

PEACE AGREEMENTS REFUGEE REPATRIATION AND REINTEGRATION

by

Howard Adelman

INTRODUCTION

There are literally hundreds of articles and books on the issue of refugee repatriation and reintegration. (See the bibliography.) To my surprise, I could not find one article that focused directly on the issue of either the impact of peace agreements on refugee repatriation and reintegration (rr&r) or the impact of rr&r on the formulation and implementation of peace agreements.¹ This assessment includes the most detailed and best case study of refugee repatriation to date, the North/Simmons (1999) volume on Guatemalan refugee repatriation.² To be fair, some articles and books refer to the issue, but the connection is not analyzed.

¹ Originally, the problem I was assigned was termed the issue of refugee *resettlement* during the implementation of a peace agreement. However, in the technical language of refugee studies, refugee *settlement* (cf. UNHCR 1995) refers to the temporary or quasi permanent settlement of refugees in countries of first asylum. Refugee *resettlement* is used generally with respect to moving refugees to third countries, most frequently the major countries of immigration. In order not to confuse refugee return to their home countries with refugee resettlement to countries of asylum, the problem is referred to as “refugee return,” or “refugee repatriation” when dealing with displaced persons from cross-border conflicts. “Refugee reintegration” is used when the issue encompasses more than just getting the refugees back to their home or homeland. For some authors, “repatriation” connotes organized return from above, while “return” “gives priority to the views, aspirations, and actions of the refugees and others who work ‘at the base’ in civil society to build peace, democracy, and human rights.” (North and Simmons 1999, 6) In reviewing the literature, I find no justification for the distinction, and have used ‘repatriation’ and ‘return’ interchangeably, while noting the centrality of the issue of the control of the process. Similarly, the suggestion is made that “reintegration” connotes assimilation into “the status quo ante” (North/Simmons 1999, 6). Though there is more justification for this implication than the distinction between repatriation and return, there is no other term readily available to refer to the process that occurs after the return stage. In fact, North and Simmons themselves end up distinguishing transformative reintegration from status quo reintegration, as much as they believe the term ‘reintegration’ connotes only return to the status quo.

² The North/Simmons 1999 volume, for example, focuses on the problems of Guatemalan refugee repatriation and the impact on and of political and human rights practices. They do write that, “although Guatemala’s peace accords addressed some land issues, comprehensive agrarian reform was not contemplated.” (1999b, 15) In effect, the peace accords undercut the possibility of transformative reintegration. Further, unlike virtually all other discussions of the relationship, they do attempt some explanation by attributing the rejection of agrarian reform sometimes to neoliberal ideology (1999b, 15) and at other times to entrenched economic and power interests supported by the military. Though these and other ‘explanations’ are not incompatible, since structural adjustment, as the authors contend, seemed to reinforce entrenched power, they beg the question. For there is no analysis of why the refugees, who were intent on the conjunction of return and transformation, accepted the exclusion of land reform as part of the peace agreement but, at the same time, agreed to return. By implication, the insecurity of remaining in Mexico seemed to outweigh the degree of insecurity that faced the refugees upon return, especially when they were promised land if and when they returned. When the equation was reversed, especially when Mexico granted residency status in 1996, and the land promised did not materialize, the flow back dried up.

The absence of such analysis is doubly surprising since it is part of conventional wisdom of most writers on the refugee issue that there is a necessary connection between forging and implementing a peace agreement and ensuring the return and reintegration of refugees. Peace depends on the successful repatriation and reintegration of refugees, and every peace agreement must provide for rr&r, or so it is widely believed. (UNHCR 1989b; Suhrke and Zolberg 1989; Zolberg et al 1989; UNHCR and UNDP 1990; UNHCR 1992; Espiell et al 1999)

For example, in the late 1980s, the Esquipulas Accords³ claimed that there would be, “no lasting peace without initiatives to resolve the problems of refugees, returnees and other displaced persons.” (Ferris 1991) Just over ten years later, in the African context, the intimate connection between peace accords and rr&r was reiterated, but with a slight twist. Rr&r were said to be signs that peace was in process.

Distinctions between four positions (what I will call Soft①, Soft②, Hard① and Hard②) on the relationship of implementing peace agreements to the repatriation of refugees may be helpful. There is a difference between the view that refugee repatriation is a sign of the movement towards peace and the conviction that there is a necessary connection between refugee repatriation and peace. The first espouses a soft connection. The second espouses a hard connection between peace and repatriation. The former is exemplified by the following: “The return and reintegration of people who have been uprooted or affected by violence is an important manifestation of the process whereby national protection is restored and human security reinforced.” (Crisp 1999b, 3)

But this position (which I have labeled Soft②) must be distinguished between an even softer position (Soft①). In Soft②, the issue of rr&r is a manifestation of peace. In Soft①, resolving the refugee issue, however it is solved, is a manifestation of peace; refugees need not be repatriated and reintegrated. Thus, in Soft②, the issue of rr&r must be addressed in a peace agreement. In Soft①, only the resolution of the refugee issue needs to be addressed in a peace agreement.

However, the hard view remains the overwhelming conviction and presupposition of those who connect refugee repatriation to the implementation of peace agreements. Resolving the refugee and displaced persons issue appears to be a core element in the terms and successful implementation of a peace agreement. As one scholar summarized the belief:

One of the goals of modern peace accords is to create a stable environment for the return of refugees. The United Nations High Commission for Refugees (UNHCR) has identified the following dangers, problems and uncertainties which *must* (my italics) be addressed in order to facilitate the repatriations (sic!) process: Physical security; social and psychological security; legal security; and material security. [UNHCR 1997] Ideally a peace accord should address each of these problem areas. (Watkin 1998, 120)

³ More properly, the Esquipulas Accords of 7 August 1987, formally titled, *Procedure for the Establishment of a Firm and Lasting Peace in Central America*.

The hard relationship between peace agreements and rr&r can be disaggregated into two different positions: hard① and hard②. In hard①, peace and refugee repatriation are necessary conditions of one another. In hard②, they are viewed not only as necessary conditions of one another, but causes of the other happening. That is, refugee repatriation and reintegration are not only necessary conditions of peace; they help bring about that peace. On the other hand, peace is not only a necessary condition of rr&r, but is a cause of rr&r.

Soft①

1. Resolving the refugee issue is a sign that peace is really in place.
2. In a proper peace accord, the refugee issue must be addressed.

Soft ②

3. Successful rr&r is a sign that peace is really in place.
4. Hence, the issue of rr&r must be addressed in a proper peace accord.

Hard①

5. Unless there is rr&r, there will be no lasting peace.
6. Peace is a necessary precondition for successful rr&r.

Hard②

7. Refugee repatriation alone is an essential element in the social construction of peace.⁴
8. Peace is a cause of successful refugee repatriation.

I, personally, have studied refugee issues for many years and written extensively on the subject. I always assumed that there could be no real peace without dealing with the refugee issue. My studies of Palestinian refugees, however, did not lead me to believe that refugee repatriation and reintegration necessarily had to be a part of a peace agreement. The refugee issue, however, could not be ignored. There would be no permanent peace unless the refugee issue was addressed as part of the peace agreement.

I have clearly been an extreme softy (Soft①) on the relationship between peace and refugee repatriation. The most important reason could be drawn from the Palestinian and other cases. If a solution were not found for the refugee issue, there would be a good chance that refugees would evolve into refugee warriors, perpetuating a cycle of violence. (cf. Zolberg et al 1989; Khiddu-Makubuya 1994; UNHCR 1995; Gibney et al 1996; Adelman 1998b) If the refugee issue is not resolved successfully, the refugees may resort

⁴ Stepputat (1999) argues that the Guatemalan refugee repatriation, “has been demonstrated to have contributed to the social construction of peace and the development of a ‘common discursive framework’ which includes the extension of a network of modern rationalities through which techniques of government work.” (223-224) He furthermore argues that repatriation is crucial to the reconstruction of civil society as well. On the other hand, Lovell (De Villa and Lovell 1999) argues that that long-term permanent peace is jeopardized by the failure to provide for extensive land reform in the peace agreement. “The fundamental issue of unequal ownership of land, however, can be resolved only if it is actually addressed. If it is not, then the peace that has supposedly been signed into being in Guatemala may prove neither firm nor lasting.” (p. 54) It is not the refugee repatriation, but the conditions for repatriation, that ensure long term peace according to Lovell. This is even a harder position than Hard② depicted above.

to violence directed at their former enemies and/or the government. At the very least, they often resort to violent criminal activity. For example, in the Lebanese civil war, refugees, and later the displaced, were the source of recruits for the militias that destabilized the state. “The strongest militias recruited their members from among the refugee peoples who were themselves the product of the Lebanese Civil War and other Middle Eastern wars.” (Beyhoun 1994, 16) This was also true of the disaffected and unemployed youth in Somalia. Similarly, in Bosnia, refugees, supported by the respective receiving states, were recruited and mobilized into military units. (Lischer 1999) But the connection between peace and repatriation meant that the refugee problem had to be addressed, not that the refugees had to be repatriated.

This paper provides evidence that the hard positions (either ① or ②) are not supported by empirical facts. Rr&r are neither necessary nor causal conditions of peace. Peace is neither a necessary nor a causal condition of successful rr&r, however counter-intuitive that may first appear. Even the Soft② position is not supported by the evidence. This does not mean that rr&r cannot be an important aspect of some peace processes and, in fact, serve as signs that peace is in process. But peace may be in process without rr&r. Rr&r need not even be a manifestation of peace.

