

**Diagnostic Tools for Refugee Asylum Crises:**  
An Application to Afghan Refugees in Pakistan,  
1997-2001

Lester A. Zeager  
Department of Economics  
East Carolina University  
Greenville, NC 27858  
[zeagerl@mail.ecu.edu](mailto:zeagerl@mail.ecu.edu)

John H.P. Williams  
Department of Political Science  
East Carolina University  
Greenville, NC 27858  
[williamsjoh@mail.ecu.edu](mailto:williamsjoh@mail.ecu.edu)

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### Abstract

The tendency toward increasing non-compliance with international obligations toward refugees requires the UNHCR to engage in contingency planning for defections from cooperation by first asylum and donor countries. We propose diagnostic tools that reveal the configuration of underlying interests among parties engaged in interaction of a strategic nature. Our tools are based on recent efforts by applied researchers to use game theory to anticipate the pressures on the parties to cooperate or defect in a given situation. We apply the tools to the Afghan refugee crisis in Pakistan in 1997-2001, which featured strategic behavior ranging from border closings to mass *refoulement*. We also argue that focusing on the underlying configuration of interests provides a firmer basis for making comparisons across refugee asylum crises, such as when outcomes research is used to assess the likely consequences of policy choices.

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International humanitarian institutions claim to make their decisions on the basis of ethical and moral considerations. The reality, of course, is more complex. ... UNHCR, for example, must take into account the concerns of its donors and of the governments whose permission it needs to carry on its field operations. (Weiner 1998, 433)

The most dramatic feature of the refugee scene in the 1990s was the globalized restriction on asylum. In both the North and South, the very institution of asylum seemed in danger. As a UNHCR official complained in 1997, 'non-compliance with international treaty obligations for refugees is becoming something of a global norm'. (Suhrke 1998, 396)

### **Introduction**

The 1951 UN Refugee Convention provides, in principle, a framework for refugee protection, yet asylum crises continue to arise in which the actors grope for *ad hoc* solutions.<sup>1</sup> While debate about the reasons for this state of affairs continues, decision makers for governments and the UNHCR must take account of the very real possibility of noncooperation. Contingency planning for defections from international cooperation in asylum and assistance is becoming necessary for the UNHCR and will require suitable methods of analysis. It will be necessary to anticipate the possibilities arising from strategic interaction among parties acting in their own interests.

We present diagnostic tools that allow us to see the *configuration* of interests among the parties in a given situation and anticipate the pressures on the parties to defect or cooperate. We illustrate the tools by applying them to the asylum crisis for the Afghan refugees in Pakistan, from the late 1990s to 2001. This asylum crisis differs in important ways from the two principal cases of international burden sharing – the Indochinese and Kosovo crises. Barutciski and Suhrke (2001, 109) note that,

The two cases suggest some key characteristics of refugee situations where burden-sharing seems possible, namely: mass inflows where the first asylum state credibly threatens to deny asylum with reference to

recognized national vulnerabilities, and where powerful outside states have special interests in the particular refugee population.

Whether the Afghan refugees made either the ruling party in Pakistan or the security of the nation vulnerable is open to debate. Pakistan had managed to host large numbers of Afghan refugees since 1978, despite sharp cuts in international assistance since the early 1990s. Still, the reduction in assistance shows that the powerful outside states (the U.S. and Russia) had lost interest in the Afghan refugees by the late 1990s, even though the refugees had been viewed as “freedom fighters” by the U.S. in the 1980s. The case of Pakistan also differs from Macedonia in that Pakistan initiated *refoulement*, i.e., the forced return of refugees to their homeland.

The methods we describe for analyzing the violations of asylum and the *refoulement* have roots in game theory, which was designed specifically to understand strategic behavior among rational decision makers. We impose modest requirements on the information available to the decision makers and analysts: in particular, ordinal, and sometimes partial orderings of the possible outcomes. We allow pre-play communication to reframe the decision facing each party, which creates a role for an intermediary such as the UNHCR in the “negotiations.” As our paper seeks to show, the methods developed below make it possible to analyze refugee asylum “negotiations” in a tractable way.

The connection to game theory is most obvious in the theory of moves (TOM), developed by Brams (1994), which provides the foundation for our analysis. We have applied TOM to the Indochinese (Zeager 2002) and Kosovo (Williams and Zeager 2004) refugee crises in earlier research. This paper goes further by incorporating confrontation analysis (Howard 1999), which is helpful for understanding the pre-play communications generated by different payoff configurations. In contrast to the Kovoso crisis, there was

ample time for such communications about the Afghan refugees in Pakistan. Dilemmas of rational behavior arising from strategic interaction illuminate the behavior of Pakistan – the potential first asylum country. The responses of Pakistan and the donor countries (represented in this paper by the U.S.) to these dilemmas raise issues similar to those raised by Weiner (1998). Thus, we draw upon his insights.

The next section provides a background to the asylum crisis for the Afghan refugees in Pakistan. We then seek to identify the interests of the major parties in the negotiations, find the dilemmas of rational behavior for each configuration of interests, and use the dilemmas to understand the options explored by the parties in the crisis. The next section discusses the role the diagnostic tools could play in contingency planning by UNHCR in refugee asylum crises. The final section reflects the possibility of exchanges between researchers in different fields – game theory and refugee studies – and reviews what the paper accomplishes.

