the North Koreans, the Chinese government has begun to crack down on the refugees and those who help them, and to cleanse its border provinces of North Korean escapees. Chinese and North Korean police have been actively rounding up and returning many refugees, with the help, in fact, of Kim Jong-II’s son, Kim Jong Nam, who reportedly traveled to Beijing to aid in the round up." In addition, undercover North Korean agents are reportedly posing as refugees, attempting to infiltrate the NGOs network." According to some estimates, Beijing has returned 80,000 of the 100,000 to 300,000 who fled North Korea to escape the famines of the 1990s." Meanwhile, the Chinese have also actively tightened border security—via the installation of infrared cameras and increased patrols—stepped up arrests and prosecutions," denied entry visas to activists known to have attempted to publicize the plight of North Koreans, and increased the level of security around diplomatic compounds in

Refugees," a letter to the editor of CanKor, February 13, 2002. Found at:
http://www.vuw.ac.nz/-caplabrb/dprk/china_refugee.html.

**Snyder, "Clash, Crash, and Cash."**

*Don Kirk, "World Cup factor could help refugees," Beijing may go easy on North Koreans, International Herald Tribune, May 31, 2002.*

*"US Civil Leader Urges China to Let UN Deal with NK Refugees," The Korea Times, June 27, 2003.*


*In unconfirmed reports, advocates have claimed that spies have been coming to churches and to the campus of a private university in the city of Yanji that is supported by Korean and American Christian funds. One man who recently approached a Korean Christian church raised suspicions, an activist said, by his well-nourished appearance. Gady A. Epstein, "Stemming flow of N. Korean refugees; Their plight grows worse as China seeks to tighten restrictions at the border," The Baltimore Sun, February 24, 2003, p. 1A. As Chinese and North Korean security forces have thwarted a number of the attempted operations, it appears that some infiltration has occurred.*

*See, for instance, Oliver August, "Dreams of freedom end in nightmare of deportation," The Times (London), February 7, 2003, p. 26; "Influx of N. Korean defectors could cause problems," The Daily Yomiuri (Tokyo), February 21, 2003, p. 3.*

*See, for instance, "South Korean goes on trial in China," The Associated Press, May 15, 2003; found at:
Beijing and Shenyang, by sending notices requesting cooperation and by constructing or adding barbed-wire fence areas to keep North Korean refugees from going over the walls.  

Nevertheless, it seems evident that concerns over hypocrisy costs do exist in China. For instance, the Chinese defensive rhetoric on the issue of repatriation demonstrates a clear sensitivity to charges that they are flouting their obligations. The Chinese Foreign Ministry maintains that “these people entered China’s territory illegally because of economic reasons and they are not refugees and they cannot be considered as refugees. [Moreover, we] believe the UN refugee commission also has a clear awareness of China’s position. And in handling these cases, we adhere to the international laws, domestic laws and regulations on the basis of the humanitarian spirit.” Moreover, in a separate statement, the Foreign Ministry spokesperson took direct aim at the NGOs and sought to justify Chinese actions on national security grounds, saying “I want to point out that recently some international organizations or citizens used the North Korean illegal immigrants to steadily create trouble. These actions violate China’s laws and harm social stability. ... So as to those who violate China’s laws, plan and organize people to illegally enter China, the Chinese government will take measures to crack down on them based on Chinese law and protect Chinese social stability.” (In the wake of September 11th, the Chinese are unlikely to encounter much opposition to such a stance, particularly in light of the fact that the US is currently using the same rationale vis-à-vis its own ongoing Haitian “refugee” problem.)

Additionally, some Chinese—and particularly those in the Ministry of Foreign Affairs (MFA)—reportedly remain concerned about the “image projected by its strong-arm tactics,” even if they feel they can rationalize them. This same group also reportedly believes that, if managed

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118 Gady A. Epstein, “Stemming flow of N. Korea refugees; Their plight grows worse as China seeks to tighten restrictions at the border,” The Baltimore Sun, February 24, 2003, p. 1A.
121 David Hsieh, “Coming next: New human wave; Experts say the number of North Korean refugees using China to get to the South may rise to more than 1,000 this year,” The Straits Times (Singapore), June 26, 2002.
correctly, the current crisis could provide Beijing with an opportunity "to boost its image as a responsible major power that is willing to actively contribute to the maintenance of peace and stability in the Asia-Pacific region." As one senior, Beijing-based PRC research fellow put it in October 2003, "China's in an interesting and unfamiliar situation whereby people [are] seek[ing] refugee status in China—usually it's the other way around." Thus, it is not surprising that—in what has been interpreted as an MFA victory in a "bureaucratic brawl" over how to handle the foreign mission incidents between the MFA and the Ministries of Public Security and State Security—"in highly publicized and embarrassing cases, the Chinese have continued to facilitate the transfer of refugees to safe third countries." It is assumed by observers that the MFA won this "tussle" because of the aforementioned—highly publicized and embarrassing—miscalculations regarding the pursuit of North Koreans, by Chinese officials from the Public Security Bureau, into the Japanese and South Korean diplomatic compounds in the spring of 2002.

Even so, it does not appear that Chinese concerns about hypocrisy costs and/or their desire for a prestige boost are great enough to catalyze the kind of policy shift the NGOs and Washington are seeking. Still some in Washington believe it may yet be possible to get the Chinese on board by convincing them that South Korea and the US will take in more escapees. (Of course, the South Koreans are not too fond of this idea.) "China doesn't want to have to feed tens of thousands of refugees. But if they thought these people would only stay a few weeks, it might change their mind," according to one senior administration official. To this end, in November 2002 US Senators Sam Brownback (R, KS) and Ted Kennedy (D, MA) proposed a bill that would earmark up to $80 million to "feed, clothe, and move to safety" those North Koreans seeking to flee. In the end, those who think the Chinese can be swayed may turn out to be correct, but it is doubtful. As John Park puts it: "Of course, the Chinese are concerned about their international image. But

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123 Comments shared with this author by John Park from his communications with "a senior PRC research fellow," in October 2003.
124 Ibid.
125 Ibid.
126 Dao, "US Is Urged to Promote Flow of Refugees From North Korea."
they are really concerned about the future of their own power. Overall, the Chinese (and the South Korean) leaderships still perceive the political and economic costs that a North Korean collapse would engender as far more threatening than any hypocrisy costs that the NGOs, alone or in conjunction with the US, could inflict. Likewise, there is little evidence to suggest that they view the side-payments currently on offer as sufficiently attractive to warrant a policy reevaluation.

IV. Hypothesis Evaluation

The case bears out in the main this study’s key hypotheses. First, the nature of the perpetrators is consistent with the hypotheses advanced in Chapter 2. North Korea, the reluctant generator, is indeed a weak, semi-legitimate, actor with limited recourse to alternative avenues of influence. Although North Korea does not wish to precipitate an actual outflow, the potential consequences of such an outflow provide it with significant leverage, at least with its neighbors, if not with the US. Likewise, as predicted, the agents provocateurs are by themselves also relatively weak actors, actors who do in fact perceive themselves as engaging in a kind of altruistic Machiavellianism, whereby the deaths of some fleeing North Koreans is an acceptable price to be paid, in the service of the larger goal of the regime’s overthrow. They have also, as predicted, sought out stronger and sympathetic international supporters, most particularly the US, within which there are some actors disposed to help them fulfill their goal. And as an (ever less passive) opportunist, the role of the coalition within the US is also consistent with what the theory would predict. Opportunists need only believe that they can manipulate an existing refugee situation to their advantage; certainly President Bush, some members of his administration, and the contingent of external supporters believe this to be the case.

Second and third, as the previous discussion makes clear, there is ample evidence to suggest that, as hypothesized, the agents provocateurs and the opportunists have been trying to influence their targets by threatening to generate political crises within target states and by shaming them internationally. Evidence also suggests that they have been attempting to do so at least in part

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128 Interview with the author, April 2003.
130 See again Dao, US Is Urged to Promote Flow of Refugees From North Korea.”
through the use of the media and the imposition of hypocrisy costs. This is the explicit—and well-documented—strategy of the NGO agents provocateurs, and the coalition within the US has dabbled with the strategy as well. (Although given its own problematic stance towards those North Koreans who would attempt to seek asylum status at US embassies, such attempts have led to the successful imposition of hypocrisy costs on the US by the South Koreans and a softened stance.)  However, the coalition of Bush Administration officials and sympathetic Congressmen within the US seems more committed to affecting change by attempting to bribe the Chinese to change their position, while simultaneously offering rhetorical support for UNHCR's attempts to do the same and by directly supporting the activities of the NGO network. Again, the jury is still out on this one, but the Chinese have been under such pressure for a number of years now—to no avail.