However, this chapter makes the claim that even my former Soft① position is incorrect. A peace agreement need not even address the refugee issue.⁵ Further, however horrifying this may appear to we refugee scholars, there can be peace without the refugee issue even being addressed. It may be that the refugee issue cannot be left in limbo otherwise refugee warriors will develop. But as long as the refugee issue is solved one way or another, sometimes quite independently of the peace agreement, the refugee issue need not even be addressed in a peace agreement.

This descriptive conclusion impacts on the issue of whether refugee repatriation, or even just the refugee issue, *should* be addressed in peace agreements. That the issue *should* be addressed is an assumption probably shared by the organizers⁶ of a broad ranging comparative study on “Implementation of Peace Agreements in Civil Wars” for which this study was commissioned.⁷ This paper will raise the question of the relationship of rr&r to peace agreements. It will also ask whether provision for refugee repatriation (and reintegration), or even just the resolution of the refugee problem, however it can be solved, need necessarily be part of peace agreements.

⁵ This deconstruction of the supposed link between peace agreements and repatriation parallels the deconstruction of the link between repatriation and development that Gasarasi (1996) performed.

⁶ This study is part of a joint project between the Center for International Security and Cooperation (CISAC) at Stanford University and the International Peace Academy (IPA). The co-ordinators of the study are Elizabeth Cousens, Director of Research at IPA, Stephen John Stedman, a senior Researcher at CISAC, and Professor Donald Rothchild of the University of California at Davis.

⁷ The study team included 31 scholars (some performing double duty) as well as a number of practitioner commentators. The study originally included 18 case studies of civil wars and 17 papers on thematic issues of which the refugee repatriation and reintegration issue was one. Since peace and war rather than refugee issues were the principle concerns of the organizers, the original topic assigned was called resettlement of refugees, a term usually reserved in the technical vocabulary of refugee studies to settling refugees in third countries remote from the civil war.

PART I - PRELIMINARIES

Basis for this Study

In addition to analyzing the 15 case studies of civil wars and the peace agreements related to them, as well as the intimate knowledge I myself have of three of them, I also read an extensive number of other papers on refugee repatriation. These included both general thematic studies as well as studies of specific cases, a number of which followed the cessation of hostilities in other regions than those covered by the case studies of the project.⁸ In addition, I have had the input both of practitioners who have read and commented upon previous drafts of this paper as well as of the case study and thematic authors who were part of the overall project.

This paper has been through three major redrafts. They were not merely rewritten and edited versions of earlier drafts, but complete reconceptualizations based on the knowledge and inputs on the earlier drafts and the draft versions of the case studies. The results are the product of the intercourse between two closely related fields – conflict and refugee studies within the field of international studies.

Definitions

Refugees, as used here, are defined as persons who cross the border of the country in which they normally reside because of either persecution (as defined in the refugee convention) or, more broadly, to escape the perceived threat of violence from a conflict underway.⁹ Displaced persons flee their homes for the same reason, but do not cross an

⁸ Niger 1970-71, Bangladesh 1971-72, Sudan after 1977, Guinea Bissau 1975-77, Zaire 1978, Zimbabwe 1980, etc.

⁹ In ordinary language, virtually anyone displaced, inside or outside the political borders, is generally referred to as a refugee. However, according to Article I of the Refugee Convention, only those with a well-founded fear of persecution on the basis of race, religion, nationality, membership in a particular group, or political opinion who have crossed an international border are “genuine” refugees. (Goodwin-Gill 1996) On the other hand, from the political science literature, and for most observers, the convention definition is far too narrow. Most refugees are simply those who flee violent conflict and cross an international border. (Zolberg et al 1989) These are generally referred to as Humanitarian as distinct from Convention Refugees. The application of the Convention Definition in policy and case law has created a huge literature in its own right related to both the objective and subjective factors (the perceptions of risk). Are these to be assessed only with reference to the past or also with respect to the future or only the future? With respect to the objective factors, must those fears be ‘well-founded’, generally referring to the assessment of the risk *to a particular individual* of persecution on return? (Cf. Carlier et al 1997) Implicit in such references are issues of human rights. But are cases of forced abortion (China) and forced female circumcision “persecution”? Should refugee law be subsumed under human rights law? (Hathaway and Dent 1995) Further, there are enormous numbers of procedural issues - wherein lies the burden of proof and to what standard - the claimant establishing the proof, the balance of probabilities or the benefit of doubt given to the claimant - and who and under what circumstances is the assessment to be made? How are the grounds to be interpreted? I only hint at the vast number of issues within the legal definition alone, which is inherently narrow relative to the whole problem, to indicate why a legal definition is of virtually no relevance when refugee return and peace agreements are the issue. Further, the humanitarian definition itself could be considered too narrow once concepts like environmental, developmental and economic refugees are

international border. Though displaced persons are discussed in this paper¹⁰, this study focuses on refugees who flee violent conflict and cross an international border¹¹ and, thus, pose a political problem for neighboring countries and the international community as well as a humanitarian problem.

Specifying the group of refugees is another problem. In one conflict, say the one in Rwanda, are the refugees to be defined as Tutsi refugees when referring to those who left between 1959 and 1966 or Hutu refugees for those who left following the genocide in 1994? In the former case, there were also Hutu who were forced to flee. In the latter case, some Tutsi also chose to leave Rwanda. Between these two periods, democratically inclined Hutu had also become refugees. But in the respective cases, Tutsi and Hutu overwhelmingly predominated. However, in Rwanda currently, referring to its citizens as “Tutsi” or “Hutu”, even in the past, runs counter to the ideology of the current government that wants to obliterate Tutsi/Hutu distinctions as an ‘artificial’ source of conflict. Further, designating the refugees in the exodus of 1994 as “they fled because they were Hutu. But calling them extremist Rwandese misrepresents the fact that many innocent people, who honestly believed that they had much to fear from the victory of the “Tutsi-led and dominated” victors, were among the exodus.

To take another case, refugees from the Old Mandate of Palestine were called Palestinian refugees, referring to the territory from which they were deprived of their homes or livelihood, and, therefore, included Jews as well as Arabs. The referent “Palestinian” refugees by 1960 came to refer only to the Arab refugees (Adelman 1987, 1994a, 1996, 1997b), and in a terminology that helped define their distinctive nationality in opposition to some pan-Arabists and some Zionists who denied a distinctive Palestinian identity.

Naming the refugees is a politically loaded exercise¹²; neutrality is virtually impossible, but sensitivity is not. This is even more important, of course, in peace negotiations than in academic scholarship.

introduced. If one tries to define refugees in terms of “root causes”, does one get into “developmental” and “environmental” refugees, or even give up on resolving a refugee problem on its own if the root causes are traced to globalisation and the new economic order? (Richmond 1994) But even some narrower definitions are far too broad for our purposes. According to the UNRWA definition of a refugee from Palestine, anyone who lost their home (they may have moved down the block into a cousin’s home) **OR** means of livelihood - they may not have been displaced from their home at all, merely from their work - is a refugee. Some limits must be drawn on who is a refugee - according to when they left, under what circumstances, and what they have been doing since their departure. On the other hand, “refugee warriors” - those who cross a border and take up arms against the regime from which they fled - are not defined as refugees by humanitarian agencies, but are central to the refugee problem in peace agreements.

¹⁰ In that regard, I apologize in advance for contributing to the fact that the “issue of displaced persons is one of the least discussed aspects of the international refugee regime.” (Zahar in Lebow, fn. 58, 38)

¹¹ The definition most closely resembles the one developed in the Zolberg *et al* now classic study, *Escape from Violence* (1989), but excellent discussions of the issue of definition can be found in Melander (1986) and Carlier (1997).

¹² The labeling problem discussed here is quite distinct from the one Roger Zetter undertook. (“Labelling Refugees: Forming and Transforming a Bureaucratic Identity,” *Journal of Refugee Studies* (1991, 4:1, 39-62) He analyzed conceptual tools and consequences of the use of the term ‘refugee’ rather than the depiction of which people are refugees.

The issue is not only what you call the refugees, but also how you describe them. In the case of the Guatemalan civil war, the labeling of refugees as subversives stopped evidently in 1986. This cessation was a factor that made refugee repatriation possible.

There is also sometimes a problem of specifying the country to which or from which the refugees fled (Burma or Myanmar). In the case of Congo-Brazzaville, the refugees who fled the Congo mostly fled into the Congo - the Democratic Republic of the Congo, formerly Zaire, and, before Mobutu, the Democratic Republic of the Congo. We will generally follow the custom of referring to the names used at the time the refugees fled from or into a territory, but this practice does not help when the refugee flight or return takes place over a period of one or more country name changes.

Repatriation of refugees entails the return from a host country, either one neighboring the state from which the refugee fled or a more remote country in which the refugee received some form of temporary or permanent asylum. The focus, however, is overwhelmingly on refugees repatriated from neighboring countries whether or not they live in refugee camps.

Though refugees may return to their homes, repatriation does not necessarily entail return home but only return to one's homeland. This is a final bit also an important distinction to make.