## **Background for the Analysis**

### *The Flight from Afghanistan*

A crisis in Afghanistan surfaced in April 1978 when a group of urban intellectuals, implementing a Marxist ideology, imposed agricultural reforms on unreceptive rural residents (UNHCR 2000, 116).<sup>2</sup> As opposition forces gained strength, the Soviet Union invaded Afghanistan in December 1979. It installed a new regime and placed troops in Afghanistan to control the situation. When the moves provoked stronger opposition, Soviet forces applied brutal force, causing massive refugee flight to Pakistan and Iran.<sup>3</sup> The U.S. countered by supporting Pakistan and the refugees who sought protection there, but not those who fled to Iran.<sup>4</sup>

Pakistan opposed the Soviet occupation in Afghanistan and welcomed the refugees. Many Pakistanis objected to the 1978 reforms in Afghanistan and felt an Islamic duty to offer sanctuary to the Afghans.<sup>5</sup> The vast majority of the refugees in Pakistan (the Pashtuns) had strong ethnic ties to a major tribal group in the Northwest Frontier Province (NWFP) of Pakistan. In addition to the religious and kinship bonds, the literature offers several instrumental rationales for Pakistani support of the Afghan refugees and the *mujahideen* (the “brotherhood” offering armed resistance to the Soviet occupation). Ruiz (2001, 11) claims that Pashtun solidarity threatened to drive a wedge between Pakistani Pashtuns in the NWFP and the ruling party in Pakistan (dominated by Punjabis from the Indus plain), but the ruling party averted this possibility by supporting the resistance. Hosting the Afghan refugees also gave Pakistan leverage for influencing the course of events in Afghanistan. Furthermore, Pakistani leaders recognized that by hosting the Afghan refugees, they could improve relations with the U.S. and key Arab states (Goodson, 2001, 157), thus fortifying Pakistan against threats from the Soviets in Afghanistan and from India on its eastern border. Given the poor relations between the U.S. and Iran, the U.S. favored Pakistani (rather than Iranian) influence in Afghanistan. Indeed, Pakistan and the U.S. collaborated on a policy of refugee asylum supported by lavish (by refugee standards) international assistance during the 1980s.

### *Problems after the Soviet Withdrawal*

After the Soviet withdrawal from Afghanistan in 1989 under the Geneva agreement, fighting continued among various factions from different portions of the country during the early 1990’s. The eventual overthrow of the communist regime in

Afghanistan in 1992 eased the burden on Pakistan considerably, as more than a million refugees (of about 3 million in Pakistan) returned home, as shown in Figure 1. Still, the ongoing civil war continued to drive new refugees into Pakistan. By the late 1990's, the Taliban had gained control of much of Afghanistan. Though fighting continued near the border, Pakistan (allegedly a supporter of the Taliban) thought that many of the refugees could return home.

The Soviet withdrawal clearly altered the priorities for international donors. Using information collected in a survey of 15 nongovernmental organizations (NGOs) operating in Pakistan, Fielden (1998, 470) concludes that,

*The completion of the Soviet withdrawal from Afghanistan in February 1989 ... corresponds with the downturn in aid to Afghan refugees ... the collapse of the Soviet Union at the end of 1991 ... corresponds with an even steeper fall in the cumulative aid total allocated to Afghan refugees by the NGOs interviewed.*

Reducing aid was not simply an economic choice. The war had made strange bedfellows. In the 1980s the United States muted its criticisms of Pakistan's human rights abuses and nuclear programs. Even then the 1986 Pressler Amendment, as a condition for continued aid, required the U.S. President to assure the Congress annually that Pakistan would only use its nuclear capabilities for peaceful purposes (Blood 1995, 252). These certifications acted as a screen against questions about Pakistani policy until 1989, but their cessation led shortly after to a termination of bilateral aid to Pakistan, though not of assistance to the refugees. The U.S. even pressed for economic sanctions against Pakistan to protest its nuclear weapons development.

Using the information gleaned from narrative accounts, the next section tries to identify the configuration of underlying interests for the key players that could generate

the observed behavior in a strategic game. To motivate the need for strategic interaction, we point out that it is too simple to say that Pakistan resorted to harsh measures because international assistance was lacking. Iran hosted millions of Afghan refugees with little international assistance during the 1980s.<sup>6</sup> Also, whereas the reduction in international assistance to Pakistan happened in the early 1990s, the strategic moves by Pakistan did not occur until several years later.

### **Strategic Interaction in Refugee Asylum and Assistance**

This section introduces a model of strategic interaction that is specified in accordance with information from the narrative accounts. Our goal in the modeling is diagnostic. Just as a doctor studies the symptoms to identify the nature of an illness, we examine the unfolding events of a refugee crisis to determine the shape of the underlying conflict of interests that could generate the strategic interaction we observe.

#### *Identifying the Configuration of Interests*

This section tries to identify the configuration of interests in refugee asylum negotiations in Pakistan during 1997-2001. The confrontation analysis later in the paper refers to this configuration as the “frame of reference” for the negotiations. We focus on those making the asylum and assistance decisions, Pakistan and international donors. For expositional purposes, we refer to the donors as the U.S. – their largest contributor.

We present each party’s choices as ordinal rather than cardinal (that is, simply more or less, rather than *how much* more or less). Pakistan chooses between permissive or restrictive asylum. With a 1,500-mile border located amid rugged mountains, Pakistan

could hardly close its borders entirely, but it could restrict entry at the more accessible passes. Movement has been permitted across this border (the Durand Line) since its creation in 1893, so permissive asylum was the status quo.

The U.S. chooses between modest and generous assistance. The narrative literature, as reported above, indicates that the U.S. policy switched from generous to modest assistance after the Soviet withdrawal from Afghanistan. Thus, modest assistance was the status quo for most of the 1990s. Later in the paper, we explore the possibility of inducing the U.S. to switch its policy.

With two parties each making choices between two policy options, their interaction could generate four possible “states of the world”: RM (restrictive asylum and modest assistance), RG (restrictive asylum but generous assistance), PM (permissive asylum but modest assistance), and PG (permissive asylum and generous assistance). In RM the refugees are abandoned by both parties; in PG they are supported by both parties. In RG the burden of assisting the refugees falls on the U.S.; in PM the burden of assisting the refugees falls on Pakistan.<sup>7</sup> The goal of UNHCR and other refugee advocates is PG, where the burden is shared. We consider the prospects for achieving this goal for the Afghan refugees in Pakistan during 1997-2001.<sup>8</sup>

The four possible states are shown in Figure 2, where Pakistan’s choice determines the row, the U.S. choice determines the column, and the combination of the two choices determines the outcome of the interaction. For the purposes of our analysis, we need ordinal rankings of the states by each party. These rankings need not be known completely, but they should reduce the possibilities to a manageable number. We rely on

information from the narrative accounts about the preferences of each party to determine the rankings of the possible “states of the world.”