Fourth, while the evidence is far from conclusive, China's mixed reaction to the imposition of hypocrisy costs suggests that the claim that liberal democracies will be particularly susceptible to them is not unreasonable. In other words, as a liberalizing—but still authoritarian—state, China has a fair amount of freedom in its policy responses to attempted extortive engineered migration. It has taken advantage of that freedom by resisting calls for the creation of refugee camps, tightening its border controls, and repatriating many of those living in China. At the same time, some of China's reactions—e.g., the installation of barbed wire around embassies, the transfer to safe asylum countries those who manage to find a (highly publicized) way to claim asylum—suggest that the government is acutely aware of—and somewhat sensitive to—the imposition of hypocrisy costs. When and where it feels exposed, it takes steps to reduce its exposure. The tragic consequence of this is while it does leave China less open to charges of hypocrisy, it also leaves the hapless North Koreans in an even sorrier state than they were before this brouhaha began. Their underground railroad has been closed down, and many of their connections within China have dried up. In short, the NGOs' strategy has thus far failed...and

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19 See Donald G. Gross, "After the Breakthrough, Now What?"; available at http://www.cis.org/pacfor/cc/0202Quis_skorea.html. Gross notes that South Korean Foreign Ministry officials "criticized the US for showing no concern over the fate of refugees," and "perhaps stung by this criticism, the administration offered strong support to the ROK in a new dispute with China over refugees... and indicated it would raise the issue of refugees with North Korea when its bilateral talks resumed."

20 See again Dao; author interview with Kennedy staffer, May 2003.

failed utterly. (Conversely, the success of the tacit strategy pursued by the North Koreans is equally clear, at least thus far.)

Moreover, this case highlights the possibility that successful extortive engineered migration becomes vastly more difficult—if not impossible—for some of those engaged in it, in cases where one of the targets is also himself a refugee generator. In other words, imposing unacceptably high hypocrisy costs on the illiberal Chinese regime would have been challenging in any event. The fact that what the NGOs want the Chinese to do might in fact cause the very catastrophe that concession would usually allow a target to avoid, would appear to have made the NGOs’ endeavor impossibly hard.

Finally, the fact that China was content to let the North Korean refugees and their support network operate more or less unperturbed, but only until the agents provocateurs’ actions began to cause public embarrassment and create problems with Pyongyang suggests that the corollary proposition also holds; namely that targets will generally adhere to the norms they are bound by, but only so long as they are not suffering negative political consequences from doing so.34 On the other hand, South Korea has tried to shirk its normative commitments under all circumstances...except when under direct public (read international media) scrutiny.

V. Further Implications of this Case

It seems at least possible that the NGOs’ strategy of trying to impose hypocrisy costs on China would likely have been more effective had September 11th never happened. Not only has it grown more difficult to get an issue like the plight of North Korean refugees onto the public radar screen for a sustainable period, but also the US is less likely to directly attack the Chinese with hypocrisy costs than they would have been several years ago. Before the terrorist attacks on the World Trade Center, China was being sold as the next big threat. Not so anymore. For example, even a cursory examination of the Bush Administration’s reaction to the E-P3 incident in April 2001 provides ample—if only circumstantial—evidence in support of this proposition.

34 See also Alexander Cassella, “North Korean refugees: the plot thickens,” Asia Times, July 3, 2001, for a similar assessment and brief discussion on virtues of “turning a blind eye” to “problems best left alone.”
In addition, it is a bit odd that the world’s most powerful state—which also happens to have 100,000 troops stationed in the region, on land or afloat—has begun to explicitly embrace the idea that extortive engineered migration may be the most expedient and desirable way to bring down North Korea. Nevertheless, it is completely understandable. As long as the collapse happens as it did in Eastern Europe—which they have decided is plausible, if not probable—virtually all of the costs will be borne by those in the region; little wonder that President Bush is not persuaded by the costs argument. (Obviously, the situation is different if a collapse results not in a flood of civilians north, but the march of a million soldiers south.) At any rate, it is interesting that what has heretofore been principally an asymmetric weapon of the weak against the strong is transmuting into something else entirely.

Also, the answer to the question of why the long-run consequences of a nuclear (and possibly proliferating) North Korea are more palatable to its neighbors than the potential short-run fallout from the regime’s collapse remains opaque. Although states’ recognized tendency to discount the shadow of the future is a strong contender.195 Unfortunately for the former Iraqi regime, few of its neighbors were similarly deterred by the threat of refugee outflows, although the Turkish Parliament’s decision to deny US troops staging rights provides an interesting counterpoint and much food for thought.196

Finally, this case puts the nail in the coffin of assertions that refugees do not represent a “real” security issue.197 The inexorable connection between the ongoing North Korean nuclear crisis and the refugee problem cannot be denied. If the fact that the ability of the world’s sole superpower to cow one of the world's weakest countries is being undermined by the threat of a refugee outflow does not represent a real security issue, it is unclear what does.

Chapter 8
Conclusions and Policy Implications

"No government would be justified in letting down all barriers, because the interests of its own country should be guarded. ... This is a hard problem with which we shall have to live [namely that] prudence and generosity will be in conflict."

This study began with two contentious assertions about the causes of—and motivations behind—induced population outflows. The first assertion was that, contrary to conventional wisdom, the majority of these outflows are intentionally created or manipulated in the service of political and/or military goals, rather than incidentally generated as consequences of natural and man-made disasters. In other words, I hypothesized the existence and relative pervasiveness of a class of events called “strategic engineered migration.” The second assertion was that one of the primary ways in which outflows are used is as a coercive/dissuasive strategy of the relatively weak against the strong, i.e., via a subset of strategic engineered migrations I called “extortive engineered migration.” It was further asserted that this method of influence is often more successful than one would intuit, based on the relative material capabilities of perpetrators of this kind of coercion and their preferred targets.

Drawing upon a wide variety of existing literatures, I formulated two sets of explanations to account for these poorly understood phenomena and why the conventional wisdom surrounding them has been so misguided. In my attempt to explain the general phenomenon of strategic engineered migration—and provide a portrait of what kinds of actors would engage in it, why, and to what ends—I drew on writings on coercion and crisis bargaining, war initiation by weaker powers, insurgency/counter-insurgency, “the democratic peace,” and on refugees and migration. To explain why—and under what conditions—the coercive/extortive sub-variant succeeds and fails, I drew on these same literatures as well as on others that were somewhat intellectually farther afield. These included writings on norms creation and diffusion, human rights, international law, public opinion and the media, and bureaucratic politics and decision-making. In short, in this study I synergistically fused components of a diverse array of existing theories—many of which traditionally have been treated as analytically distinct—to create a new
theory to explain a not-so-new method of unconventional coercion, a strategy which I termed political jujitsu.

In addressing the general phenomenon of strategic engineered migration, I made two sets of arguments. One, I sought to dispel the widespread myth that strategic engineered migration is a somewhat new and novel phenomenon. To that end, I provided empirical evidence that at almost any given time in the last 50 years—in at least one location on the globe—population displacements were being used instrumentally, often by multiple actors simultaneously. Two, in identifying what kinds of actors would engage in the instrumental manipulation of cross-border population movements, I argued that the active generation of population outflows is generally favored by weak, illegitimate, or semi-legitimate actors who lack effective recourse to more conventional methods of influence. In contrast, I argued, the overt and tacit instigation and/or manipulation of outflows is a policy instrument utilized by all manners of actors—weak and strong, democrats and demagogues, individual states and state-less individuals.

In tackling the questions surrounding the coercive sub-variant of strategic engineered migration, I argued that weak, illiberal actors often engage in a kind of political jujitsu against their stronger—and frequently liberal—opponents in order to affect successful coercion. Which is to say that weak perpetrators attempt to gain coercive bargaining leverage by turning what liberal targets view as their strengths/virtues—i.e., their moral and ethical standards—against them. In the realm of refugee affairs, this means exploitation of the contradictions between target states’ codified commitments to the protection of those fleeing violence and persecution, and the fact that many living within these states are often intensely reluctant to absorb the perceived political, economic, and cultural costs of adhering to those commitments. In other words, perpetrators seek to exploit the anticipated heterogeneity of interests within the target state(s), in the expectation that targets will prefer to concede to their demands rather than suffer what are anticipated to be the still higher costs of continued resistance. As in traditional military coercion, target societies differ in their degree of vulnerability to an assailant’s coercive attacks. Hence, because liberal democracies are as a rule both

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the most committed to the protection of refugees and the most exposed to the potentially politically-costly vagaries of heterogeneous domestic interests, they will be most vulnerable to extortionate engineered migration, while closed, authoritarian societies will be the least vulnerable. Finally, in an era of increasing globalization—marked both by the growing strength of norms and their promoters and burgeoning xenophobia and domestic economic dislocation—all kinds of societies have found themselves more susceptible to this kind of unconventional coercion.

The case studies tested the propositions forwarded in Chapters 2 and 3. They included cases chosen to ensure temporal diversity—e.g., from both the height of the Cold War and more than a decade after its end—geographical variation—i.e., with perpetrators and targets in different regions of the world—and significant resource disparities—e.g., the US (the richest, most powerful state in the international system) and Haiti (the poorest state in the Western Hemisphere). Furthermore, the cases examined also included both single and multiple perpetrators and both bilateral and multilateral targets.

This final chapter summarizes the study’s major findings, identifies some cross-case patterns, highlights several remaining puzzles, and raises some issues for future research. That there are common patterns observable across the very diverse set of cases examined suggests that the findings of this study are robust and at least somewhat generalizable across space and time. This chapter also briefly explores the contemporary policy implications of the study’s findings, tackles the question of what current trends appear to portend for the future, and offers a few policy recommendations for targets facing the threat of refugee-driven political jujitsu.