Stages of Repatriation and Reintegration

Repatriation and reintegration can be considered as part of a continuum. Within the repatriation stage, Preston (1998, 25) distinguishes three following phases: the preparation for return; the process of return itself; and the reception and arrangements for integration *immediately* upon arrival.¹³ The most important issue discussed concerning the *preparation* phase is the availability of accurate information to allow refugees to make an informed decision about repatriating. (Koser 1993, 1997)¹⁴ The main contentious issues connected to the *process of return* are related to whether the repatriation was or was not voluntary and was or was not organized by the international community. Other issues concerning the process include its management – the logistical arrangements for transport and the provision of food and health service and even security while the refugees are in transit or just when they arrive at their point of destination.

¹³ For a more legal discussion of the issue of repatriation, see Hathaway (1997b).

¹⁴ In the case of the return in Mozambique, Koser noted, for example, that the information survey of the refugees conducted by UNHCR was very flawed in not asking when refugees wanted to return, under what conditions and who should decide whether the time was ripe for return. Further, the response was clearly different depending on whether people lived in villages, camps or mixed facilities. Koser determined that the information on conditions of return were inadequate. Further, no account was taken of the different responses dependent on age and gender of the one surveyed.

With respect to the third phase, the focus on the arranged conditions *immediately* upon arrival distinguishes repatriation from reintegration.¹⁵

Return to one's homeland is the end of the process of repatriation but the beginning of the process of refugee reintegration. Reintegration refers to the process of reestablishing oneself economically, socially and psychologically in safety and dignity after having been repatriated.¹⁶ It is most often linked with the bountiful literature on refugees and development aid.¹⁷ There are mines to clear, homes to be rebuilt, planting to be restarted, livestock acquired, and sanitation systems and access to markets need to be re-established. Further, some return to areas in which the conflict continues in spite of peace elsewhere. There is also the established adage that returnees should not be privileged in the aid they receive relative to those who did not flee, so development programs following peace agreements have to take those who did not move as well as refugees into account.

Material integration is only part of the problem. The returnees must be socially, politically and psychologically integrated. Though repatriation may be considered to have been successful merely because the refugees returned, the reintegration may be unsuccessful.¹⁸ Finally, efforts at rehabilitation and reintegration may just be a cover for the involuntary character of a process of refugee repatriation.¹⁹

With respect to the latter issues, there is the problem of reintegrating exile cultures acquired when old case-load refugees return.²⁰ Even refugees who have been

¹⁵ There are political and human rights issues as well as material conditions necessary for successful reintegration that are often not taken into consideration when the goal is simply repatriation. (Cf. Stein 1992)

¹⁶ USCR 1991, UNHCR 1992b and Hansen et al 1993, in their respective studies of Cambodian repatriation, all argue that only once the overall human security situation is settled, only then does the focus shift to housing, employment opportunities, health services, sanitation, etc.

¹⁷ For example, see Adelman and Sorenson 1994; Black and Koser 1999; Gambari 1995; Gorman, who has written the most extensively on the topic, 1984, 1987, 1991, 1993a, 1993b, 1994.; Hogg 1996; Lamb 1987b; Macrea 1999; Manz 1988; Preston 1999; Sorenson 1994; and Stein 1991, 1994, 1997. For a general discussion of the theme, see Crisp (1999) and his analysis of the issue in the context of the reintegration of refugees in the Great lakes district of Africa.

¹⁸ Eastmond and Öjendal 1999, 32, document that this was the case with respect to Khmer returnees.

¹⁹ The Danish Refugee Council 1988 study of the repatriation of Tamil refugees made this point. See also Jambor 1990; Khoa 1990. Many other studies are simply sceptical of the voluntary character of most return processes. (Vann 1989; Robinson 1991; Ruiz 1994)

²⁰ Culture here refers to modes of social and cognitive processing relative to thought and social action. (Cf. Kevin Avruch, *Culture & Conflict Resolution* 1998, Washington: USIP) Culture then is not an established pattern, but a realm where contending value orientations, perceptions and operational modalities fight for priority. (Cf. Charles Nuckolls *Culture: The Problem That Cannot Be Solved*, Madison: University of Wisconsin Press, 1998) Some authors go further and divide humans into two fundamentally different cultures, a culture of assent towards the status quo and a culture of suspicion. (David Bronwich, *Politics by Other Means*, New Haven: Yale University Press, 1994, 126) Whether psychologically rooted in attitude at a very deep level or subject to transformative forces, culture seems to embrace both dispositions. On the one hand, culture refers to a shared view of human nature (Philip E. Divine, *Human Diversity and the Culture wars: A Philosophical Perspective on Contemporary Cultural Conflict*, Westport, CT: Praeger, 1996) On the other hand, culture is not fixed but is malleable.

away for a relatively short duration (under ten years) often acquire new attitudes and skills as well as new fears that complicate the process of reintegration. (Akol 1987; Crosby 1999) The acquisition of new skills and principles was particularly true of women who may learn principles of equality and rights that they may try to apply during their experience in camps and upon their return. (Crosby 1999) The latter may be a source of conflict upon return.

Further, the refugees may have endured very different traumas than those who remained behind. Those with criminal pasts prior to or acquired in the camps must be separated from the remaining population if they are not to be allowed to terrorise the returnees as well as the local population. At the other end of the spectrum, the refugees may be catalysts for social transformation. In response, the local authorities principally responsible for any reintegration process may limit the political reintegration of the refugees to restrict the political space in which those returnees can operate.²¹

Clearly, repatriation and reintegration of refugees are complex rather than simple problems. Connecting these issues with the implementation of peace agreements compounds the analysis further. The problem will require paying attention to all the nuances of the case studies while keeping in mind a number of major thematic issues as well.

Key Questions

As the project developed, I expanded the original small set of questions to a more refined and even more specific list.

1. Were refugees a cause of the civil war?
2. How many refugees were products of the civil war in both absolute numbers and in relation to the internally displaced population and the total population of the state?
3. Did the refugees flow out in different stages?
4. What was the age of the refugee population (not of the individuals within that population)?
5. Were refugees a motivation for mediation and/or intervention by outsiders in the civil war?
6. Was provision made for the a) repatriation and b) reintegration of refugees in the peace agreement?
7. How many refugees repatriated and what proportion of the original population of refugees were the refugee returnees?
8. Did any refugees repatriate prior to the signing of the peace agreement, and, if so, what proportion were they of the returnee refugee population?
9. Could the agreement itself be said to be a cause of the refugee repatriation?
10. Did the refugees repatriate spontaneously or were they part of an organized return?
11. To what degree was the decision to repatriate (or not) a product of:
a) refugees deciding themselves;

²¹ Taylor (1999) claims that the military and elites in Guatemala succeeded in undermining the transformative programs of the returnees by keeping the population ignorant of the terms of the agreement, intimidating those who act to defend human rights, and by demonizing the returnees. (pp. 146-8)

- b) an organization of refugee warriors;
 - c) host country inducement or coercion;
 - d) home country inducements or coercion;
 - e) IGO decisions and/or actions;
 - f) pressures and inducements by extra-regional states?
12. To what extent did the following factors affect the process of repatriation:
- a) prior planning;
 - b) information made available to the refugees;
 - c) transportation available to the refugees;
 - d) security for the refugees i) in transit ii) upon arrival home;
 - e) health services and food available i) in transit ii) upon arrival home?
13. Did refugees repatriate to homes or just to the home country? To what degree?
14. Did refugees repatriate to areas free of violent conflict, and, if so, was violent conflict still underway in other parts of the country when the refugees repatriated?
15. In the reintegration phase, to what degree, if any, were the following issues significant in the success or failure of refugee reintegration:
- a) property ownership;
 - b) employment;
 - c) psychological factors (e.g. dependency syndrome after living in refugee camps for a number of years);
 - d) social factors;
 - e) cultural factors based on i) knowledge acquired while refugees ii) ideology iii) ethnicity, and iv) simple suspicion of strangers;
 - g) legal and human rights factors?²²
16. If the implementation of the peace agreement failed, were the issues of refugee repatriation and reintegration factors in that failure, and, if so, why?
17. If the implementation of the peace agreement was assessed as successful, was the issue of refugee repatriation and reintegration a factor in that the:
- a) refugees were repatriated;
 - b) refugees were repatriated successfully;
 - c) refugees were reintegrated;
 - d) refugees were reintegrated successfully,
- and, if any of the above were not factors, why not?
18. To what degree, if any, were the following organizations mandated to take responsibility for refugee repatriation and reintegration, and to what degree were they responsible for the success or failure of the refugee repatriation and reintegration process:
- a) IGOs;

²² Arthur Helton, as might be expected from someone who has spent all his life stressing the role of human rights in refugee protection, argues for the unique role of NGOs in providing human rights protection for refugee returnees. He emphasized this aspect with respect to the Cambodian refugee repatriation effort. (1991) However, the failure of human rights protection, and of NGOs in ensuring that protection with respect to the Khmer returnees, ended up not being a critical factor in deeming the repatriation of 370,000 Cambodian refugees a success. Helton (1992b) made the same case for the return of 270,000 Myanmar Muslims in Bangladesh. But Asia Watch (1992b) demonstrated how Helton's human rights hopes turned into a human rights nightmare when the political and security conditions were not in place. Thus, repatriation can be successful even when reintegration is not and human rights protection is effectively ignored.