The narrative above provides several reasons for Pakistan to favor permissive over restrictive asylum: ethnic ties between the refugees and the citizens of its NWFP, Islamic duties to fellow Muslims, a desire for allies to promote Pakistani (as opposed to Iranian) interests in Afghanistan’s future, and improved relations with the United States to strengthen its position against India and other foreign powers. This preference means that, other things being equal, Pakistan prefers PM to RM and PG to RG in Figure 2.<sup>9</sup> In the narrative accounts, it is also clear that from April 1979 (when the refugee population reached 100,000) to 2001, Pakistan favored generous rather than modest assistance from the U.S. Hence, other things being equal, Pakistan prefers RG to RM and PG to PM in Figure 2.

From these preferences, it follows that the best state of the world for Pakistan would be PG (as it satisfies both of Pakistan’s goals in the negotiations), so we assign a “4” (the highest ranking) to PG for Pakistan in Figure 2.<sup>10</sup> From Pakistan’s preferences, it also follows that RM is the worst state, because it fails to meet either goal of Pakistan. Hence, we assign a “1” (the lowest ranking) to RM for Pakistan in Figure 2. To obtain a complete ordering of outcomes, we need the Pakistani preferences between states RG and PM. Unlike RM, the refugees receive some help in either RG or PM, but the burden falls on the U.S. in RG while it falls on Pakistan in PM. Narrative accounts of the crisis (cited later in the paper) make it clear that Pakistan wanted the burden to fall on the U.S. Thus, we specify that Pakistan prefers RG to PM in Figure 2 (i.e., assigns RG a “3” and PM a “2”).

For the late 1990s, the preferences of the U.S. with regard to the asylum and assistance policies toward the Afghan refugees in Pakistan are more difficult to specify, because it took a low profile in the crisis. After the Soviet withdrawal from Afghanistan, U.S. attention shifted elsewhere. Thus, it favored modest rather than generous assistance. This preference implies that, other things being equal, the U.S. prefers RM to RG and PM to PG in Figure 2.<sup>11</sup> We also know that in the 1990s, the U.S. and other rich nations tried to reduce asylum applications from poor nations and advocated either local settlement or repatriation to the country of origin (UNHCR 1997, 183-223). Hence, the U.S. preferred permissive rather than restrictive asylum in Pakistan. In Figure 2, it preferred PM to RM and PG to RG, other things being equal. From these preferences, we can infer that PM is the best “state of the world” for the U.S., because it satisfies both of its goals. Likewise, we infer that RG is the worst state for the U.S., because it satisfies neither goal.

The U.S. rankings of RM and PG are more difficult to specify for two reasons. First, the narrative literature on the Afghan refugee crisis contains fewer statements by the U.S. government than by the Pakistani government. Second, the U.S. rankings may be sensitive to the interpretation of “restrictive asylum”: that is, it might feel differently about Pakistan closing its borders to new refugees than about terminating asylum for the refugees already within its borders. Over the period we consider, the latter action would have involved far more refugees (more than a million remained in Pakistan) and a larger humanitarian crisis. Thus, we will consider these two situations separately and for now, leave the rankings of RM and PG by the U.S. in Figure 2 unspecified.

The uncertain ordering of the states for the U.S. in Figure 2 (the generic specification of the situation) is consistent with two specific orderings of states of the

world, which are shown in Figure 3. In the first possibility (labeled as game 5 in TOM), the U.S. ranks RM its second-best outcome and PG its second-worst outcome. RM meets one goal of the U.S. (modest assistance), while PG meets another (permissive asylum). If the U.S. ranks RM higher than PG, then modest assistance must be the primary U.S. goal and permissive asylum its secondary one. In the second possibility in Figure 3 (labeled as game 35 in TOM), the goals of the U.S. are reordered, such that it ranks PG as its second-best state and RM as its second-worst state.

The two situations or games in Figure 3 have several similarities. The most obvious one is that the preferences of Pakistan are the same in each case. By further inspection of both games, we can also see that each party has a preferred response, no matter which strategy the other chooses. That is, Pakistan secures a higher ranking by choosing permissive asylum, regardless of the column the U.S. chooses. Likewise, the U.S. attains a higher ranking by choosing modest assistance, regardless of the row that Pakistan chooses. Thus, either game exhibits a gravitational pull toward PM, which is the second-worst state for Pakistan.<sup>12</sup> Such a state would also be disappointing to the UNHCR and other international humanitarian agencies that seek to achieve PG.

### *Pakistan's Dilemmas and Possible Responses*

As already noted, each game in Figure 3 has a “gravitational pull” toward the state “permissive asylum with modest assistance.” This state is the most preferred one for the United States (it is a local solution that imposes few costs on the United States), but not for Pakistan. What options did Pakistan have for inducing a different outcome? This section explores the possibilities using first the threat power version of TOM by

Brams and Hessel (1984) and Brams (1994) and then the confrontation analysis of Howard (1999).

The threat power version of TOM allows communications prior to the negotiations, which enables either party to issue threats against the other. Threats are plans that, if implemented, would be costly for the parties, including the one making the threat. Hence, a “credible” threat necessarily forces both players to contemplate a worse state than the status quo. However, the intention of the threat is to induce the other party to agree to an outcome that the party issuing the threat prefers to the status quo. Ideally, the party issuing the threat would not actually implement it.

Do the Figure 3 games offer any possibilities for avoiding the “status quo” (permissive asylum with modest assistance) by issuing threats? In either Figure 3 game, Pakistan seeks to negotiate PG (to escape PM). To induce the U.S. to switch its strategy, Pakistan can threaten a restrictive asylum policy (move to RM), unless the U.S. provides generous assistance. However, in game 5, the threatened state (RM) is not worse for the U.S. than the state Pakistan seeks (PG), so the U.S. has no incentive to elude the threat. This problem does not arise in game 35. Note also that the threat in game 35 (RM) makes both parties worse off than the status quo (PM).<sup>13</sup>

It is important to note that games 5 and 35 are both members of the class of “frustration games” in Brams (1997). In such games, a “disadvantaged party” (in this case, Pakistan) will be forced to choose between its two worst states, which becomes (for obvious reasons) a source of frustration. Brams (1997, 95) further subdivides the class of frustration games into two categories: those that offer no relief from the frustration (class I) and those that offer possible relief through the exercise of a deterrent threat (class II).<sup>14</sup>

As our analysis suggests, game 5 is a class I game but game 35 is a class II game. Thus, the two games in Figure 3 differ in that only game 35 offers possible relief for Pakistan.