I. Findings and their Theoretical Implications

The findings of this study can be usefully divided into two distinct categories: descriptive and theoretical. The descriptive findings largely focus on the existence of the phenomenon, the nature of its perpetrators and targets, and the role of refugees themselves. The theoretical findings center on why—and under what conditions—refugee-driven coercion succeeds and fails and on how these findings can inform our understanding of international relations. As stated at the outset, the
implications of this study speak to four major questions/issues in international politics: the nature of power; the role of regime type; the power of norms; and the significance of the media in contemporary policy-making.

A. Descriptive Findings
First, both the database research and the cases suggest that strategic engineered migration is in fact a real phenomenon—i.e., the hypothesis that a majority of induced population outflows are created and/or manipulated for strategic purposes is valid. The evidence also suggests that a non-trivial number of past cases of strategic engineered migration were of the coercive/extortive sub-variant. Beyond those examined in the case studies herein, I have heretofore identified 37 documented coercive cases since 1953; additional suggestive, but murky, cases raise the number to 45+/- . However, due to selection effects issues associated with the self-hiding nature of this phenomenon, the actual number may be significantly higher yet. In other words, identifying the entire universe of past cases is difficult at best because coercers may choose not to advertise their actions lest they be seen as rogues and bullies and targets may do the same lest they be viewed as weaklings3 and attractive targets for future coercive attempts.

Nevertheless, there are at least two material reasons to believe that the universe is in fact notably larger than those identified here. First, I myself have stumbled onto additional cases while doing research on already known cases, e.g., Jordan’s King Hussein’s attempted use against Israel in the aftermath of the 1967 war,2 and Syria’s attempted use against Turkey in 1953. Second, discussions of this project with area experts routinely lead to the discovery of new probable cases. Both of these observations suggest that extortive engineered migration is still more common than I have demonstrated so far. In any event, the actual frequency of this phenomenon, while interesting, is of secondary importance. The null hypothesis—and the conventional wisdom—was that this kind of coercion occurred rarely, if ever, which this study has definitively refuted.

2 See again Freedman, Strategic Coercion, Chapter 1.
Second, both the case studies and the database research largely support the hypotheses forwarded about the nature of perpetrators of extortive engineered migration. As predicted, generators do indeed tend to be self-limited to weak, illegitimate or semi-legitimate actors with few other policy instruments at their disposal. Evidence suggests the same has also traditionally been true of agents provocateurs. However, evidence from the North Korea case and anecdotal evidence regarding US behavior towards Cuba in 2003 suggest the nature of some of the perpetrators may be changing.

In other words, it appears that the line between opportunists and agents provocateurs is growing increasingly blurry, and that agents provocateurs may no longer be confined to the ranks of the weak and illegitimate. Instead, powerful actors who wish to affect regime change without a resort to the use of military force appear to be embracing the use of extortive engineered migration, in the expectation that instigating massive outflows may result in the demise of unpopular regimes. Some might argue that this new embrace of engineered migration as an instrument of regime change is simply a redux of the refugee policy embraced by the West during the Cold War, i.e., when all those fleeing “with their feet” were to be “welcomed as heroes,” thus discrediting Communism and hastening its downfall. However, as Chapter 2 suggested, by as early as 1953, bringing about the demise of Communism by massive outflow was more of a rhetorical policy stance than an actual policy goal. In fact, most political leaders in the West were so concerned about the potentially internally destabilizing consequences of mass exoduses from behind the Iron Curtain that they actively labored to ensure that outflows would remain negligible and limited to a few high-profile defectors.5

Third, the cases also suggest that extortive engineered migration is rarely a strategy of first resort for generators. This is likely due to the fact that—as suggested in Chapter 2—flows tend to grow larger and less controllable than generators would prefer. In some cases, there is direct evidence to support the proposition that generators hoped for smaller outflows (e.g., testimony from Castro

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insiders), and in other cases there is circumstantial evidence (e.g., Milosevic's border closure and unilateral ceasefire declaration). In some cases, moreover, generators even publicly lamented the fact that any outflows were necessary. Nevertheless, the cases also demonstrate that when potential generators are very dissatisfied with the status quo and/or anticipate an imminent worsening of the situation, they willfully accept the risks that a massive outflow might become destabilizing—or precipitate a military response—and employ refugee-driven coercion by design, not by accident.

In stark contrast, the cases demonstrate that agents provocateurs tend to prefer larger, rather than smaller, outflows. This appears to be a consequence of two disparate factors. First, the greater the outflow, the more victimized the agents provocateurs' group will appear in the eyes of the international community—e.g., this precise sentiment was expressed by the KLA in the Kosovo case. The more victimized and, hence, worthy of sympathy is the group, the more likely that they will garner the outside support necessary to achieve their goals. Second, the larger and/or the more illimitable the outflow, the more threatening it will appear to potential recipient states; hence, the greater the likelihood that they will intervene to staunch it. As the cases illustrated, this was true in Kosovo as well as in Haiti, and it is this fear that animates North Korea's neighbors in the ongoing crisis on the Korean peninsula. Thus, generally speaking, it appears that whereas generators tend to prefer minimal outflows—so as to minimize the danger of political destabilization—agents provocateurs tend to prefer massive outflows—so as to maximize the probability that the outside assistance often critical in helping them achieve their goals will be forthcoming.

With the issue of flow size in mind, it is also worth noting the critical role that the refugees themselves sometimes play in cases of extortionate engineered migration. When would-be refugees cooperate with perpetrators (e.g., Aristide, the KLA), their probability of success increases

6See again Castro's speeches in 1980 and 1984 about how an outflow was the only way to get the attention of the US.
significantly. However, when refugees pursue their own agendas—e.g., leave in greater numbers
than preferred, or go places other than where the generators desire—they can undermine stable
equilibrizm between potential perpetrators and targets. For instance, it has been argued that Italy
felt compelled to launch Operation Alba in March 1997 not because the Albanian government was
encouraging its people to leave—as it likely had in 1991—but rather because what remained of the
government found itself incapable of preventing them from doing so. Refugees may also torpedo
potential deals between coercers and targets. For instance, it has been argued that had the Haitian
junta done more to restrain those who took to the sea in response to Aristide's entreaties in the
summer of 1994, the US likely would not have intervened to remove the military rulers from
power. Although more research would be necessary to confirm this proposition, there is some
evidence to suggest that this kind of refugee-driven destabilization of the status quo is most likely to
occur in cases where multiple perpetrators engaged in extortion engineered migration are acting at
cross purposes, and agents provocateurs have not yet accomplished their goals, even if deals have been
done between generators and targets.

B. Theoretical Findings and their Implications

First, power does matter, but not the way it is supposed to. As noted at the outset, this study's findings
suggest that relative material capabilities are not good predictors of either crisis initiation or crisis
outcomes. As Table 8.1 below illustrates, with the sole exception of the US in the role of
opportunists in the ongoing North Korean case, each of the targets in the cases examined herein
possessed significantly greater material capabilities than any of the perpetrators who targeted
them, individually or collectively. In other words, none of the perpetrators was deterred by the
superior material capabilities of their international counterparts. Instead, they issued specific
threats and made concrete demands of their targets. It is nevertheless true that some unknown
number of would-be coercers may have been self-deterred because they knew their threats and
demands would fall on deaf ears, i.e., there may be a significant selection effects problem. On the
other hand, conventional wisdom suggests none of these challengers should have attempted to

8 See again Braumann, "When Suffering Makes a Good Story"; Bob, "Beyond Transparency: Visibility and Fit
in the Internationalization of Internal Conflict"; and Kuperman, PhD dissertation.
9 See, for instance, Ettore Greco, "Delegated Peacekeeping: The Case of Operation Alba," CIAonet
coerce their targets; yet, a non-trivial number did so. Thus clearly material power offers less explanatory leverage than is commonly believed. Instead—as outlined above—relative resolve in the face of highly unsatisfactory status quo for the perpetrator(s) appears to be a more persuasive generalizable explanation for the decision to initiate refugee conflicts.

<table>
<thead>
<tr>
<th>Case</th>
<th>Date (Year(s))</th>
<th>Generators</th>
<th>Perpetrators</th>
<th>Target(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Germany</td>
<td>1953-1961</td>
<td>E. Germany</td>
<td>W. Germany</td>
<td>US</td>
</tr>
<tr>
<td>Indochina</td>
<td>1970s-80s</td>
<td>Vietnam, Cambodia</td>
<td>Thailand, Malaysia, Hong Kong</td>
<td>W. Europe, US, UNHCR</td>
</tr>
<tr>
<td>East Germany</td>
<td>1983-86</td>
<td>E. Germany</td>
<td>W. Germany</td>
<td></td>
</tr>
<tr>
<td>Albania</td>
<td>1991</td>
<td>Albania</td>
<td></td>
<td>Italy</td>
</tr>
</tbody>
</table>

Key: Cases in grey examined in detail in case study chapters, cases in white used only for hypothesis generation and illustrative purposes, mostly in Chapter 2.