- b) NGOs;
 - c) Host states;
 - d) Home states;
 - e) Extra-regional states;
 - f) Refugees themselves;
 - g) Peacekeepers?
19. Is the type of war a factor in whether refugees repatriated successfully or not?
20. To what extent is the success or failure of refugee repatriation a product of a) security issues; b) political issues; c) reintegration issues?
21. If the peace agreement was not successfully implemented, to what degree, if any, were refugees responsible in some way for that failure?
22. What were the consequences for failure in terms of human misery, crime and violence?
23. From such an analysis, what are the relevant policy strategies that can be learned with respect to refugee repatriation and reintegration as one set of factors in a peace agreement?
24. Does the study have anything to contribute to larger or meta-issues in refugee scholarship beyond peace implementation, such as:
- a) refugees as a product of the modernization process;
 - b) the right to return;
 - c) state sovereignty versus refugee rights;
 - d) voluntary repatriation?

PART II – REPATRIATION AND PEACE ACCORDS

The Marginality of Refugee Repatriation to Peace Accords

Of fifteen case studies of civil wars that were part of the project, the draft articles in almost half of the cases (7) indicated that the refugee issue was totally marginal to the outcome of the peace agreement. Little attention was paid to the issue of refugee repatriation in the scholarly case studies of peace implementation with respect to Angola, El Salvador, Lebanon, Liberia, Sierra Leone, Somalia or Sri Lanka, though the agreements sometimes made provision for the repatriation of refugees and the reintegration of all returnees. This contrasts with the optimism concerning the role of repatriation at the end of the eighties. (Feitsma 1989) At that time (and I believe it is still the case), repatriation was deemed best solution for most refugees. Further, repatriation was also seen as critical to achieving peace. The connection between peace and repatriation was a factor leading to 1992 being declared the year of refugee repatriation. It is thus no surprise that there is a presumed intimate connection between refugee repatriation, peace agreements and their implementation.

However, there seems to be no necessary connection between refugee repatriation, peace agreements and peace. In the Mozambican civil war, a proposal was made to include repatriation as a major part of the peace agreement; it was rejected in the peace negotiations. (Cf. Zieck 1997, 362; UNHCR “Report on Mozambique, South Africa and Malawi, 4-12 February, 1992, note 139.) Yet, Mozambique is considered to

have been one of the few successful peace agreements to end a civil war. Further, in this and two other cases – Guatemala²³, and Nicaragua as well as Mozambique – scholars make clear why refugee repatriation was not essential to the success or failure of the peace agreement. Many refugees repatriated prior to the signing of the agreement.²⁴ Even after the peace agreement was signed, return depended on implementation of certain key factors of the agreement, particularly the provision of security.²⁵ Further, in the long term, the key factor for many commentators was not the refugee repatriation itself, but land and political reform.²⁶

Sometimes refugee repatriation and peace are conjoined. In the case of Namibia, under the provisions of the peace agreement worked out between 1978-88, all refugees were to be welcomed back in to the country at specific entry points. In this and two other of the remaining five cases, where the repatriation was central rather than apparently marginal to the implementation of a peace agreement, the repatriation was intimately and directly tied to the success of the election or referendum provided for in the agreement. Refugee repatriation was not a goal in itself but a means of establishing a legitimate successor government. This was the case in Cambodia, where subsequent events subverted the results. It was certainly the case in Namibia. And in Western Sahara, the determination of the membership of the polity was the central issue in order to determine who was eligible to vote in the referendum on independence. Sorting out that issue was, for the longest time, considered a precondition for the return of the refugees.

In only two agreements could the return of refugees in itself be considered a central issue in the peace agreements. In Bosnia-Herzegovina, refugee repatriation was at the heart of the agreement. Yet the majority of the refugees were not able to return to their homes if those homes were located in areas where the returnees would be a

²³ Stepputat (1999) argues that, “Repatriation came to constitute an important element of the peace negotiations and a central element of *international involvement* (my emphasis) in the peace process in Guatemala, as it did in Central America.” (212) In other words, refugee repatriation becomes an important issue in peace negotiations, not because repatriation is essential to the achievement of peace, but because the issue is important to the international interveners.

²⁴ With respect to Guatemala, “Refugees gradually began to return as the peace process evolved. At first the numbers were small, since those returning were still largely viewed as enemies of the army. Following the signature of accords between the Permanent Commissions of Guatemalan Refugees in Mexico (known by the acronym CCGP) and the government of Guatemala in October 1992, the numbers returning increased, yet the return remained troubled by continuing human rights abuses and scarce evidence of deep transformations that would assure political freedoms, personal security, economic well-being, and respect for indigenous cultures.” (North and Simmons 1999b, 4)

²⁵ In Guatemala, “The slow pace of return was due in large part to concerns about the security of the refugees... The problems faced by refugees wishing to return to their former positions and lands within cooperative communities applied both to those returning to Petén and those returning to Ixcán. In both areas the returnees were often met with open hostility and distrust on the part of local military authorities and other residents.” (Egan 1999, 104)

²⁶ “(T)here are many good reasons for believing that the economic problems of Guatemala and other Central American countries cannot be solved without first, or at least simultaneously, addressing problems of equity, social development, and democratization in order to build the peace required for sustainable economic growth.” (North and Simmons 1999c, 288)

minority. Yet the peace – in the sense of an absence of resumption of the civil war – held.

In Rwanda, the war continued after the breakdown in the peace agreement, a central issue of which was the return of the refugees. Those refugees did repatriate because of who won and not because of the peace agreement. Further, another even larger group of refugees (almost one and one-half million) was produced in the renewed conflict. Separating those refugees from the ex-government forces that controlled them became the new problem.

The relationship in the studies between repatriation and peace agreements can be summarized as follows:

<u>Relationship</u>	<u>Number of Cases</u>	<u>Cases</u>	<u>Explanation</u>
Repatriation Marginal	7	Angola El Salvador Lebanon Liberia Sierra Leone Somalia Sri Lanka	None See note below None None None None None
Disjunction	3	Guatemala Mozambique Nicaragua	Occurs before and long after; Reintegration rather than repatriation critical
Conjoined	3	Cambodia Namibia Western Sahara	related to legitimization of government
Central - not carried out - carried out	2	Bosnia Rwanda	reestablish multi-ethnicity

Note that only in one case – that of Rwanda – was the issue of refugee repatriation central to the peace agreement as a goal in itself. Yet in that case, the refugees were eventually repatriated in spite of the breakdown of the peace agreement. Further, the new refugees created by that breakdown were themselves repatriated, not by a peace agreement but because of a new war.

In almost all the cases where the authors by implication and inattention considered the refugee issue marginal to the success of the peace agreement, no

explanation was offered for that marginality. Chuck Call's study of the peace agreement ending the El Salvador civil war was the exception. He explained the marginality of the refugee repatriation issue in that case by two factors:

First, many refugees residing legally or illegally in the United States during the war sought and were able to remain there. Despite highly politicized immigration policies which denied the vast majority of applicants political asylum during the 1980s, specific U.S. laws and evolving immigration policies eventually permitted the majority of Salvadoreans resident in the United States to remain through the peace process. Second, the majority of the refugees in neighboring states and IDPs within the country were either repopulated (sic!) or resettled *before* the end of the conflict. Beginning in the mid-1990s, for a variety of political, strategic and humanitarian reasons, the government, FMLN-affiliated non-governmental organizations and international agencies supported the closing down of camps containing displaced persons and refugees. By 1991 almost all were closed or nearly empty. Though many of these persons did not return to their places of origin, they were resettled in places and circumstances which left them fewer incentives and/or resources to return home after the conflict. In short, most of the resettlement programs normally seen after the war occurred *during* the Salvadoran conflict. (pp. 9-10)

In other words, the refugees did not need to be repatriated either because they were permanently settled elsewhere or because many had repatriated prior to the signing of the agreement as had been the case somewhat in three of the other civil wars – Guatemala, Mozambique and Nicaragua. Therefore, rather than the peace agreement being a condition of refugee repatriation, some refugee repatriation and *the non-repatriation of most refugees* could possibly have been conditions making the implementation of peace easier.

In general, first drafts of the case studies overwhelmingly gave the impression that the refugee issue was **not** central to either the success or failure to implement the peace agreement even in the two cases where the refugee issue was central to the war itself. In some cases, most peace agreements were silent on the issue of the repatriation of refugees. (Liberia) In other case studies, the study itself is silent on whether the agreement even made any provision for refugees. (Sri Lanka) Even in cases where the agreements and studies both mention repatriation of refugees (e.g. UN Resolution 814 re Somalia), the case study provides no analysis of its import, consequences, etc. Where discussion is provided, it is generally terse and really mentioned as a factual aside rather than perceived as a key to understanding the core of the peace agreement and its effects on implementation strategies. Is refugee repatriation a marginal issue with respect to the implementation of peace agreements, and, if so, why?

The Issue of Scholarly Bias

Based on the draft case studies, I was tempted to conclude that refugee repatriation was indeed marginal to the success in implementing most peace agreements, contrary to the virtually universal assumption of most scholars and practitioners in the refugee field. This was also in spite of the fact that a provision for refugee repatriation was more often than not a provision within a peace agreement.

This conclusion carried with it intuitive plausibility even though it ran contrary to conventional wisdom. After all, refugees, as long as they remained legitimate refugees, were perceived as victims rather than perpetrators of the violence. The key issue in maintaining the peace was stopping the perpetrators of violence, not assisting the victims, as laudable and humanitarian as the latter task is. Refugees would certainly be the beneficiaries of the cessation of violence just as they were its victims, but *qua* refugees they had no role to play in whether the violence stopped.