Rubin (1995), who uses game theory to analyze the search for peace in Afghanistan during the Soviet occupation, points out that the parties involved in a negotiation can *misperceive* the configuration of interests.<sup>15</sup> In our application, Pakistan may not know (at least initially) whether the situation is game 5 or game 35 (i.e., whether relief from frustration is possible). Rubin (1995) also observes that each party may have subgroups (political parties, ministries) with different preferences. A new leader (ruling party) may impose different preferences, creating a new situation. Pakistani leadership changed in October 1999 when General Musharraf came to power, while the U.S. administration changed at the beginning of 2001.

Like threat power analysis in TOM, confrontation analysis focuses on the communication that occurs before each party puts its choices into action. However, confrontation analysis switches the metaphor from “players in a game” to “characters in a drama.” The characters explore possibilities for conflict resolution primarily by means of dialogue rather than physical activities (i.e., actions), though the latter may be required to demonstrate the credibility of a threat. Even then, the character aims to send a message, rather than to achieve an objective directly (Howard 1999, 28). Still, the confrontation analysis depends on game theory (in particular, on dilemmas of rational behavior that emerge from the Figure 3 games).<sup>16</sup>

Confrontation analysis begins by establishing the frame of reference, which specifies the characters (players), their choices (strategies), and their preferences among the possible outcomes in a situation. Moreover, all the features in the frame of reference

are treated as “common knowledge” to the characters. Two possible frames of reference for the situation in Pakistan in the late 1990s appear in Figure 3. Each frame (or game) in Figure 3 contains at least one “dilemma of rational behavior,” in the language of Howard (1999), which provides clues to the dialogue between the characters in the situation.<sup>17</sup>

In game 5, Pakistan faces a “deterrence dilemma,” because the U.S. prefers Pakistan’s fallback (threat) to Pakistan’s position.<sup>18</sup> That is, the U.S. prefers “restrictive asylum with modest assistance” to “permissive asylum with generous assistance.” Thus, Pakistan cannot deter the U.S. from shifting the burden of the refugees to Pakistan, which would generate (negative) emotions toward the U.S. in Pakistan and motivate the latter to try to alter the game. It might reconsider its goals, threats, or the boundaries of the frame of reference (the relevant players and their options), searching for ways to eliminate the deterrence dilemma during pre-play communication between the players. To succeed, Pakistan must either make its position (permissive asylum with generous assistance) more attractive to the U.S. or make its threat (go to restrictive asylum with modest assistance) more unpleasant to the U.S.

Even if the deterrence dilemma can be resolved, Game 5 has another dilemma: Pakistan prefers the U.S. position to its own fallback (or threat). It prefers “permissive asylum with modest assistance” to “restrictive asylum with modest assistance.” Howard (1999) calls the problem a “threat dilemma,” because Pakistan prefers not to carry out its threat.<sup>19</sup> The U.S. knows Pakistan’s preferences, so it can doubt whether Pakistan would carry out its threat, though Pakistan may try to remove doubts in pre-play communication with the U.S. Notice also that the threat dilemma (but not the deterrence dilemma) arises

in game 35 in Table 3. Thus, regardless of the situation it faces in Table 3, Pakistan knows it confronts a threat dilemma, and may also face a deterrence dilemma.

### *Interpreting the Crisis*

With the orientation provided by the frames of reference and the theoretical analysis of them in the previous section, we can interpret the messages communicated and actions taken in the asylum crisis in Pakistan. We assume that Pakistan did not know for sure which Figure 3 game it confronted in the mid-1990s, though it would gain clues from the U.S. responses (or lack of the same) to its messages and actions.

When the Pakistan delegation spoke to the U.N. General Assembly on 4 November 1996 (United Nations, 1996), “permissive asylum with modest assistance” was clearly the status quo:

*Pakistan has pursued the most generous and open door policy towards Afghan refugees. We not only provided them with shelter and assistance from our own resources but also allowed them a great degree of free movement inside Pakistan. When the generosity of the international community came to an abrupt end, we did not implement the easy solution of forcible repatriation but continued, at great cost, to provide for the Afghans ourselves.*

The Pakistan delegation also made a strong appeal to the principle of international burden sharing and protested the momentum toward local integration as the permanent solution to the refugee crisis (United Nations 1996, 4),

*We must express our concern at the manner in which assistance to the Afghan refugees has been slashed, evidently as a preplanned strategy for implementing local integration as a solution. This strategy must be discontinued and solutions sought for the return of refugees to their homes in safety and honor.*

Finally, they proposed (small-scale) third country resettlement as a solution, but their appeals failed to elicit the desired response from international donors. To make matters worse, 150,000 additional Afghan refugees fled to Pakistan between 1996 and 1999 (Ruiz 2001, 20-23). As its frustration mounted, Pakistan began to reinforce its earlier messages with actions (Ruiz 2001, 24):

*At various times during the late 1990s, ...Pakistan temporarily closed its border with Afghanistan to prevent refugees from entering. There were several known instances — and undoubtedly many more unreported ones — in which Pakistani authorities rounded up hundreds of Afghans and returned them to Afghanistan.*

We can interpret the messages and actions of Pakistan in the framework of Figures 2 and 3. The game begins (in the mid-1990s) at PM and Pakistan faces the prospect of this state being the ultimate outcome. Its call for more assistance for the refugees reveals that it prefers PG or RG<sup>20</sup> within the initial frame of reference (either game 5 or 35). However, the lack of U.S. reaction, even to the border closings and the small-scale *refoulement*, provides evidence that the situation is game 5, where the U.S. prefers RM to PG. If so, Pakistan must find a way to change the frame of reference, for game 5 is a class I frustration game in TOM (there is no possible relief by using a threat). We also note that two solutions Pakistan proposed (repatriation and resettlement in third countries) require a change in the initial frame of reference (new strategies and perhaps new players).