In addition, as Table 8.2 below demonstrates, despite the significant capabilities’ differentials between perpetrators and targets, overall, perpetrators’ attempts to employ refugee-driven coercion were quite successful. As noted in Chapter 2, in the 28 cases of extortive engineered migration highlighted in Table 2.3, perpetrators were successful more than 70% of the time. In

\[10\] See again Mitchell, “The Political Costs of State Power.”
the cases examined in depth for this study, of the 30 outcomes in Table 8.2, perpetrators were successful 63% of the time. If mixed results are coded as successes, this rate rises to 79%.

### Table 8.2: Cases Researched for this Study and Basic Coding of Outcomes

<table>
<thead>
<tr>
<th>Case</th>
<th>Date (Year[s])</th>
<th>Was Coercion Successful (Yes/No/Mixed)</th>
<th>Generators</th>
<th>Agents Provocateurs</th>
<th>Opportunists</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Germany</td>
<td>1953-1961</td>
<td>No*</td>
<td>Yes</td>
<td>Yes, limited</td>
<td></td>
</tr>
<tr>
<td>Indochina</td>
<td>1970s-80s</td>
<td>Mixed</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>East Germany</td>
<td>1983-86</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Albania</td>
<td>1991</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bosnia</td>
<td>1992-95</td>
<td>Mixed</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Key: * = inadvertent generation; ** = known cases of pre-emptive concession; cases in grey examined in detail in case study chapters, others used only for hypothesis generation and illustrative purposes.

Here again, however, it is obvious that selection effects may have skewed these results somewhat, i.e., due to the existence of potential "dogs that don't bark." As Fearon has argued vis-à-vis successful and failed deterrence, strategies that appear to be good ones may actually be quite poor, because many would-be coercers may be self-deterred. Hence, one can definitely say only that in those cases where extortive engineered migration has been attempted, it has been at least partially successful most of the time. Moreover, as the case studies illustrated, when coercion was successful, the monetary, political and reputational costs paid in the end game tended to be higher.
than they likely would have been if the target had pursued a more conciliatory tack and/or agreed to negotiate earlier in the crisis.\textsuperscript{11} The prospect of future unbounded political—if not material—losses is a powerful motivator for a besieged leader. In short, despite superior strength and influence—their Achilles' heels exposed—targets are frequently forced to concede, at least in part, to weaker perpetrators' demands in order end crises.

\textit{Second, regime type does matter; however, not the way many think it does.} Specifically, the findings of this study challenge the proposition that democracies are more credible in the face of crises and thus superior to non-democracies in crisis bargaining situations. Instead, as predicted, the cases suggest that liberal democratic targets were actually hobbled by their very nature in international crisis bargaining. Specifically, the case evidence suggests that perpetrators exploited three distinct democratic strengths/virtues: one, their moral and ethical constraints and impulses; two, their level of societal transparency; and three, the nature and consequences of their domestic political divisions.

In each of the cases examined, there was direct and/or indirect evidence that at least some of the perpetrators understood well the moral, ethical, and legal constraints under which targets operated. It is true that in some cases the available evidence is only circumstantial, and thus conclusions cannot be considered definitive. For instance, I have thus far not uncovered any documentation or testimony by members of Kim Jong Il's regime that he was aware of the constraints imposed by China's status as a signatory of the Refugee Convention. On the other hand, however, the Chinese decision to studiously avoid calling fleeing North Koreans "refugees" cannot have been lost on their neighbor, nor can the fact that the Chinese have been pouring large sums of financial, energy and food aid into the country, since the initial rumors of its possible destabilization arose in the mid-1990s.

Moreover, in both the cases and in the chapters that preceded them, a good deal of evidence was presented in support of the proposition that perpetrators willfully and intentionally manipulated

\footnote{See again Mitchell, "Implications."}
and took advantage of "the 'psychological' weaknesses of Western societies... to good effect." In short, perpetrators unleashed flows that they knew targets would be unable to simply stop—i.e., by closing their borders—and/or instigated flows that they knew targets would be compelled to intervene to stop. In both eventualities—as perpetrators expected would be the case—targets were more often than not compelled to concede to at least some of the perpetrators' demands to bring crises to a close.

Similarly, while the level of transparency within liberal democracies—coupled with the fact that democratic leaders are accountable to their constituents should they fail to uphold their claims—is supposed to make democracies more credible, the findings of this study belie this assertion. In numerous instances, both perpetrators and refugees behaved in ways that indicated that they found targets' threats and promises about their willingness to absorb refugees incredible; this was true in the Balkans cases, in the North Korean case, and in the Caribbean cases. Perpetrators also appeared to find targets' threats to use force against them to stop outflows equally incredible; hence, the need for a 78-day bombing campaign against Milosevic in Kosovo and the need to begin to launch a forced-entry operation into Haiti before the junta would step down. In these cases and others, the very visible existence of domestic divisions over how a crisis should be handled convinced perpetrators' that targets threats were not to be taken seriously. In some cases, perpetrators' gambles failed in the end. Nevertheless, it is clear that the existence of domestic and/or intra-alliance political turmoil offered enough "reasonable doubt" to materially and adversely affect targets' abilities to influence the behavior of perpetrators.

Moreover, the very public nature of democratic decision-making not only undermined targets' abilities to make credible claims ex ante, it also enhanced the probability that they would end up in a situation of policy panic. As Bob Pastor has put it:

In the post-Cold War era when the sole superpower is needed to catalyze the international community on behalf of humanitarian goals, the president's inability to threaten pariah regimes may mean, paradoxically, that force is needed more often and with more intensity than if his threats were taken seriously.  

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12 James Gow and James Tilsley, "The Strategic Imperative for Media Management," in Bosnia by Television, p. 103. See also Marijan Malesic (ed.), The Role of the Mass Media in the Serbian-Croatian Conflict (Stockholm: SPF, 1993), p. 11.
In short, as stated at the outset, while credibility is a major problem for weak actors trying to convince more powerful ones to comply with their demands, the cases demonstrated that it is also a major problem for those powerful states that happen to be democracies.\(^{14}\)

Of course, one might argue that even if this proposition holds true in the US context, it will be less valid in parliamentary systems where the influence of the legislature is not the same as it is in presidential systems like the US.\(^{15}\) However, this study's findings join a growing body of research that suggests that greater comparability exists between parliamentary and presidential systems than many would predict.\(^{16}\) As noted in Chapter 3, since the 1980s immigration and refugee policymaking has become highly politicized, and thus the influence of legislators and the public has increased, even in societies where law makers and public opinion have traditionally held less sway. Likewise, one might suggest that strong and weak states will be differentially vulnerable, in that in strong states power is so centralized such that, as one scholar has put it when discussing Britain, "for almost all practical purposes the Executive is unfettered."\(^{17}\) Yet even a cursory examination of the ongoing asylum debate in Britain in 2003 makes plain that this statement is no longer true—if ever it were—either in Britain or elsewhere in the world.\(^{18}\) Evidence indicates that similar trends exist in


\(^{15}\) As Waldorf has noted, "according to this line of thinking, legislative rebellion against the executive in a parliamentary system carries much greater political ramifications than merely changing policy. It can result in no-confidence votes, the fragmenting of majority coalitions, the collapse of cabinets and, in the end, new elections—all of which represent developments that legislators, particularly in the majority ruling party or ruling coalitions, fear the most." From C. William Waldorf, Jr., "A Betrayal of Friends: Liberal Humanitarianism and Commitment Abandonment in Post-War United States Foreign Policy," Paper presented at the 2002 Annual Meeting of the American Political Science Association Meeting, Boston MA. See also Juliet Kaarbo, "Power and Influence in Foreign Policy Decision Making: The Role of Junior Coalition Partners in German and Israeli Foreign Policy," *International Studies Quarterly*, vol. 40 (December 1996), pp. 501-30; Juan J. Linz and Arturo Valenzuela (eds.), *The Failure of Presidential Democracy* (Baltimore: Johns Hopkins University Press, 1994); and Alfred Stepan and Cindy Skatch, "Constitutional Frameworks and Democratic Consolidation: Parliamentarianism Versus Presidentialism*, *World Politics*, vol. 46, no. 1, pp. 1-22.


other historically strong states (e.g., France, Japan) as well, suggesting greater generalizability across states and systems than one might predict.  

Third, and relatedly, hypocrisy costs are real, and they matter profoundly. Hence, the aforementioned variation within and across liberal democracies appears to be more a function of how exposed a particular leader leaves himself due to his rhetoric on normative issues—i.e., the extent to which he engages in rhetorical grandstanding—than the type of electoral system in which he resides.

Articulating a proactive, norms-laden initial position will leave that leader much more vulnerable later than those who said little or nothing. Moreover, as the North Korea cases suggest, even non-democracies appear to recognize the power of hypocrisy costs to cause political harm to target states, even if they are less susceptible to them than their democratic counterparts.

Despite the fact that hypocrisy costs are only a theoretical construct, the cases illustrate that their consequences are in fact perceived to be real, by both perpetrators and targets. For instance, in the 1980 Cuba case, representatives on both sides (the US and Cuba) explicitly noted that the US would find itself trapped between its codified commitments and its competing political prerogatives.