Further, the conflicts in which I had specialized – the Israel/Palestinian fifty year war, the Rwandan conflict and the succession wars following the break-up of Yugoslavia – were all ones in which the issue of refugee repatriation or non-repatriation were essential parts of the conflict. So I was preconditioned to generalize from that experience to believe that refugee repatriation was always a central issue in any civil war. Perhaps the issue of refugee repatriation was only central to a peace agreement in those cases where the issue of refugees played a central role in the continuation of a conflict. In other civil wars where refugees were by-products of the violence, but not central to the original or continuing conflict, the success or failure of that repatriation would not be central to the success in implementing a peace agreement. This might be the case even though a peace agreement might, understandably, provide for the repatriation of those refugees.

However, when I reviewed the citations of the very scholarly case studies of the civil wars, there were few if any references to the academic literature with which I was familiar dealing with refugee repatriation in those areas. Further, when I reviewed that literature myself on refugee repatriation in relationship to the case studies, contrary to the impressions of those case studies, in many cases, r&r appeared to be central where the objective was the achievement of positive peace. Successful refugee repatriation and reintegration were essential in order to eliminate conditions that could lead to the resumption of violent conflict even if not essential to the cessation of violence.

Perhaps assigning a marginal role to the refugee repatriation issue was a product of the bias of scholars who were focussed on war and negative peace rather than humanitarian issues or long term positive peace. Perhaps a wide cultural gap existed between scholars dealing with humanitarian issues and ones concerned with conflict studies. If a connection between refugee repatriation and the implementation of a peace agreement exists, close attention would have to be paid to both the case studies of refugee repatriation as well as the actual process of implementing a peace agreement.

The Centrality of Refugee Issues to Conflict and Peace – Numbers

Refugee issues would appear to be central to the issue of conflict and peace based simply on numbers repatriated. According to Koser (1999, 3), at least 12 million refugees were repatriated in the 1990s. In 1992 alone, in 20 operations, 1.7 million self-repatriated refugees were assisted and 720,000 were directly repatriated under UNHCR auspices, mostly in South Africa, Cambodia, the Horn of Africa and Afghanistan. (Berthiaume and Mundo 1992) The June 90/April 91 settlement plan for the Western Sahara provided for “the return, within six weeks, of about 120,000 Saharan refugees (at least half the

population) from Algeria and Mauritius starting eleven weeks after D-Day under UNHCR supervision. The 1992-1994 peace-building operation in Mozambique involved the repatriation of 1.6 million refugees. However, Preston (1999, 19) suggests that the percentage of returnees to refugees has actually declined in the late nineties. Further, the proportion of those involuntarily returned increased between 1992 and 1996.

Certainly, large numbers of refugees and displaced persons are generally at least a by-product if not an actual intended product of violent conflict.²⁷ In Bosnia and Kosovo, for example, Elizabeth Cousens noted that by the time the Dayton Agreement was initialed, “over half of Bosnia’s pre-war population of 4.4 million had fled their original homes, either to live as refugees outside the country or as internally displaced persons elsewhere in Bosnia.” (8) The Sierra Leone 1990s war produced 400,000 refugees (8.97% of the population) and one-third of the 4.6 million population was internally displaced. In turn, Sierra Leone hosted 69,000 Liberian refugees while Guinea held 225,000. By the second phase of refugee production, 1992-1995, (the first wave between 1990-1991 produced 350,000 refugees) 500,000 had fled Liberia to Cote d’Ivoire as well as Guinea and Sierra Leone; by 1995, half the population of Liberia had been displaced. (van Damme 1999, 37-41)

The Angolan conflict is another situation in which the numbers of refugees and internally displaced escalated from the original 425,000 refugees and 800,000 internally displaced recorded in 1991 to the over one million in each category in 1999. 500,000 refugees were produced by the Cambodian conflict. In El Salvador, there were one million refugees and an additional 750,000 displaced produced by the violent conflict in that country. The Nicaraguan civil war resulted in 500,000 refugees and another 360,000 internally displaced; the half million refugees represented 12% of the population. In Guatemala, the one million internally displaced overwhelmed the 150,000 who managed to escape the country to seek asylum elsewhere. In Namibia, there may only have been 44,000 to 90,000 refugees, but in Western Sahara, at least half the population became refugees. In Sri Lanka, there were 200,000 refugees and 400,000 in Sierra Leone. Rwanda had 350,000 and almost a million internally displaced before the signing of the Arusha Accords. A new batch of at least a million and one half refugees fled the country after the military coup, the assassination of the President and the genocide of up to 800,000 Rwandans. After the fall of Mogadishu in 1991, in the northern part of the

²⁷ The issue of numbers is almost as complex as the problem of definition. In refugee-like situations, the numbers flowing in and out are in constant flux where monitoring is often difficult and sometimes impossible. The numbers change in relationship to the degree of violence and the perceived sense of security. There is also the problem of inaccuracy in the sources for the figures. In the case of the Palestinian refugees, there were over 900,000 registered Palestinian refugees originally, and 2.8 million currently, though scholarly figures establish the original range between 660,000 and 720,000. (Adelman 1997b) In the case of the Rwandese refugees in Zaire in 1996, there were supposed to be roughly 1,200,000 according to UNHCR. An estimated 650,000 to 750,000 returned. What happened to the other over 400,000 refugees? Were the refugee warriors included in the counts? Were the original figures overestimated either way? Evidently, a number were slaughtered (Human Rights Watch - Zaire 1997), and even the most pessimistic view suggests a figure of as high as 100,000. What happened to the other 300,000 “phantom refugees”?

Ogaden, there were 594,000 Somali refugees and 217,000 displaced out of a total population in the region of 1 million.

How could there be peace unless such large numbers of individuals are repatriated and successfully reintegrated into their homes once again? Further, in some cases, without peace, more refugees were produced even as repatriation was underway in other parts of the same country.

Volatility of the Plight of Refugees - A Sample Week of Numbers

Even where peace agreements had been signed, the situation with respect to refugees remains volatile. Sampling the week at the end of July and the beginning of August 1999 provides some glimpse into the difficulty in correlating peace agreements and refugee repatriation.

While the latest agreement in the Sierra Leone civil war (Togo, 7 July 1999) held, refugees were not repatriating. At the same time, in Guatemala, many years after the Civil War had ostensibly ended, the final group of Guatemalan refugees returned home under an organized UNHCR return operation after the refugees had lived for 16 years in refugee camps in Mexico's Yucatan Peninsula and Chiapas. At the same time, the UNHCR, Thailand and Laos had just agreed to the final return of 1,300 Lao refugees still in Thailand. Thus, r&r often does not occur following the cessation of hostilities, but may occur many years later.

Further, refugees may be repatriated before the cessation of hostilities. Thus, in the beginning of August 1999, the Thai government determined that 250,000 Burmese refugees would be repatriated over the next three years. UNHCR was faced with what may have appeared to the organization as the lesser of two evils – cooperating in the forced repatriation of a refugee population lest the refugees be bereft of any humanitarian assistance or legal protection whatsoever.

If some refugees repatriate many years after a war is over and others return or are forced to return even before a war ends, some wars never seem to end and refugees are a continuing by-product. At the end of July 1999, Malniye in Angola was packed with 130,000 people displaced by the renewed conflict; they were living in appalling conditions. The UN's IRIN information unit in the Department of Humanitarian Affairs reported that as of 27 July 1999, there were over 1.7 million displaced in Angola, of whom 930,000 were newly displaced as a result of the renewed violent conflict. 4,000 of those displaced were in Namibia, mainly in Osire.

Meanwhile, Namibia was itself suffering from renewed violence as a result of an allegedly Angolan rebel sponsored secessionist movement led by Mishake Muyongo, head of the Caprivi Liberation Army in Northern Namibia's Caprivi Strip. During the previous year, 2,000 refugees had fled the area to Botswana. UNHCR had just assisted 1,300 to return when the violence flared up once again.

At the same time, the DRC (Democratic Republic of Congo) civil war continued with fresh clashes between Balendu and Wagerepue, with thousands of homes torched and thousands of new refugees produced just as peace agreements were in the process of being signed by all factions in the fighting. In the interim, 95% of the displaced people from South Kivu were returning home even before the agreements were concluded. But in the very same region where these returnees were coming home, and at the very same time, violent incidents instigated by the Interahamwe militia, a major perpetrator of the 1994 genocide in Rwanda, were producing more refugees. In another region of the DRC, again in the same period, fighting along the Angola-DRC border produced a new large outflow of refugees from the DRC.

During this same short time frame, Sadako Ogata, the UN High Commissioner for Refugees, claimed that, “the most pressing refugee problem for the Great Lakes region was the need to tackle the problem of the Rwandese who had not yet returned after fleeing their country in the aftermath of genocide (1994).” Ogata went on to say that UNHCR would resume support for the repatriation of Rwandese still in eastern DRC. Rwandans in the Republic of Congo would be offered either repatriation or the opportunity to settle in the north of their host country. (UN, DHA IRIN information unit, 30 July 1999) Meanwhile, in another region of the DRC, 30,000 refugees had recently fled into Gabon.

In the same state, the DRC, as peace agreements (as I stated above) were being forged, settlement of refugees from another country was being planned. Meanwhile, 6000 to 7000 refugees in the Bangui area, and a further 13,000²⁸ in the Mobaye area, were in perilous condition. Further, many thousands of new refugees were being produced. Elsewhere, a refugee camp in Tanzania, planned for 40,000 DRC refugees, was being overwhelmed with twice that number.