Unfortunately, neither of these proposals gathered support in the international community. The UNHCR sought to raise funding for a voluntary repatriation program, but found very little interest among donors (reportedly due to serious reservations about the radical Islamic tendencies of the Taliban in Afghanistan). Also, Pakistan was not in a

position to make other countries accept resettlement, even on a small scale. Yet, it had at least one way to change the initial frame of reference – forced repatriation (*refoulement*), which the Pakistan delegation had noted in its statement to the U.N. General Assembly on 4 November 1996 (quoted above).

We can incorporate *refoulement* into the analysis by reinterpreting the row strategies in Figure 3. Rather than interpreting “restrictive asylum” with reference to refugees arriving at the border, we broaden the interpretation to include those already in Pakistan. Then, a move from PM to RM in Figure 2 would mean the forcible repatriation (or *refoulement*) of refugees to Afghanistan. Such a situation would be represented better by game 35 than by game 5 in Figure 3. With more than one million Afghan refugees in Pakistan, mass *refoulement* would create an enormous and costly humanitarian crisis, so the U.S. would prefer PG to RM (as in game 35). Thus, by making its threat (RM) more unpleasant to the U.S., Pakistan could transform the situation from game 5 to game 35 and eliminate its deterrence dilemma.

In the narrative accounts, we see Pakistan taking this route. Heavy fighting in northern Afghanistan in 2000 led to a net increase of nearly 100,000 refugees in Pakistan, with most of the increase coming in the final months of the year (Frelick 2001, 154). The Minister for Refugees’ Affairs in Pakistan, Abbas Sarfaraz Khan, at a press conference in Islamabad on 15 November 2000, pled with the UN agencies and donors for international assistance for the new refugees, but to no avail. At the refugee camp hosting many of the new refugees, UNHCR was unable to provide adequate water. Pakistan responded by signaling its willingness to employ mass *refoulement* (Ruiz 2001, 29),

*In early 2001, the government of NWFP, with the acquiescence of the national government, embarked on a policy of mass refoulement. ...*

*According to government statistics, the authorities rounded up and forcibly returned some 1,200 men (they did not detain or deport women) ...Other sources said that Pakistani authorities forcibly returned a much higher number.*

This move elicited a more substantial response from donors (Ruiz 2001, 7), “the international community — and the United States in particular — has since significantly increased its level of assistance” (Ruiz 2001, 7). The response of the U.S. suggests that by demonstrating a willingness to implement mass *refoulement*, if necessary, Pakistan may have changed the situation to game 35 in Figure 3 (and also overcome the threat dilemma in that game).

In game 35, Pakistan has a “deterrent” threat (Brams 1994), rather than a “compellent” threat.<sup>21</sup> The former is conditional (i.e., it depends on the strategy of the other party), but the latter is unconditional.<sup>22</sup> The conditionality of Pakistan’s restrictive asylum policy can be best seen in the statement by Major Sahibzada Mohammad Khalid, Joint Secretary (Refugees), Ministry of States and Frontier Regions (Ruiz 2001, 26), “If the international community commits to assisting those who are determined to be refugees, the government of Pakistan is prepared to permit them to stay.”

Conversations with officials from Pakistan and the UNHCR suggest possible motivations for the Pakistani asylum policy changes (Ruiz 2001, 26): economic woes that led to political demands for action by the government, the accumulated frustration with international donor fatigue, and the prospect of additional refugees from the worst drought in Afghanistan in 30 years. The narratives also mention two developments that might have played a role in the policy changes. The Taliban — originally a faction of the resistance to the Soviets that was later (allegedly) supported by the Pakistani government

(Goodson 2001, 81; Rubin 2000, 1791) – gained control over Afghanistan gradually from 1996 to 1999. Ruiz (2001, 38) reports that in December 1999,

*[Pakistani] Officials said that since the Taliban was now in control of most of Afghanistan and since most of the country was free of conflict, Pakistan no longer considered newly arriving Afghans to be prima facie refugees.*

Also, there was a change in leadership in Pakistan in October 1999, when General Musharraf came to power.

Those operating on the ground sensed that the behavior of Pakistan during this period was “strategic” in the game theory sense (Ruiz 2001, 27-8):

*A refugee noted that ‘the government of Pakistan can’t punish the Western countries for reducing aid, so it is punishing the refugees as a fund-raising technique, to try to get more international assistance.’ ... The head of an Afghan NGO said, ‘I think the government of Pakistan is playing a game to try to get more support from the international community.*

These impressions fit quite well within the framework of game 35 in Figure 3, where Pakistan wants to persuade the U.S. to accept its proposal (PG) instead of the status quo (PM), which is the position the U.S. brings to the negotiations. In searching for leverage to convince the U.S. to switch its strategies, Pakistan finds (after numerous futile efforts) that the prospect of mass refoulement finally elicits significant increases in assistance for the Afghan refugees. Unfortunately, it is impossible to tell whether Pakistan could have sustained PG as the ultimate outcome of game 35, for the events of 11 September 2001 intervened, bringing an end to the situation represented by game 35.<sup>23</sup>

## **Discussion**

How does it help to diagnose the configuration of interests behind a strategic interaction? Identifying the configuration provides a firm basis for comparisons across

crises. In refugee studies we see comparisons across crises, as illustrated by similarities between the Kosovo and Indochinese asylum crises in Barutciski and Suhrke (2001) and the contrasts elsewhere between the reactions by the international community to crises in Europe and Africa, but our approach gives more definition to the comparisons. As Brams (1994) notes, strategic interaction between two parties, each choosing from two strategies (e.g., permissive or restrictive asylum; modest or generous assistance), yields a total of 57 distinct games or situations. Our experience in applying strategic interaction methods to asylum crises suggests that these crises fall into a much smaller subset of situations, with the prisoners' dilemma (game 32) arising most frequently. The Kosovo and Indochinese crises were prisoners' dilemmas (Zeager 2002; Williams and Zeager 2004). The asylum crisis in Pakistan had a different configuration of interests (game 5 or game 35).