Moreover, Castro even engaged in hypocrisy cost imposition with non-Cubans, by sending stranded Haitians to the US, and then publicizing their subsequent detention in Florida. Recognition of the political dangers of these inherent contradictions could be found in each of the cases; sometimes by only one party—i.e., perpetrators or targets—but sometimes on multiple parties. For example, in the Kosovo case, I found no evidence that Milosevic sought to impose hypocrisy costs on the NATO alliance; although it does seem apparent that he did attempt to exploit intra-alliance heterogeneity. On the other hand, in this same case, I did find evidence that the KLA and its

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front; namely, by the Prime Minister’s own wife. David Fickling, “Cherie on attack over refugees,” The Guardian (U.K.), April 15, 2003; found at: http://www.guardian.co.uk/guardianpolitics/story/0,3605,936843,00.html.) However, for a very useful discussion of institutional differences in weak and strong states—and the consequences thereof—see Peter J. Katzenstein (ed.), Between Power and Plenty: Foreign Economic Policies or Advanced Industrial Countries (Madison: University of Wisconsin Press, 1978).

supporters attempted to impose them, and that at least some of the alliance members felt their effects.

Nevertheless, hypocrisy costs did not play an equally important role in all cases. There was significant variation across—and even within—the cases in terms of how significant these perceived costs were in determining crisis outcomes. For instance, Haitian activists and some op-ed writers engaged in low level hypocrisy cost imposition throughout the post-coup period under the elder Bush Administration—but to no avail. Although Bush Administration officials acknowledged awareness of these costs, they did not feel sufficiently pressured to shift policies in response. In other words, even though costs were imposed, no policy panics resulted; and, hence, coercion failed. However, once candidate Clinton entered the scene, the stage was set for a different outcome, one marked by three different policy panics. As detailed in Chapter 6, the fact that Clinton lowered his own hypocrisy cost threshold during the presidential campaign, by promising to overturn the “callous” and “racist” Bush policy, meant that once Aristide and his supporters escalated their attacks in the spring of 1994, Clinton had little choice but to concede. (They were also, as noted above, aided by the fact that Aristide’s supporters were natural Clinton constituents; thus, he was more susceptible to the costs they threatened to impose than was Bush senior.) Hence, this study’s findings also illustrate the very real dangers associated with pursuing a rhetorically robust strategy for short-term political gain. Tough moralizing talk may be cheap in the short run—particularly if the “talker” is not in a position to do more than criticize—i.e., if he or she is a member of the opposition party and/or only a candidate running for office. However, they may soon find themselves suffering the consequences of their escalatory rhetoric if they win, and the crisis fails to evaporate.

This is one of the great ironies of extortive engineered migration. In trying to garner prestige points while also signaling resolve to would-be coercers, targets actually increase their susceptibility to refugee-driven political jujitsu. This is true for a variety of reasons. One, high-minded rhetoric served in some cases to narrow targets’ room for maneuver—in other words, to reduce the size of their win-sets—thus making attempted coercion look more attractive to would-be perpetrators. Two,
rhetorical grandstanding can be particularly dangerous due to the nature of leaders' influence on the public agenda. In making statements about their commitments to refugees—either generally, or with regard to a particular group—leaders inadvertently raised their salience. Three, research suggests that while leaders do appear to have some power to influence what appears on the public's radar screen, they have rather less power to influence the nature of the media coverage once issues become salient. Thus if a leader creates issue salience, but then the coverage becomes negative, that leader will be far more vulnerable to political damage than if the issue had remained invisible. Four, even if public opinion is "not activated," politicians respond differently to salient issues. Research suggests that leaders feel compelled to deal with salient issues—even when they were highly conflictual—for "the simple reason that they might be blamed for inaction" if they did nothing. Thus, increasing the salience of an issue also enhances the probability that political actors will be forced respond to it, and that they will do so in a way that is responsive to public attention. This is particularly true, if and when the leader in question is seen as culpable, due to earlier rhetorical grandstanding.

In other words—and fourth—media coverage matters; but not the way many think it does. Media-based experimental research shows that receiving conflicting, inconsistent information forces one "to think more deeply about the incoming facts...leading to greater recall." So, logically, the more the media covers an issue with a negative spin, the more robust its salience. In addition, any major problem that once was elevated to national prominence may sporadically recapture public interest;

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20 Evidence suggests that actors in this position routinely discount the shadow of the future and calculate that they will deal with any fallout after they have succeeded in their primary goal, which is to get themselves or their party into power.
24 Cook, Governing with the News, p. 127.
or important aspects of it may become attached to some other problem that subsequently
dominate the center stage. Therefore, problems that have once been negatively salient—or are seen as
related to others that were negatively salient—almost always receive a higher average level of
attention, public effort, and general concern than those that have not. For instance, the fact of
the war in Bosnia—and of Western relative inaction until the Srebrenica massacre in July
1995—likely made the 1998-99 Kosovo crisis more rapidly and robustly salient than it would
otherwise have been. In short, it is this salience creating and perpetuating phenomenon—rather
than simply the catalyzing effects of graphic and dramatic media images—that represents the real
CNN effect with which political leaders need to be concerned.

Fifth, norms do matter and matter profoundly; however, not for the reasons many think they do. In short, in my
research I found little systematic evidence to support the idea that leaders had internalized (or
socialized) refugee-related norms. Instead, the cases suggest that political leaders tend to yield to the
pressure generated by policy panics not out of a sense of moral conviction, but rather only out of a
fear of the political costs of failing to do so. Thus, as predicted, norms do matter significantly, but
for the most part they still matter mostly for material reasons. They play a critical role in setting the
terms of the debate and framing possible policy options, but they do not appear to drive state
leaders’ decision-making directly. Instead they influence how some observers think leaders should
behave, and they influence how leaders themselves believe they should appear to behave when norms
are being violated. The same policy phenomenon operates more generally. As David Gergen, former
administration official and communications expert put it:

Increasingly...government officials have shaped their policies with an eye toward generating
positive and timely television coverage and securing public approval. What too often counts is
how well the policy will “play,” how the pictures will look, whether the right signals are being
sent, and whether the public will be impressed by the swiftness of the government’s response.65

This is not to suggest that leaders will choose to flout the norm when given a choice. Rather, if
there are no appreciable political costs associated with adhering to the norm, most decision-

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66 See again Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," 
makers will choose to do so. More concretely, if there is no how and cry against acceptance and/or assimilation of a group of refugees, then leaders will prefer to welcome—rather than exclude—them. However, as predicted, if the threat of a domestic or international backlash exists, decision-makers do seek to shirk their normative commitments, whenever possible. And in such cases, evidence suggests that norms-adherent action is not taken unless the expectation of the political costs of inaction is great. As one British journalist—who was himself trying to impose hypocrisy costs on his government—put it:

...the asylum 'debate' is the most shameful example of political and journalistic lying I have heard in 20 years as a reporter.... If a celebrity reporter finds a wounded girl with a cute face in the next Sarajevo, I'm sure she will be rushed to Great Ormond Street Hospital. If the cameras aren't there, I suspect compassion will evaporate. When you put their cruelties to the political class, you are often treated to a bluff lecture on pragmatism. We agree with much of what you say, you're told, but live in the real world, son. There's only so much immigration society can take. We're civilised people, but you should see our swinish voters.

Consider as well the response of "human rights" President Jimmy Carter to the refugee-generating events in South-east Asia in the late 1970s. As Morton Abramowitz, who was an Asia specialist in the US Department of Defense at the start of the Cambodian genocide—and in 1978 became US ambassador to Thailand—put it: "Once US troops had withdrawn from Vietnam in 1973, Americans deemed all of Southeast Asia unspeakable, unwatchable, and unfixable. 'There could have been two genocides in Cambodia and nobody would have cared.' (In fact, the Carter Administration even actively entertained supporting Pol Pot against the Vietnamese when they invaded Cambodia and ended the bloodbath.) It was only when political costs tied Western...

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28 The same is true of immigration policy, more generally. Consider that, despite considerable opposition to large-scale immigration as expressed in opinion polls throughout western Europe and north America, evidence suggests these preferences are routinely ignored on the national level, except when the groups immigrating are large, concentrated, and visible. See, for instance, John Torpey, The Decline of Sovereignty? and Virginia Guirandon, "Citizenship Rights for Non-Citizens..." in Challenge to the Nation-State; and Money, Fences and Neighbors.
29 This proposition makes sense in light of recent research that suggests that while states easily develop reputations for lying, they have a harder time developing a reputation for honesty. From Alexis Guisinger and Alastair Smith, "Honest Threats: The Interaction of Reputation and Political Institutions in International Crises," unpublished working paper, January 2001.
30 For an analogous argument that focuses on the inconsistency of decisions on when intervention is appropriate, see Lori Fisler Damschro and David Scheffer (eds.), Law and Force in the New International Order (Boulder, CO: Westview Press, 1991).
31 Cohen, "Comment: Lies for lives: Forget about principles, asylum seekers are only welcome if they guarantee our future prosperity." Power, A Problem from Hell, p. 122.
culpability in the face of the Vietnamese boat people crisis came to the fore that “humanitarian” action was taken.\textsuperscript{33}

On the other hand, I am not arguing that no one in target states has socialized the refugee-related norms. For one thing, I did find a plethora of evidence in support of the proposition that leaders both on the left and on the right have modulated their behavior as a consequence of the growing strength of norms. This could be viewed as a direct response to the fact that leaders are aware of the potential power of those segments of their domestic and international audiences who have in fact assimilated human rights and refugee-related norms. Moreover, the exponential growth in human rights NGOs and non-ethnic-group-specific refugee advocacy groups over the last three to four decades further suggests that some highly committed, albeit numerically limited, audience has indeed internalized them. As Carter’s National Security Advisor, Zbig Brzezinski put it soon after the US human rights movement began to flourish:

\begin{quote}
The morality issue has primarily a selective audience—e.g., ethnic-Americans on the CSCE; the “Humphrey wing” of the party on developing country problems. But there is also a general sense in the country of the importance of “standing for something”—a theme you used to good effect in 1976.\textsuperscript{34}
\end{quote}

In short—as Brzezinski’s statement makes clear—while the number of morality-driven actors might have been small, they were still viewed as politically significant, even in the mid-1970s. The strength and significance of these actors and their supporters have grown significantly greater since that time, even if their efforts do not always bear the desired fruit, e.g., the NGO network operating in North Korea and China from 2002→.