Jumping to another continent, the refugees repatriated as a result of the victory of NATO forces in Kosovo were being partially offset by the 160,000 Serbs and Roma who had fled the same area as the Albanian Kosovars returned. I have presented this partial cross section of a week in the international arena to indicate how refugees can return and be produced at the same time as peace agreements are being forged and implemented, or are being sabotaged and undermined. Refugees may be repatriated many years after peace agreements are signed or years before there is any sign of a conflict ending. How does one make sense out of this chaos and confusion?

Four Major Themes in Refugee Repatriation

There are at least four major themes that emerge from these observations and which are discussed widely in relationship to refugee repatriation. First, do refugees enjoy a right of return?²⁹ Second, is the return voluntary or not?³⁰ Third, was the return

²⁸ This population included 6,000 DRC soldiers, so that almost half were, strictly speaking, not refugees.

²⁹ For discussions of the right of return, see Adelman (1996a, 1996d and 1994a); Brown (1994); Ferris (1993); Frelick (1990); Hannum (1987); Hathaway and Dent (1995); Kampelman (1993).

organized by the international community or was it ‘spontaneous’; more precisely, did the refugees instigate and organize their own repatriation (self-repatriation) or were they repatriated under the auspices of some international organization? (Kuhlman 1994; Stein and Cuny 1984; Skari 1985)³¹ Though none of these issues appears to have a direct concern on how repatriation and peace agreements to end civil wars affected one another, the discussion of the latter issue will have some bearing on these three major themes. Further, as we shall see, some misconceptions about these three themes certainly affect the formulation and implementation of some peace agreements.

A fourth theme, whether refugees return during or after a conflict, does have a direct and obvious bearing on the relationship of repatriation and peace agreements.³² This project is focused on refugee repatriation and reintegration *during the implementation* of a peace accord. So we must differentiate between those cases where the repatriation takes place prior to the signing of the accord and those that follow such a signing. If refugee repatriation takes place after a peace accord (sometimes many years after) is this repatriation a result of the peace accord? Many refugees wait in camps until they feel that the peace is really secure; the peace accord in itself provides no such assurance.³³

The first theme, the right of refugee return, was specified in some peace agreements. Part V of the Cambodian peace agreement recognized the right of return of the refugees to Cambodia where they could live in safety, security and dignity, free from intimidation and coercion of any kind. The Lebanon Ta’if Agreement sets out the right of each person displaced to return to ‘the place from whence he was displaced’ but, as Harik (1997) noted, the provision occupied a second-tier status in the agreement.

³⁰ Voluntary repatriation is the most discussed theme in the refugee repatriation literature. For articles and books specifically on this theme, see Asia Watch (1992); Bakewell (1999); Barber (1986); Boshyk (1980); Chimni (1991); Crisp (1984a, 1987); Dawson (1991); Epstein (1973); Goodwin-Gill (1989); Hammond (1999); Jambon (1990); Khiddu-Makubuya (1994); Law (1995); McCallum (1990); Rabe (1990); Reynall and Jackman (1990); Stainsby (); Standly (1990) Tandai (1995); UNHCR (1985, 1987, 1993b); Warner (1994); Zieck (1997). Hathaway (1997) argues that ‘voluntariness’ is not an integral element within the refugee convention itself. Chimni (1999) argues that only in the second phase of search for the durable solutions after WWII – 1985-1993 – did voluntary repatriation replace resettlement as the preferred option. Subsequently, UNHCR was forced to accept the reality of the rising tide of involuntary returnees either in the form of ‘safe return’ or ‘imposed return’, a development to which Chimni objects and which he attributes to the failure of burden sharing by the developed world. The analysis by Fabienne (1988) provides the best dissection that I have studied of the premises of voluntary repatriation.

³¹ See the discussion of the literature on specific IGOs in relationship to refugee repatriation: Adelman on UNRWA 1987, 1992c, 1994f; Boegle and Rappaz (1990) in relationship to the ICRC, Crisp (1990) in relationship to the UNHCR, and Hogg (1996) and Lipsey (1997) in more general terms. Thus, the Boegle and Rappaz (1990) report for the ICRC stressed the combination of organization and voluntariness in their emphasis on good information, careful planning and inter-agency cooperation as the most important ingredients in facilitating *voluntary* repatriation. See also Qishi (1990) who makes the same point. So does the UNHCR (1993a) in its model for repatriation.

³² Cuny and Stein have written the most on this issue (Cuny et al 1992; Stein and Cuny 1991 and 1992; Stein, Cuny and Reed 1995), but there is a very good discussion in Narvesen (1992).

³³ Taking Mozambique as an example again, though 20% of the refugees repatriated three years before the peace agreement was signed, a full year after the agreement had been signed, only 30% in total had returned. It took until 1994 for the repatriation to be completed. (Bonga and Wilson 1993)

Yet the right of return has only an indirect connection to the successful implementation of a peace agreement. As shall be seen, insisting on a right of return to homes and not just to homelands can complicate and make more problematic both the making of peace and the ability to enforce the right. This is particularly the case if the right of return, as in Bosnia-Herzegovina, is part of the agreement. And it is generally only specified when it is problematic. This occurs in situations where the removal of part of the population was either a specific war aim or a welcomed even if unintended consequence of a conflict between two ethnic groups.

The issue of voluntary return also has an indirect bearing in the relationship of refugee repatriation to the implementation of peace agreements. For most peace agreements when they focus on refugee repatriation usually affix the modifier “voluntary” to that repatriation exercise even when the repatriation is promoted, induced and even, in some cases, forced. For example, in the movement of Mozambicans back from South Africa after the peace agreement was signed, UNHCR resorted to phasing out food rations distributed in South Africa to encourage return. In other cases, food for work programs and efforts to make camps less hospitable are techniques used to induce refugee repatriation. (Ruiz 1987) There is certainly a great deal of evidence to suggest that the Cambodian repatriation was induced and not strictly voluntary. (Bernander et al 1995; Chantavanich and Benyasut 1989). Thus, the norm established in the agreement and the actual practice may be at odds. More importantly, the enunciation of the norm may complicate the return process as was evident in the case of the return of Rwandan refugees.

Sometimes, however, induced return is itself a source of exacerbating a conflict. One of the most common discussions with respect to repatriation of Sri Lankan refugees is whether it had been voluntary, especially between 1987 and 1989. (Cuny and Cuny 60, 85; Robinson; Zieck, 10, fn. 29) Since it is unlikely that many refugees wanted to return (except those who volunteered to fight), it has been suggested that pressure to return made the possibility of peace less likely. The effect of a perceived view by Tamils of no options on where to go made them more desperate and more determined and less inclined to compromise on the principle of self-governance.

In some cases, individuals have no choice whatsoever. They may be forced to return to their home countries or other countries *following* a peace (Palestinians from Kuwait who went to Jordan following the Gulf War) with no provision or international assistance. (Richmond 1994, 215) In the language of Richmond, such repatriation will be reactive rather than proactive. In such cases refugees are produced as a result of the “peace” even when those individuals may not *de facto* have been refugees any longer since they had resettled in that host country and had been living there in relative security for years.

In other cases, there are states like Pakistan with the apparent power to induce repatriation of Afghan refugees, but not the *de facto* power. (Irfani and Rahman 1991) Though Pakistan wanted to induce repatriation, the 1989 UN Plan of Action to foster

rr&r was ineffective. (Knowles 1992) For the longest period, insecurity in the homeland of the refugees inhibited return. By 1990, 473 repatriation projects and sub-projects were launched. (English 1989; UNOCA 1990) In 1992, 1.4 million Afghan refugees suddenly did return, but the continuing inter-ethnic fighting among the rebel groups that overthrew the Najibullah government inhibited the return of several million more remaining in Pakistan. (Ruiz 1992)

Third, most peace agreements that refer to refugee repatriation assume that the repatriation will be organized by the international community. Thus, in the case of refugees from the Western Sahara, UNHCR opened a field office in Tindouf in July 1996 with a budget of \$50 million to provide documentation and reception centers for returning refugees and to monitor events following repatriation for 31,000 refugees in Tindouf and 22,000 in Mauritius. Not one refugee returned given the political difficulties with the identification process.

In fact, most returns are spontaneous.³⁴ (Akol 1987; Winter 1994, 168) They precede (Narvesen and Solberg 1992; Cuny et al 1992)³⁵ or immediately follow the signing of an accord (the internally displaced in Rwanda, August 1993). In Mozambique, repatriation preceded the conclusion of a peace agreement. (Lailun 1991; Koser 1997; Wilson and Nunes 1994). As Koser puts it, "Even before the Peace Accord, quite large scale self-repatriations were estimated to have occurred from Malawi. The Government of Mozambique estimated that by the end of 1989 up to 200,000 refugees had repatriated." (5) By 1992, 30% of the refugees from Mangochi and Nkhata had repatriated to Niassa, though there were earlier return movements that did not last, such as when Renamo seized Milange in 1986-7.

The role of the UNHCR in Mozambique, according to most scholars, was a failure with respect to the official repatriation program. (Wilson and Nunes 1994, 167; Koser 1997; Dolan 1999) As Dolan notes, "the majority of refugees who returned from other countries to Mozambique did so without UNHCR assistance. (95) Further, as he says, "the repatriation from South Africa was "remarkably unsuccessful," (99) and, according to Dixon/Fyle (1994), was the largest program in Africa to that date. Overall, of 1.7 million refugees, only 378,000 or 22% were repatriated under UNHCR auspices. (Dixon-Fyle provide a figure of 13% from South Africa.)