It seems that asylum crises with similar configurations of interests take rather similar courses. For example, the 1994 Cuban *balsero* crisis was a prisoners' dilemma (Zeager 2004), like the Indochinese and Kosovo asylum crises. Among the three crises, taking place in greatly varying cultures and regions, we find remarkable similarities. In each case there are violations of the 1951 Convention initially, yet a cooperative solution emerges relatively quickly, with the UNCHR having a minimal role in the "negotiations." The Pakistani situation had a different configuration, offering no prospect for cooperation initially (game 5), which may explain why the failure of cooperation lasted far longer in this case. Yet a highly objectionable *refoulement* by Pakistan transformed the situation into another configuration (game 35) that provided a possibility of cooperation. This situation was more like a prisoners' dilemma (game 32), yet not exactly the same.

In its attempt to elicit assistance, Pakistan jeopardized refugee rights. It is interesting to consider how the UNHCR might respond in future situations where a country of asylum pursues strategies as provocative as those used by Pakistan. Weiner (1998) describes two contrasting approaches: instrumental humanitarianism and monistic humanitarianism. The first approach weighs the moral issues together with the likelihood of success in alternative responses to a crisis. Barutciski and Suhrke (2001) illustrate this approach in their treatment of the Kosovo crisis, but also note that the states in that crisis took a mainly pragmatic or utilitarian view, in which moral issues played little role. The second approach derives its decisions from legal principles and blames moral dilemmas that occur on the international community (donors and asylum countries).<sup>24</sup> The second approach might be represented by Kjaerum (2001, 116-7), who argues that permitting a state to “make burden-sharing a legitimate precondition for opening borders to refugees in mass influx situations, when the reception of the refugees would pose a threat to the security of the state,” renders meaningless the right of refugees to seek asylum. Also, Einarsen (2001) envisions responses to crises derived from legal principles.

Instrumental humanitarianism permits tradeoffs between the objectives of protection/assistance for the refugees and avoiding *refoulement*. Thus, its proponents might temper criticisms of Pakistan closing its borders, but would be less likely to do so for mass *refoulement*, because the moral objections to *refoulement* are particularly strong within the international community. Proponents of monistic humanitarianism resist these tradeoffs. They would criticize Pakistan and the U.S. in both cases. They might consider what “measures *could have been taken* by the international community which *might have* precluded the need by humanitarian institutions facing the hard and often irreconcilable

choices that have been thrust upon them” (Weiner 1998, 447, italics in original). Such possibilities can be explored in confrontation analysis, because it is open to changes in the initial frame of reference (the relevant players and strategies open to them). For example, UNHCR might be able to alter rankings of outcomes in some cases by exercising moral suasion.

To policy makers facing moral choices between competing norms (assistance versus avoiding *refoulement*) that cannot be reconciled, Weiner (1998) proposes case reasoning along the lines used in medical ethics. Case ethics require outcomes research – what have been the empirical consequences of making one choice versus another in prior cases? Our diagnostic tools would allow outcomes research to focus on cases (situations) with the same configuration of interests (i.e., represented by the same game). Such cases would be the most germane to a decision maker facing a new situation and would offer a more secure foundation for making inferences about the likely outcomes associated with choices.

Thinking about the configurations of interests between the parties in asylum crises, and the feasible solutions they contain, raises an interesting question about the design of the international refugee protection regime. It is noteworthy that in the cases discussed here, the UNHCR was unable to elicit cooperation by the conventional means. Thus, an instrumental humanitarian could ask whether insisting on unconditional asylum undercuts international cooperation in some cases by taking negotiating leverage from the asylum countries. In light of the dwindling support from international donors since 1990, the question deserves deeper consideration.

A monistic humanitarian could respond by arguing that the logic of strategic interaction suggests that donor countries can also influence first asylum countries. By sharing the burden of asylum, donors could open doors that would otherwise close, with the Indochinese and Kosovo crises illustrating the possibility. Perhaps a similar case was developing in Pakistan in 2001, but the events of September 11 transformed U.S. interests in Afghanistan dramatically. Whatever might have happened in this case, it is clear that a monistic humanitarian would rather have donors exercise leverage by providing generous assistance than have asylum countries exercise leverage by restricting asylum, or even worse, initiating *refoulement*.

Finally, one might ask whether analyses of the kind presented here could be conducted as a crisis unfolds. We relied on narrative accounts to ascertain preferences for the key parties and reduce the set of possible situations to a manageable number, but one could rely on area experts during a crisis. The unfolding events should help rule out some configurations and perhaps identify one possibility that best captures the situation, as in the case of Pakistan. Confrontation analysis would then help to identify dilemmas that weaken proposals for cooperative solutions, which might be helpful in anticipating violations of the norms of refugee protection. Such insight could help to explain why particular crises prove intractable, and why the parties involved feel the need to take extreme measures. It might have prompted earlier recognition of the nature of the situation in Pakistan, which came belatedly according to Ruiz (2004, 13),

*Pakistani authorities resented what they saw as the international community's abandonment of the region after the Soviet withdrawal ... With hindsight, many in the international community recognize that Pakistan's increasingly harsh treatment of the Afghan refugees in recent years can be traced to that abandonment.*

The diagnostic tools presented here are not intended to substitute for seasoned experience. Instead, they provide a useful framework for assimilating the information such experience provides and for working through its implications consistently. Those using these tools would also have a firmer basis upon which to compare the experiences across different crises. Perhaps the knowledge gained by such efforts could help the UNHCR diagnose future crises more rapidly and respond with greater insight.