\textbf{II. Remaining Puzzles and Issues for Future Research}

To my mind, there remain at least four unanswered questions that have grown out of this study: one, why does concession come so late in the game; two, what is the most appropriate way to measure crisis salience; three, what accounts for the huge opinion gap between the elites and the general public on immigration and refugees; and four, what are the other significant applications of

\textsuperscript{33} Gervase Coles, “Approaching the Refuge Problem Today,” in Refugees and International Relations, p. 380.
political jujitsu. There is a fifth unanswered question as well—namely, just how common is extortive engineered migration. However, given the selection effects problems outlined above and the size of the army of researchers one would need to employ to surmount (some of) them, this last question will likely remain unanswered for some time to come.

A. The Puzzle—and Amplified Costs—of Failing to Negotiate

As suggested above, (at least partial) concession is quite common whenever extortive engineered migration is attempted. Nevertheless, targets rarely agree to negotiate before a massive outflow has occurred. In other words, extortive engineered migration often leads to sub-optimal bargaining outcomes for both sides. Neither game theoretic logic nor common sense suggests that this should happen, at least not in cases where perpetrators and targets are engaged in iterative games, e.g., Castro’s Cuba and the US. Because it is so easy for perpetrators to lose control of outflows, and because the costs associated with absorbing large numbers of refugees clearly exceed those of absorbing fewer or none, it would appear self-evident that both sides should seek to avoid massive outflows, particularly if negotiation/concession is going to result in any event. In short, generally speaking targets should agree to negotiate before a massive outflow occurs. Yet, they rarely do. There are a number of potential explanations to account for this—many of which I raised at various points previously. However, further case study research and/or game theoretic analysis would be necessary to adequately test the aforementioned propositions about the roles—and relative importance—of the hubris of power, information asymmetries, bureaucratic pathologies, and democracies’ inability to create policy in anything but a reactive way.

B. How Should One Measure Crisis Salience?

While many scholars agree that issue salience is critical in explaining national political outcomes, agreement on how to measure such an amorphous concept has been elusive. In fact, frequently measurement is not even attempted; the role of salience is simply assumed. While such assumptions are fine as far as they go, given the widely recognized critical role that salience plays in governments’ decision-making processes, relying on such assumptions is in the end deeply

unsatisfying. For instance, without an acceptable and widely applicable measure of crisis salience, it is impossible to predict \textit{ex ante} when target policies are likely to change. Hence, the significance of salience becomes somewhat tautological—i.e., why did the policy change? It changed because it was negatively salient. How do we know it was negatively salient? We know it was negatively salient because the policy changed. In short, deriving an acceptable measure—or even multiple measures?—of crisis salience is imperative for those who wish to understand policy-making in the contemporary world.

C. Explaining the Public-Elite Gap

The gap between the opinions of the general public and their leaders on immigration is enormous. For instance, one poll found that 70 percent of the American public said that reducing illegal immigration should be a "very important" foreign-policy goal, compared to only 22 percent of those in the US' elite. While this is a striking disparity, it is not entirely clear why the public and nation's leaders have such different views on immigration, nor is it clear why the gap between them appears to be growing larger over time. Of course, opinion leaders are overwhelmingly educated and comparatively more affluent than the general public, thus at least part of the reason for the difference of opinion surely stems from these differences. Nevertheless, the huge and growing difference between the public and opinion leaders on the issue is clearly an important social phenomenon in need of further exploration, particularly since the efficacy of extortive engineered migration hinges in large part on the existence of concentrated, heterogeneous interests. Hence, as the gap grows, so will grow target vulnerability.

D. Other Applications of Political Jujitsu

As noted at the outset, the use of refugees as instruments of coercion represents but one of the ways in which weak actors may turn the strengths of their adversaries on their heads, and exploit target adherence to legal norms while flagrantly violating those norms themselves. Another application that has been getting a good deal of press in recent years is the use of civilian non-combatants to undermine the ability of powerful democracies to successful conduct military

August 7, 1980.
operations. This application of a political jujitsu strategy relies on undermining liberal societies’ overwhelming advantages in firepower, technology, and training, by exploiting their respect for—and usual adherence to—the norm against the targeting of non-combatants. For instance, Somali warlords regularly used women and children as human shields against coalition forces during Operation Provide Comfort. During the 1999 war in Kosovo, Serb forces regularly used refugees as protection for their convoys to discourage the NATO alliance from attacking them, and in Bosnia, they used UN peacekeepers and aid workers as shields against air attack.35 In the war in Afghanistan, the Taliban regularly placed military equipment in the vicinity of population centers, as a deterrent to attack, and in the ongoing insurgency in Iraq:

... the guerrillas want to: Intensify their attacks against American soldiers, as guerrillas did yesterday near the central city of Samarra, to provoke and frighten U.S. troops into using excessive force, harassing Iraqi civilians, and confining themselves to compounds and convoys where they have little chance to win Iraqi hearts and minds.36

While the above examples represent one other dramatic and timely application of a strategy of political jujitsu, there are numerous others—including sanctions, embargoes, and terrorism—all of which deserve close examinations of their own. Comparing and contrasting the findings across these various applications could also yield some important theoretical and real world policy implications.

III. Recommendations and Policy Implications

Although this study has focused on the strategic manipulation of outflows since the founding of a regime to deal with them a half century ago, this is hardly a new problem.37 It is nevertheless true that the tensions between international security and the movements of refugee and internally displaced populations has been brought far more sharply into focus in recent years, particularly since the advent of the "war on terror" following the events of September 11, 2001.38 And while, as noted at the outset, only rarely would refugees be appropriately classified as issues of "vital national

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37 More than 200 years ago, Thomas Jefferson wrote, "Shall we refuse the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our forefathers arriving in this land?" Quoted in Arthur D. Morse, While Six Million Died (New York: Random House, 1968), p. 131.
interest," they have nevertheless emerged as a major issue in contemporary international relations and foreign policy, one that cannot be taken lightly. It is sobering to realize, for instance, that during the past decade alone, existing or potential refugee flows have led the US into one (and arguably two) wars in the Balkans, as well as almost into a third war in the Caribbean. They also placed tremendous—potentially crippling—strains on the half-century old NATO military alliance. They resulted as well in the overturning of three decades worth of political policy towards the regime in Havana. And, perhaps most surprisingly, they have actively impeded the coercive capabilities of the world’s most powerful nation in its diplomatic dealings on the Korean peninsula.

Moreover, as this study suggests, the ability of weak actors to exploit refugee outflows has been on the rise. Thus the implications of the findings highlighted herein are of more than simply academic interest. Potential target states need to be better prepared to deal with both the causes and the consequences of outflows. At the same time, those committed to the protection of those unable to protect themselves need to be aware of what target states’ preparations are likely to mean for those they are committed to protect. In the section that follows, I offer some recommendations to states confronting the threat of extortion engineered migration, while concomitantly briefly exploring the current and future political ramifications of these recommendations and providing illustrative examples to situate these recommendations in a real world context.

A. Options Available to Potential Targets

States faced with the threat of extortion engineered migration have but a few policy options: one, play the game with greater acuity; two, make the game less attractive to potential perpetrators; and three, change the potential “contestants” so that the probability that anyone will “play” this coercive bargaining game declines. It is not clear that there is one right answer. What is clear, however, is that potential target states should be better prepared for the significant possibility that their sheer material strength may offer insufficient protection against an unconventional attack.

1. Play the Game, But With a Better Grasp of the “Rules”

In some circumstances, targets might be best served by negotiating with would-be perpetrators in the early stages of a potential crisis, despite strong predispositions against doing so. As noted at the conclusion of Chapter 4, the US could likely have avoided (at least two of its) three Cuban refugee crises—in 1965, 1994, and most famously, in 1980—had it not ex ante flatly rejected Castro’s calls for bilateral negotiations. Evidence also suggests the US did dodge another potential Cuban crisis in April 1995 in just this way. Yet choosing to concede to a perpetrator’s threats as soon as he/she makes them will obviously generate its own costs, in terms of reputation and credibility. Early concession may, for instance, encourage perpetrators to threaten targets ever more frequently and with growing demands. However, more careful monitoring of the prevailing economic and social conditions on the ground in potential sending states, coupled with more aural acuity if and when potential perpetrators begin making threatening noises, could lead to earlier diplomatic intervention, which in turn could stave off future embarrassments. German Foreign Minister, Joschka Fischer, for instance, later “regretted not having taken Milosevic seriously” when he said he could empty Kosovo in a week.