There are many different reasons for spontaneous returns. They occur in response to violence in the diaspora, or never take place whatsoever, whether provided for in the agreements or not (former Palestine and Yugoslavia), or take place as a concomitant of the pursuit of the conflict through other means than war (Cambodia and Zaire). Thus, a

³⁴ For example, of the 46,000 Guatemalans in refugee camps in Mexico, a very small number, 1-2000 a year, were repatriated under a UNHCR scheme beginning in 1987, although a high birth rate in the camps kept the overall numbers constant. According to Stepputat (1999), about half the repatriated Guatemalans from Mexico were repatriated in an organized fashion and half repatriated individually (18,800 versus 17,400) (272).

³⁵ For example, in Mozambique, by the end of 1989, 200,000 of the over 1 million refugees had self-repatriated even though the peace agreement was not signed until 1992. (Bonga and Wilson 1993)

repatriation or reintegration plan may not be in place, or, if it is in place and provides for an orderly and safe return (cf. Otsea 1991), the plan may not be utilised in the face of a sudden, massive return. In fact, refugees may leave behind systems of international protection and assistance to return without assistance or guarantees of protection, more or less as per their original flight. Or refugees may organise their own return on a systematic basis, as in El Salvador. There, the refugees who were repatriated were self-repatriated (Edwards and Siebentritt 1991, 97; Zieck 1997, 121; Weiss et al 1991, 177) but used the organized international community as logistic aids for travel and food en route. That the process was entirely self-governed was an unusual feature of the El Salvador repatriation and had the significance, possibly, of putting in place one of the basis for self-governance and democracy.

Then again, the international community may be used to provide witnesses and enhance security in the repatriation process. In the Guatemalan refugee repatriation, the NGOs played a major role as observers of safe return through the international accompaniment program and emergency response network to stop acts of violence, intimidation and injustice. (cf. Coy 1993; Baines 1998; Costello 1995; NCOORD 1996; CONGCOOP 1997; Mahoney and Eguren 1997; Koehl 1997; Levitt 1999) In the case of Namibia, UNTAG was given the responsibility of overseeing the refugee return.

It must not be forgotten that the main decision-makers in refugee repatriation are not always or even mainly the international brokers or the parties to the conflict. The refugees themselves are frequently the key decision-makers determining whether and when they will return. Peace agreements rarely make provision for this fact or for the suddenness of refugee movements and the calculus refugees make on relative risks. In the case of one of the most successful peace agreements, Mozambique, 1.5 million refugees and 4 million internally displaced were determined to repatriate in spite of the widespread devastation. Goods and services were in short supply. Many refugees repatriated on their own, though international assistance contributed by easing the distress somewhat. (Cf. Dumptra 1993) UNHCR joined the negotiations only after the relevant Protocol V was signed as well as Protocol VII concerning the convening of a refugee conference, but, in that agreement, the process or modalities of refugee repatriation were not dealt with as part of the peace process. In the March 16, 1993 Memorandum of Understanding between Mozambique and UNHCR, Part VII calls only for the UNHCR to “promote” rather than deliver return.

Different Senses of Peace and Different Types of Civil Wars

If the above four themes are the ones usually discussed in relationship to refugee repatriation, one that does not seem to have been discussed is the relationship of repatriation to the type of war which produced the refugees and the type of peace intended by the agreement. The following distinctions are made to disaggregate the issue.

- | | |
|----------------|--|
| Types of Peace | 1. Negative Peace – cessation of violent military conflict |
| | 2. Positive Peace -- reconciliation of conflicting parties |

Types of War

1. Ethnic Wars - People Wars over Sovereignty
 - a) Anti-People Wars – wars of exclusion;
 - b) Pro-People Wars - wars between ethnic and/or religious groups for control or secession;
2. Power Wars - wars fought for political control only:
 - a) Governing Wars motivated by ideology, driven by regional hegemons, and/or determining succession after an anti-imperial war;
 - b) Warlord Wars.

Signed peace agreements rarely produce a total cessation of violence when the agreements are signed. Time elapses. More negotiations take place clarifying the terms of the agreement. More importantly, in reading the case studies of the implementation of peace agreements, it also becomes readily evident that most commentators are concerned with negative peace, that is, the cessation of violent organized hostilities between or among the parties involved in the conflict. The authors are rarely if ever concerned with positive peace, the creation of conditions that turn the hostility between and among the conflicting parties into a cooperative working arrangement. (Cf. North and Simmons, 1999 for an exception.) Repatriation may be defined as successful even if only a negative peace is achieved. However, successful reintegration depends on the achievement of positive peace and may be essential in turn to that achievement.

More significantly, the issue of repatriation in connection with the implementation of a peace agreement is closely tied to the type of civil war that had been underway. The most basic difference is between wars fought between peoples vying for sovereignty in a state versus civil wars simply fought over the control of the government of a sovereign state.

One sub-type of a war for sovereign control between peoples is based on inclusion and exclusion - Bosnia-Herzegovina and Rwanda.³⁶ In the case of Rwanda, the issue of refugee repatriation was central. A brief overview of Rwandan recent history will indicate why.

In the Mwanza regional meeting in Tanzania on 17 October 1990 following the invasion of Rwanda by the RPF, the resolution of the refugee issue was put forth as a central issue. That problem had been left unresolved since the Tutsi fled between 1959 to 1966.³⁷ Before 1991, Habyarimana had claimed that because of the population density of

³⁶ Kosovo was not one of the case studies, but it too is an example in which a major objective of the war was ethnic cleansing of a population group. The instigators of the ethnic cleansing were the Serbs. The ethnic cleansing was reversed and the refugees were repatriated with the NATO victory over the Serb forces. Unfortunately, NATO was not the *de facto* force on the ground in many areas, and 160,000 Serbs and Roma fled in fear or were forced or intimidated into fleeing because of actual violent killings, allegedly by the Kosovars.

³⁷ Though the causes for the initiation of the 1 October 1990 Rwanda war were more complex, Kobak (1997) stressed the importance of refugee repatriation. "The Habyarimana regime's reluctance to permit the return of exiled Rwandan Tutsi combined with the Ugandan government's refusal to grant the Tutsi refugees citizenship precipitated the 1990 RPF military invasion of northern Rwanda." (156)

Rwanda and the shortage of land, the refugee issue needed to be resolved in an international context. Only in early 1991 did Habyarimana begin to shift in his rhetorical response to the refugee issue. Though he had agreed in the Dar es Salaam conference of February 1991 to remove obstacles to voluntary repatriation and to give an amnesty to refugees who had allegedly committed crimes against the state, he continued to see the resolution of the refugee issue in a regional context. This was unlikely to be realized since Habyarimana made this easing of restrictions conditional upon Uganda, Burundi, Tanzania and Zaire all agreeing to naturalize and integrate those refugees who chose not to return.

The refugee issue continued to be a central theme in the peace negotiations. Between March and June of 1992, the repatriation of the refugees was one of the major items, but it remained linked within a larger context of settlement in countries of first asylum. By October 1992, the protocols on power sharing in the 30 October agreement set repatriation of refugees as one of the central goals for the transitional government. Finally, the Arusha Accords included a protocol on the repatriation of refugees which was signed on 9 June 1993. That protocol referred to the inalienable rights of refugees to return home to the region of their choice.

However, the peace agreement was not implemented. The war resumed, and the RPF won. The government fled into exile with about a million and a half new refugees. The victors in the civil war believed in an integrated vision of membership in the state. That is, the membership of the state was defined as Rwandan rather than Hutu or Tutsi. The enemies of that idea held to a belief that the essential membership of the state was reserved for Hutu; Tutsi, if they were even to be tolerated, were to be restricted to second class status in the state. The war fought until the Arusha Peace Accords were signed in August of 1993 had as a central component these two visions. When the accords were signed between the invading forces, led by refugees wanting to return, and moderates who accepted the integrated vision, extremists who did not agree, and who held to a vision of the state that was essentially Hutu, set out to undermine the peace. When the accords were on the verge of putting in place a new government based on that agreement and integrated vision, the extremists staged a coup and initiated the genocide of the Tutsi. When the extremist forces were defeated, they not only went into exile, but they led a large group of the Hutu population into exile with them. The repatriation of those refugees became part of the fundamental conflict. Would they remain in exile as part of the extremist camp unequivocally opposed to the integrated vision of the Rwandan state, or would they return to live with an integrated definition of the sovereign people of Rwanda? By 1996, the issue was largely resolved when the refugee warriors intractably opposed to an integrated idea of the state were militarily defeated and separated from the bulk of the remaining refugees who returned to Rwanda.

Precisely the same issue was at stake in Bosnia-Herzegovina. However, the results were the opposite. The characterization of this type of people sovereignty war, such as in Rwanda and Bosnia, is summed up by statement of the United Nations High Commissioner for Refugees.