## **Conclusions**

In his discussion of exchanges between science and theology, Polkinghorne (2000) notes four ways to deal with intellectual borders (or frontiers): denial, conflict, sealing, and exchange. Denial treats all talk on the other side of a border as airy chatter. Conflict involves trying to take over the territory of the other. Sealing the border means ignoring what people on the other side are doing. Exchange is talking with people to the benefit of both sides. Researchers using strategic interaction analysis methods (classical game theory, TOM, or confrontation analysis), noting the absence of formal analytics in refugee studies, might regard it as airy chatter. Researchers in refugee studies, rejecting modern game theory as irrelevant or unrealistic, might fail to notice attempts to address their concerns. We make a case for exchange between the two fields in this paper and propose methods that allow each side to inform the other.<sup>25</sup>

We use the Afghan refugee asylum (and *refoulement*) crisis of 1997-2001 in Pakistan to illustrate methods for analyzing strategic interaction that are both practical and relevant to the concerns of policy makers in asylum countries, donor countries, and the UNHCR, but have received little attention in refugee studies. We have demonstrated

how these methods can penetrate beneath surface descriptions to see the configuration of interests and the dilemmas it generates for the parties involved. These dilemmas provide insight into the responses of the parties to the situation and the risks for violations of the 1951 convention. Confrontation analysis also offers a framework for analyzing feasible responses by asylum countries to a lack of donor support. It is helpful for developing a contingency plan for departures from the 1951 Convention by first asylum countries or donors, which have become more frequent in an era of restrictive policies by countries toward refugees. The methods are flexible enough to incorporate different ideas about how the UNHCR should respond in refugee crises, such as those described by Weiner (1998) as “instrumental humanitarians” and “monistic humanitarians”. Finally, TOM provides a framework for identifying comparable situations (similar configurations of interests), which would yield more reliable inferences in outcomes research about the likely consequences of choices facing decision makers in the situation at hand.

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## NOTES

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<sup>1</sup> The text of the 1951 Refugee Convention appears on the web site for the United Nations High Commissioner for Refugees ([http://www.unhchr.ch/html/menu3/b/o\\_c\\_ref.htm](http://www.unhchr.ch/html/menu3/b/o_c_ref.htm)).

<sup>2</sup> The reforms involved land redistribution and the creation of state farms in the Soviet style, elimination of mortgages and land indebtedness, as well as new limitations on age of marriage and bride prices (Fielden 1998, 465). Obviously, such issues were central to life in a rural society.

<sup>3</sup> Estimates of the number of refugees in Pakistan are rough approximations at best. Many persons escaped to Pakistan, perhaps to live with relatives, without ever officially registering as refugees. The undercount was offset, at least to some extent, by multiple registrations of persons trying to obtain larger food rations (Wienbaum 1994, 54).

<sup>4</sup> Iran, which shares a border with Afghanistan, eventually hosted nearly 1.5 million Afghan refugees. Yet, after the hostage crisis at the U.S. embassy in Tehran, cooperation between Iran and the U.S. was out of the question.

<sup>5</sup> The people living along the border between Afghanistan and Pakistan share common cultures, including languages and religious faiths, and many even hold dual citizenships (Fielden 1998, 464). Islamic tradition also includes obligations toward those who suffer persecution for the faith, originating in the refugee experience of the prophet Mohammed, who was driven from Mecca to Medina.

<sup>6</sup> Iran began to issue threats of refolement in the mid-1990s.

<sup>7</sup> RG could be interpreted to mean that the U.S. (perhaps along with other donors) establishes a “safe haven” in Afghanistan or transports the refugees for resettlement in another country.

<sup>8</sup> Suhrke (1998) offers an incisive analysis of the problems of burden sharing in refugee asylum.

<sup>9</sup> In game-theoretic terms, P is a dominant strategy for Pakistan.

<sup>10</sup> Note that the ranking for the “row player” always appears first in the parentheses.

<sup>11</sup> Hence, M is a dominant strategy for the U.S. and the donors it represents.

<sup>12</sup> More precisely, permissive asylum is a dominant strategy Pakistan, while modest assistance is a dominant strategy for the U.S., so PM is the dominant strategy equilibrium in either configuration, as shown in Figure 3.

<sup>13</sup> Brams (1994, p.218) also points out that the U.S. has a “compellent” threat in game 35. That is, it could commit to a modest assistance policy regardless of the strategy chosen by Pakistan.

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<sup>14</sup> Brams (1994) discusses deterrent and compellent threats. The essential difference between the two is that a deterrent threat is conditional, while a compellent threat is not. Thus, a player must switch strategies to implement a deterrent threat, but must commit to maintain its current strategy to carry out a compellent threat.

<sup>15</sup> Brams (1994, 165-170) also considers the possibility of misperceiving a payoff configuration within the framework of TOM. Moreover, his application to the Iran hostage crisis involves game 5 (called the “real game” in his case). He contends that President Carter’s mismanagement of the crisis stemmed from a misperception of the preferences for Ayatollah Khomeini, which led him to believe that the U.S. had threat power, when in the real game it had none. Our analysis differs in that it considers the possibility, suggested by confrontation analysis, that Pakistan could *alter* the payoff configuration by changing the interpretation of “restrictive asylum”.

<sup>16</sup> The rationale for this approach to strategic interaction is described more fully in Bennett and Howard (1996).

<sup>17</sup> Howard (1998), in the definitive presentation of the dilemmas, gives the following characterization of them: “Essentially, they consist of *configurations of strategies and preferences that ‘weaken’ otherwise attractive solution concepts* by depriving them of desirable properties” (italics in original). For example, the famous prisoners’ dilemma deprives the widely used Nash equilibrium (i.e., no party can improve its position by a unilateral move) solution of Pareto optimality (where it is impossible to improve the position of one party without worsening the position of another).

<sup>18</sup> This point is equivalent to the claim in TOM that game 5 is a frustration game with no possibility for escape by Pakistan.

<sup>19</sup> Classical game theory calls Pakistan’s threat “non-credible” in this case. That is, unless play is repeated (as TOM assumes), the costs of carrying out the threat could never be recouped later on.

<sup>20</sup> Pakistan also proposed a camp for (internally) displaced Afghans, funded primarily by international donors, which would correspond to the state RG.

<sup>21</sup> The U.S. has a compellent threat in both Figure 3 games. A compellent threat is by nature unconditional – it does not depend on Pakistan’s strategy. Thus, the threat does not involve switching strategies. This observation may explain the apparent lack of strategic moves by the U.S. during 1997-2001.