Likewise, under certain conditions, targets may decide to make pre-emptive concessions to potential perpetrators to forestall crises before they start, as, for instance, Reagan did with the side-payments associated with the 1981 US-Haiti Interdiction Agreement. Here again, however, there are dangers associated with early concession to perpetrators’ demands—tacit or actual. For example, China began to pour significant resources into North Korea in a pre-emptive attempt to stave off a crisis in the mid-1990s...and it has been (almost) continuously been doing so ever since. Nevertheless, the price of these side-payments surely appears miniscule to the Chinese, as least as compared to the potential costs associated with a sudden collapse of the North Korean regime.

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39 See again Chapter 4.
41 Lara Marlowe, “War and peace revisited.”
2. **Option Two: Make the Game Not Worth Playing by Eroding the Weapon's Power**

Through a careful combination of public policy, education, research and generous side-payments, potential targets may be able to reduce their vulnerability to extortive engineered migration, by undermining, or at least diminishing, perpetrators' ability to use refugees as coercive instruments. In short, if a target can prevent an outflow from either being perceived as or actually becoming a crisis, it can significantly degrade any perpetrator's or perpetrators' "weapons' capabilities." (For instance, see again Figure 3.3 for an illustration of how a reduction in the heterogeneity of concentrated interests for and/or against the assimilation of a particular refugee group can significantly reduce a target's vulnerability to coercion). Facilitating this kind of reduction may not be easy, however, as both perpetrators and interested outsiders usually have powerful incentives to keep outflows as visible, negatively salient, and problematic as possible. Nonetheless, there are a number of concrete steps that potential targets can take that may mitigate, if not eliminate their vulnerability.

First, they can develop and be prepared to implement comprehensive and *politically acceptable* contingency plans, both to actively cope with a specific emergency and to help prevent the local infrastructure(s) from being overburdened. Specifically, to be better prepared for potential influxes, governments should not wait until crises arise to court communities that could be persuaded to take migrants—either for short or long-term stays—in exchange for attractive economic and/or political compensation packages. Theoretically, this is what the US federal government and the state of Florida have done in the aftermath of the Cuban and Haitian crises in the summer of 1994. Although the details of the existing plan are classified, both state and federal officials claim that a mutually acceptable contingency plan is finally in place that should allow the US to manage a massive outflow from Cuba or Haiti. (However, it is worth noting that similar claims were made before either of the 1994 crises commenced.)

Second, target governments may choose to launch education campaigns with the goal of teaching their publics the real economics of immigration, emphasizing that the majority of studies have

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43 As Christian Holmes put it when discussing the failure of the US to respond appropriately to the Mariel boatlift, "When you have a crisis situation ... where there is not a clear legal history, legal precedent or clear law, it makes it very hard to respond to the event." Interview with Christian Holmes, quoted in Engstrom, *Presidential Decision-making Adrift*, p. 98, fn 119.
found that over time immigration generally results has no effect or represents a net-gain (to the
tune of about $10 billion/year) for most industrialized countries. \textsuperscript{44} Educational outreach may be
particularly appropriate in those states facing falling birth rates and aging populations—such as
Germany and Italy—where additional immigration could provide a much-needed boost to
declining tax bases. For instance, Germany's employers' union has declared that 1.5 million more
skilled workers are required there, and France cannot recruit enough qualified locals to maintain
its public buildings or serve as wait staff in its restaurants. \textsuperscript{45} Sometimes those who may directly
benefit from refugee labor may be persuaded to take up these causes. For instance, in November
2003, the whip of the federal Nationals Party in Australia, John Forrest, began a campaign to get
his government to take a more sympathetic attitude to refugees who want to remain permanently
in that country, because they provide a valuable source of (undersupplied) labor for the table-
grape, citrus and vegetable-growing industries in his district. \textsuperscript{46}

Third, potential targets may more actively cultivate the support of other states that could share the
burden in the event of an outflow. This strategy was used (with greater and lesser success) in
Southeast Asia vis-à-vis the Indochinese refugees of the 1970s and 1980s, in Europe throughout the
Yugoslav wars of dissolution in the 1990s, and in the Caribbean during a variety of crises between
Cuba and the US and Haiti and the US. Another variation on this theme is the practice of
warehousing of refugees in their home region and/or in states of first asylum, in areas that have
euphemistically been called “safe havens.” While warehousing tends to serve the needs of potential
target states and keeps the contradictions inherent in their behavior somewhat hidden from
domestic audiences, it often causes significant political problems within these states, or at least
threatens to. \textsuperscript{47} (It is worth remembering that such political fears led to Panama’s decision to
withdraw its promise to house Haitians in the summer of 1994; thus forcing the US’s hand vis-à-vis
the long-delayed military option.)

\textsuperscript{43} Author interviews, May 2000.
\textsuperscript{44} See, for instance, “Let the Huddled Masses In,” \textit{The Economist}, March 29, 2001. Consider that Australia
already relies on foreign labor for 25% of its work force, while in Switzerland 20% of the work force is
foreign, and in the US, 16.6%.
\textsuperscript{45} Ibid.
\textsuperscript{46} Michelle Grattan, “Nats MP goes in to bat for refugees,” \textit{The Age}, November 9, 2003; found at:
Nevertheless, despite the reluctance of some states to assist in burden sharing, those seeking foreign aid and/or other forms of international support might be persuaded to cooperate under the right conditions. It is worth remembering that, early in the Kosovo crisis, an escalating refugee crisis on the Macedonian border at Blace was solved in just this manner. Likewise, Australia “solved” several of its own recent potential refugee crises by furnishing substantial financial aid to the cash-strapped Pacific island nation of Nauru. (However, it must also be noted that Nauru—recognizing and exploiting Australia’s strong disinclination to accept refugees—then engaged in its own opportunistic attempt at extortive engineered migration in the fall of 2002.)

Fourth, targets may simply choose to abrogate the norm, either by underlining national security concerns or by refusing to recognize those fleeing as refugees. This strategy has been gaining in currency in the aftermath of September 11th, since states have been able to employ national security rationales with greater facility than had been the case previously. Nevertheless, targets that choose to abrogate the norm may suffer significant reputational and hypocrisy costs, as Australia experienced in relation to its much-maligned treatment of 438 asylum seekers rescued by a Norwegian cargo ship, the Tampa, in summer 2001; the Indonesian ferry carrying them sank while trying to enter Australia illegally. Under certain conditions, however, leaders may deem this price preferable to the domestic political ramifications of accepting more migrants. This was

47 Consider the importance that the invisibility of such costs played in keeping domestic support for the Kosovo operation relatively stable.
49 For a particularly informative discussion of Nauru’s blackmail strategies, see NPR’s “This American Life” transcript, December 6, 2003.
50 e.g., the US vis-à-vis Haitians; Australia vis-à-vis Iraqi Kurds, and the UK vis-à-vis Afghans.
52 See, for instance, “Senate puts islands back on map,” The Australian Associated Press, November 25, 2003, found at: http://www.smh.com.au/articles/2003/12/12/106952373857.html. Although they may complain bitterly about it, as the following editorial suggests: “Oh dear, Mr. Ruddock seems a little upset over UNHCR involvement but who can blame him since it is making the government he serves look coldhearted (although, his government is doing a pretty good job of that all by themselves). Out of all of Ruddock’s arguments against the UNHCR comments, the line of attack which struck the strangest chord would have to be his insistence that Australia should not have to feel pressured by an outside body into housing asylum seekers for indeterminate periods of time. To be coerced into holding refugees by dominant international diplomatic obligations, Ruddock argued, is tantamount to a country losing its sovereignty and is an unacceptable practice. ... The notion put forward by Ruddock that if refugee resettlement was determined by regional responsibilities then Australia shouldn’t give a toss about the
clearly the position adopted by the first Bush Administration in the lead-up to the 1992 presidential election; whether this contributed in a material way to Bush's defeat that fall, however, remains unclear.\textsuperscript{53}

Fifth, targets may simply attempt to change existing domestic and/or international laws so that they can eschew claims that they are abrogating norms, while still engaging in behavior that runs counter to accepted precedents regarding the treatment of asylum seekers. For instance, in January 2003, British Prime Minister Tony Blair announced that that he was reviewing the European Convention on Human Rights with a view to abandoning Britain's obligation to take all asylum seekers. As Blair put it: "while the values of the 1951 Refugee Convention are indeed timeless, we should stand back and consider its application in today's world."\textsuperscript{54} However, as of the end of 2003, Blair's attempt had been rebuffed within the UK and criticized roundly by the international community.\textsuperscript{55}

3. Option 3: Change the Contestants to Decrease the Probability of Play

A final possibility—as suggested above—is that targets may engage in radical regime change, or act in other ways designed to change the conditions on the ground in potential sending states. This impulse to intervene to stop flows at their source is growing in strength, from both sides of the ideological and power spectrums. It is also making strange bedfellows of groups that normally would have little to do with each other.\textsuperscript{56} As one UNHCR official has said: "This could be the next big thing. [We] field a lot of queries on this topic from the evangelical right on the Hill. Interestingly, as long as we keep mum on abortion and contraception, these fellows are some of

\textsuperscript{53} I believe most of those who were too opposed enough to Bush's stance on the Haitian boatpeople to vote against him on those grounds were likely to vote for candidate Clinton in any event. The same would not likely have been true had Bush taken the same stance in the face of a Cuban outflow, however.