<sup>22</sup> For more formal definitions of deterrent and compellent threats, see Brams (1994).

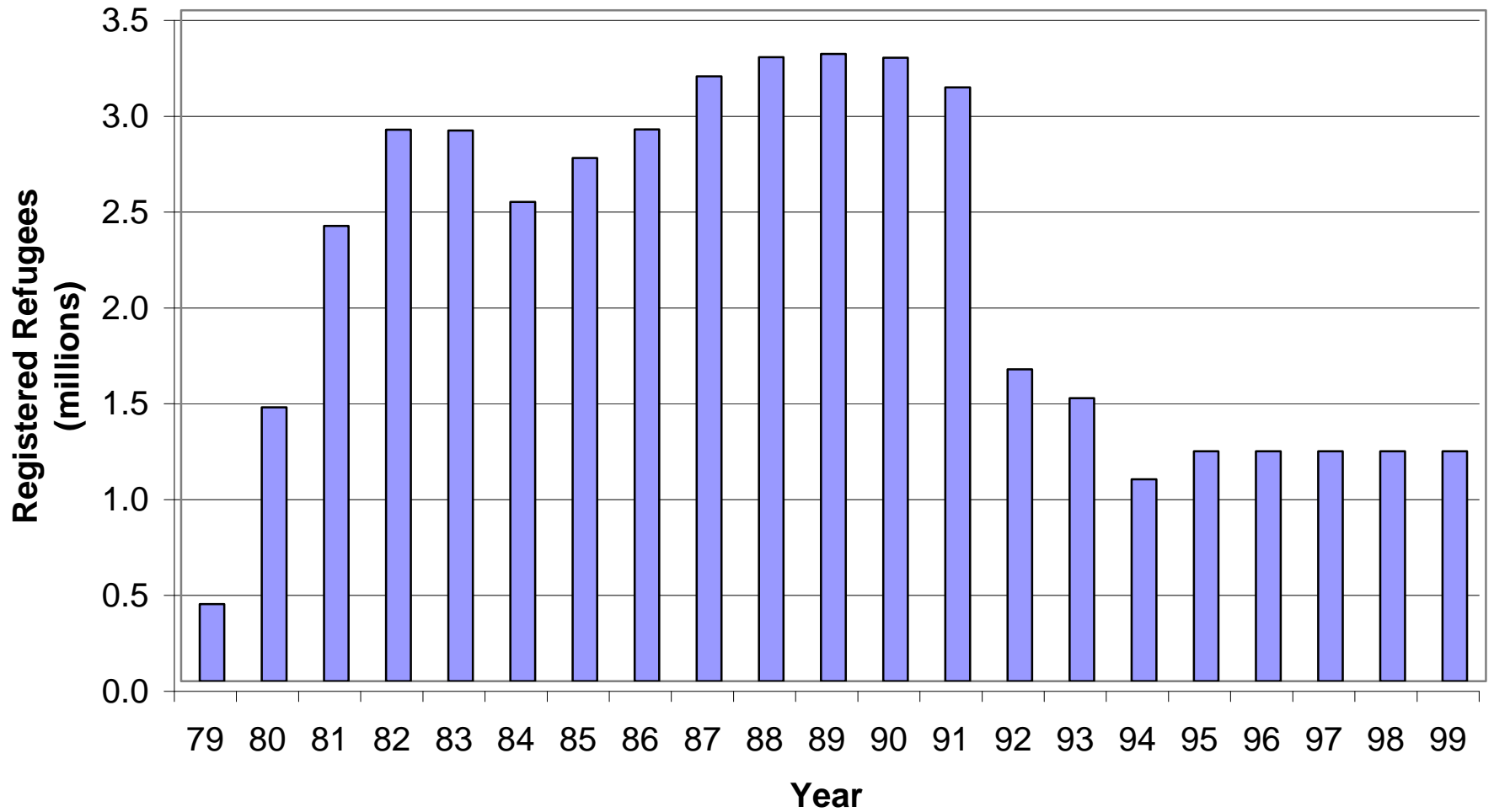
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<sup>23</sup> For example, the U.S. asked Pakistan to seal its borders to prevent Osama bin Laden and Taliban members from escaping into the western regions of Pakistan when U.S. forces invaded Afghanistan in October 2001.

<sup>24</sup> Barutciski and Suhrke (2001) describe a similar position, called “legal-maximalist.”

<sup>25</sup> Noll (2003) also sees the possibility for fruitful exchange between game-theoretic analysis and refugee studies.

**Figure 1:  
Afghan Refugees in Pakistan**



**Figure 2**  
**Generic Specification of the Afghan Refugee Situation**

		United States	
		Modest Assistance (M)	Generous Assistance (G)
Pakistan	Restrictive Asylum (R)	RM  (1, $y_{RM}$ )	RG  (3, 1)
	Permissive Asylum (P)	PM  (2, 4)	PG  (4, $y_{PG}$ )

Key: (x, y) = (ranking by Pakistan, ranking by U.S.); 4=best, 3=second best, 2=second worst, 1=worst

# Figure 3

## Possible Situations in the Afghan Refugee Negotiations

### Panel A: Game 5 (Modest Assistance is the Primary U.S. Goal)

		United States	
		Modest Assistance*	Generous Assistance
Pakistan	Restrictive Asylum	<i>Threat or Fallback<sub>P</sub></i> (1,3)	(3,1)
	Permissive Asylum*	<i>Position<sub>US</sub></i> (2,4)	<i>Position<sub>P</sub></i> (4,2)

### Panel B: Game 35 (Permissive Asylum is the Primary U.S. Goal)

		United States	
		Modest Assistance*	Generous Assistance
Pakistan	Restrictive Asylum	<i>Threat or Fallback<sub>P</sub></i> (1,2)	(3,1)
	Permissive Asylum*	<i>Position<sub>US</sub></i> (2,4)	<i>Position<sub>P</sub></i> (4,3)

Key:

(ranking by Pakistan, ranking by U.S.); 4=best, 3=second best, 2=second worst, 1=worst

\* Dominant strategy