\textsuperscript{54} See also Alan Travis, Ian Black and Michael White, "Europe's asylum policy shameful, says UN Britain to push for launch of pilot scheme in east Africa," The Guardian (UK), June 20, 2003; available at http://www.guardian.co.uk/Refugees_in_Britain/Story/0,2763,984350,00.html.


\textsuperscript{56} Ted Permuter has come to the same conclusion, drawing on the case of Operation Alba in 1997. See again Permuter, "The politics of proximity."
the strongest refugee advocates in the US." A similar sentiment was expressed by another "human rights watcher," who mused:

I always thought there was more in common between Human Rights Watch and the Bush administration than either would be comfortable thinking, because they are both revolutionaries—in my view, quite dangerous radicals. They believe that virtue can be imposed by force of law and force of arms.

At the same time, those who favor adoption of the regime change option need to remain cognizant that the overthrow of a sitting dictator and an increase in economic development may actually increase emigration from that state in the short run. This, for instance, is what many in the US government fear will happen when Castro either dies or is replaced. This tendency, known as a "migration hump" reflects the fact that economic development tends to disrupt traditional economic relationships and traditionally noncompetitive sectors and also provides prospective emigrants with the economic means to emigrate.

B. Final Thoughts and a Few Predictions

At the end of the day, the fact remains that refugee flows present a real ethical conundrum for Western liberal democratic regimes. As a rule, liberal democracies are reluctant to insist that governments restrain the exit of their citizens simply because they or others are disinclined to accept them. These regimes likewise believe in the right of emigration, but simultaneously embrace the principle that states retain the right to determine who and how many shall be permitted to enter. Most have accepted the principle of non-refoulement enshrined in the 1951 and 1967 Refugee Conventions. Yet at the same time, they have not adopted a universal right to asylum; the granting of asylum is at the discretion of the receiving state. When push comes to shove (no pun intended!), liberal democracies wish neither to be in the position of having to force people to return home.

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57 Communication with this author, December 2002.
59 See, for instance, "International Migration and Trade," Number 28, June 20, 1994; found at: www.worldbank.org
60 Political Demography, Demographic Engineering , p. 120.
against their will nor of having to press governments to prevent their people from leaving. Rather, what they really want is for governments to stop repressing political dissidents and persecuting minorities, for example, so they do not want to leave in the first place. However, this situation becomes more complicated by the actions of oppressed groups themselves, which—acting as agents provocateurs—see no better way to promote their own agendas than by provoking attacks upon themselves.

What does this portend for the future? It is not wholly clear. But evidence suggests that, as long as nascent and actual refugee flows pose a threat—intentional or otherwise—to target states, they will be driven to take broader and more proactive steps to decrease their vulnerability to outflows. Thus the current Western trend towards ever-tighter immigration restrictions—despite declining birthrates in many places—will likely continue. This will thereby further weaken the framework that undergirds the 1951 Convention and 1967 Protocol. For instance, as Peer Benke, general secretary of the European Council on Refugees and Exiles, put it:

Some states want to keep the freedom to sharpen national legislation in order to deter refugees. However, we must recognize what has happened over the last years: One state introduces new legislation to deter refugees and very soon most other European states copy this. It is bad for the EU, bad for our values and worst of all has disastrous consequences for those who need protection in Europe.

The situation is hardly different for the “huddled masses” that try to come to the US. Consider, for instance, that—despite the fact that the summary repatriation policy was eventually abandoned in the aftermath of Aristide’s successful use of extortive engineered migration—President Bush’s Kennebunkport Order had been upheld by the US Supreme Court. The Court ruled that while asylum seekers were guaranteed protection while their claims were being processed, they had no

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61 Although they do appear willing to use force to prevent their entry. In 1993 Roper survey found that 70% of Americans were willing to use force to police illegal immigration. From Kohut, “Arms and the People.”
62 Political Demography, Demographic Engineering (New York: Berghahn Books, 2001), p. 120.
63 Consider, for instance, recent British policy moves—successful and not—to reduce their country’s annual refugee intake and to shift many of their asylum responsibilities off-shore. See, for instance, Alan Travis, Ian Black and Michael White, “Europe’s asylum policy shameful, says UN Britain to push for launch of pilot scheme in east Africa,” The Guardian (UK), June 20, 2003; available at http://www.guardian.co.uk/Refugees_in_Britain/Story/0,2763,981350,00.html.
legal right of asylum in the country of their choice. Thus those interdicted at sea had no right to seek asylum in the US. Both international law experts and refugee advocates suggested this represented a noteworthy and a worrying shift in US refugee policy. Moreover, it set—as has been noted elsewhere—a dangerous precedent for other potential refugee-receiving countries. And indeed shortly thereafter Australia cited the US decision as justification for its own decision to prevent some would-be refugees from landing. In short, while target states have most certainly grown more vulnerable to extortionate engineered migration since the early 1970s, in response they seem to be actively taking steps to reduce this vulnerability in the future.

At the same time, however, this remains a dynamic process, and for every action, there is an equal (or greater!) and opposite reaction. Thus, while targets act to reduce their susceptibility to refugee-driven coercion, NGOs and other norm-promoting actors simultaneously continue to push for an expansion in the definition of what constitutes “morally-appropriate” behavior, thereby increasing targets’ vulnerability to coercion by the good guys...but also by the bad ones. Consider, for instance, the burgeoning “human security” movement and its supporters, who argue that “the international community” has an “imperative to provide protection to world’s vulnerable people.” Similarly, in response to Australia’s reaction to the Tampa incident, Norway recently proposed new international legislation that would pledge all coastal states to accept shipwrecked boat people, wherever they are found; i.e., this represents a kind of push-back against the aforementioned Kennebunkport Order. Such progressive developments serve to further expose—and even, in some cases, increase—the contradictions between states’ competing domestic political imperatives and their domestic and international normative commitments. In other words, while hypocrisy costs are not new, their sources appear to be growing. Moreover, norms-

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66 With the sole dissenter being Justice Harry Blackmun, who found it “extraordinary...that the Executive, in disregard for the law, would take to the seas to intercept fleeing refugees and force them back to their persecutors—and that the Court would strain to sanction that conduct.”
70 www.plouighshares.ca/content/MONITOR/mond.99a.html
71 “Norge anbefaler nye lover om flyktninger,” Aftenposten, April 27, 2003. (“Norway proposes new UN laws for boat refugees.”)
promoting groups have also grown measurably more aggressive in their attempts to impose hypocrisy costs on states that appear to be in violation of their international obligations.\textsuperscript{72}

In the end, to some targets—and especially to the US in its role as the “hyper-power”—it may appear that the only way to combat these ever-increasing and more visible contradictions is to do more to keep refugees in their countries of origin. As states have come to view flows as potential security threats to international and regional security, the Chapter VII “threat to international peace” clause has been invoked to justify intervening in internal conflicts, particularly if they are generating substantial refugee flows.\textsuperscript{73} As Bill Frelick of the US Committee for Refugees has succinctly put it: the new paradigm of the refugee regime is “to prevent refugee flows from occurring rather than assist refugees in exile.”\textsuperscript{74} As one columnist put it:

\textit{It is not just the pictures of horror on the television screen that determine foreign policy today. It is the fear of massive immigration of refugees. ... Civil wars are nasty things - but it is when they threaten to erupt with hundreds of thousands of the poor and dispossessed crossing borders and destabilising their neighbours that outside action becomes necessary. A Europe and an America that were created out of the mass movement of persecuted or defeated peoples are no longer willing to accept this as the inevitable outcome of an unstable era.}\textsuperscript{75}

In sum—as long as potential target states remain keen to avoid letting refugees in and equally keen to avoid being seen as trying to keep them out—the desire to keep things “uneventful” at home may well lead to more political and military “activism” abroad.\textsuperscript{76} Nevertheless, because foreign activism can prove materially costly—i.e., it often generates significant financial costs that offset the hypocrisy costs it circumvents—it remains an open question how long target states’ voters and taxpayers will be willing to pay them.

\textsuperscript{72} For one particular potent example, see “UNHCR Slams Australian Treatment of Boat People,” at www.unwire.org/UNWIRE/20031112/1449_10350.asp.
\textsuperscript{76} This may be viewed as analytically analogous to the arguments made by the US in favor of preemptive war against states that support terrorism.
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For additional perspective, I conducted interviews with several UNHCR officials, a number of regional scholars, including North Korea expert, Dr. John Park, and with a staff member from US Senator Edward Kennedy’s (D, MA) office. I also had conversations with two South Korean policymakers “on background.”

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