“(T)he conflict in the former Yugoslavia and the difficulty in ensuring refugee return in its aftermath demonstrate that the international community has yet to come to grips with contemporary wars fuelled by territorial and ethnic rivalries. In such conflicts the expulsion of the ‘other’ ethnic group is a goal in itself and the perpetuation of the results of ‘ethnic cleansing’.” (Ogata 1998, 197)

The results in Bosnia contrasted with those in Rwanda because the victors in the war and the implementers of the peace agreement in Bosnia were all ethnic nationalists. Yet the peace accords called for an integrated state, even if that state was constituted of very powerful parts, each dominated by a different ethnic group. Further, to advance the integrated vision, provision was made in the Dayton Peace Accords for the repatriation of all refugees (and displaced persons) to their homes and not just their homelands.³⁸ The following steps were to be taken to ensure this repatriation and integration: refraining from harassment, intimidation, persecution and discrimination. These provisions not only applied to state authorities; others were to be prevented from doing the same. Further, legislation was to be repealed and administrative practices stopped which discriminated against minorities either in intent or effect; hate speech was to be prevented or suppressed; those who violated rights of minorities were to be prosecuted. None of the above took place to any significant measure. None of the parties in power on the ground in Bosnia were signatories to the refugee convention that obliged states to protect refugees. Further, only one regional states was a signatory – Croatia. (Watkin 1998, 119)

Instead of the authorities fostering repatriation, the reverse was true. Intimidation against return was pervasive by state and quasi-state authorities. Empty houses were burned most dramatically in Sarajevo upon the exodus of 60,000 Serbs *following* the signing of the Dayton Accords. Those who controlled the different parts of the so-called integrated polity, undermined and prevented the realization of that goal. Thus, there was virtually no repatriation to areas in which the returnees would constitute the minority.

As Elizabeth Cousens stated in her case study, “full implementation of Annex 7 would amount to a flat-out reversal of the demographic course of the war...the Agreement gave no guidance on how to manage its chief contradiction: namely, that it both stabilized the lines of confrontation between Serb and Federation areas and within the Federation, and derived political rights from this division; at the same time as it obligated Parties to respect a right of return that could amount to reversing those lines entirely.” (21-23)

The irony occurred when the international community brokering the peace and the cessation of hostilities helped construct an agreement that prevented the repatriation of refugees to their homes from taking place. The parties to the agreement, who were given power through the agreement, had a vested interest in ensuring the non-return of refugees to their homes. The international community, understandably wedded to an ideology and vision of a multi-ethnic society, pursued the dream of minority returns in spite of all the

³⁸ This is not quite true, although it is true of the primary interpretation given to the agreement by a high proportion of the international NGO community concerned with Bosnia. Annex 7 of the Dayton Accords obliges the parties to guarantee the voluntary return of the displaced **OR** compensation for property that cannot be restored to them.

evidence that the international community was not willing to do what was necessary to make minority returns possible.³⁹ Those who wanted IFOR to enforce the rights of returnees in minority areas of Bosnia failed to recognize the military unwillingness to do so, the political unwillingness to do so and the unprecedented nature of holding international peacekeepers responsible for providing security to repatriated refugees. (Watkin 1998, 125) IFOR was successful in suppressing any resumption of violent conflict except when that violent conflict was a response to efforts to return refugees to minority areas. Even the moderates, such as President Plavsic in Republika Srpska, opposed minority returns. Because of the huge amount of resources invested in a fruitless (and expensive) pursuit of fostering returns to minority areas, most refugees (and internally displaced) were left in limbo.

The same effects can be followed by state government policies in Pro-People Sovereignty Wars. In Lebanon, the villages which were first chosen for resettlement by the government in Beirut were those that were uni-confessional based on the belief that these would be the easiest to resettle, while mixed areas would be dealt with later. (Zahar, 39) However, Lebanon produced the same result as in Bosnia-Herzegovina, but on a municipal rather than a provincial level. Lebanon became a series of ethnically homogeneous enclaves within a single state. The reasons are clear if we simplify the depiction of the war. The Lebanese Civil War was one fought between ethnic/religious groups for control of the state. The Muslims won. The Christians lost. The demographic balance in Lebanon shifted irreversibly as many Christians immigrated. Those who repatriated returned to religious enclaves.

In Sri Lanka, the story is somewhat different again, but it remains a war of control between ethnic groups. The government insists on maintaining, as an inclusive part of the state, the territory in the north where the Tamils predominate. The separatist movement, led by the Tamil Tigers in the nineties, consists of ideological extremists. Their battle for an exclusivist Tamil territory and state in the north of Sri Lanka is fought even more viciously than the war waged by the Sri Lankan state. The result is a war to maintain territorial inclusion versus very militant secessionists.

Thus, civil wars over the control of the governing structure where two or more ethnic groups are fighting for either control of the state (Lebanon) or secession from the state (Sri Lanka), are wars of inclusion and exclusion. The parties, however, have not taken that extra step of defining the body politic to exclude totally its opponents by means of mass expulsions or, in the extreme, genocide.

Repatriation of refugees is a central issue when the conflict is over the definition of who constitutes the sovereign people and/or the territory that people may govern. Civil

³⁹ In the late eighties and early 1990s, western countries were accused of pursuing a repatriation agenda because of domestic concerns and the growing restrictive attitude with respect to refugees arriving on their soil. (Harrell-Bond 1989; Christensen 1993) In the case of Bosnia-Herzegovina, however, they were pursuing a specific form of repatriation for ethical ideological reasons rather than self-interested domestic politics. But the results may have been even worse – refugees who could neither be repatriated, or, if repatriated, were left with little means to successfully reintegrate.

wars over membership and people sovereignty issues are wars targeted against members of the body politic. In wars of exclusion, a specific war aim is the elimination of some people as part of the polity by creating separate uni-ethnic states or ethnic enclaves, or undertaking ethnic cleansing and genocide. In anti-people and pro-people civil wars, refugees are a direct consequence of the violent conflict rather than merely a by-product. A central war aim is to produce the refugees.

The war over the Western Sahara may have appeared to be a war of inclusion or exclusion, with Morocco on the side of the inclusivists and the rebels characterized as exclusionists. After all, the central issue in the peace negotiations was over inclusion. Who was to be defined as members of the body politic? But the war only appeared to be about inclusion and exclusion. The war over the Western Sahara was primarily one between the indigenous population and those who were proxies of a regional hegemon, many with dubious claims to Western Saharan residence. The issue of the constituent membership of the body politic – who had a right to membership in the Western Sahara – became an important aspect of implementing the peace agreement because that agreement made provision for a referendum. Only the residents of the region were eligible to vote to determine whether the people of the region wanted self rule or wanted to be an integral part of an adjoining state, Morocco in this case. The implementation of the peace agreement has been very protracted because of the questionable status of many of the names that Morocco put forth as constituent members of the Western Saharan region. The fights over status and membership only arose because the Moroccan government seized control of the Western Saharan territory.

The Western Saharan war was *not* an anti-people war, even though a central issue became membership in the body politic. It was really a war over the government to succeed the departed or indirect hand of an imperial power. The Western Saharan conflict was a proxy war. It was not the only one. Such proxy wars were also fought in Angola, Cambodia and Mozambique as well as in the Central American countries of El Salvador, Guatemala and Nicaragua. These civil wars were also ideological ones in which the regional imperial power supported the conservative forces while the radical rebels fought against the status quo, not only over the governance of the country but over the distribution of wealth and power within the country. Refugee repatriation was one of the dimensions to that power struggle.

From a certain angle of perception, ethnic and regional power were also issues, though not primary ones, in the Angolan, Cambodian, El Salvadorean, Guatemalan, Mozambican and Nicaraguan civil wars. Class conflict and ethnicity overlapped as issues in the repatriation of Nicaraguan refugees from Honduras and Costa Rica. Thus, for example, while the indigenous population of refugees returned *en masse*, few ladinos did. (Basok 1990)

In a different kind of war over control of the government – Liberia, Sierra Leone and Somalia – the war was over the control of the state by warlords who usually had an

ethnic and regional base for their quest for power.⁴⁰ But the war was not essentially an inter-ethnic war where that ethnic group sought sovereign control.

A cursory examination readily indicates that the issue of refugee repatriation is presumed to be only an issue of management of the process when the war is over. But in anti-people and pro-people wars, the repatriation of refugees is a central issue in the peace itself. For it is the definition of the sovereign people constituting the body politic that is at stake. In other kinds of civil wars, mostly fought over who is to govern the state, the issue of repatriating refugees does not go to the heart of the make-up of the body politic. In some cases, though, it may go to the heart of the issue of electing the government of that body politic. There is, thus, a large qualitative difference on the issue of repatriation between anti-people wars of exclusion or inclusion, pro-people wars over control, and the variety of civil wars fought over governance. In the latter type, the problem of refugee repatriation is not so central to implementing any peace agreement as in anti-people wars.

That does not mean that the repatriation issue is irrelevant to the implementation of a peace agreement in wars over control of the government, for repatriation is often closely linked to the holding of elections, as in Cambodia and Guatemala. However, in Liberia, the 1997 elections saw only 75,000 refugees return home to participate. 550,000, one-fifth of the population, were left disenfranchised. The issue of repatriation was a consideration in the elections and the voting as seen in Protocol III (that provided for the return of refugees and displaced persons) of the Mozambique General Peace Agreement of 4 October 1992 between the government and Renamo. In addition to the linkage with elections, there is also a connection of the timing of return in relation to elections. In Mozambique, and, in contrast to Cambodia, repatriation was not required before the elections could be held. (cf. Cammack 1992, ch.7, 21) In Nicaragua, though the Sandanista government encouraged repatriation during the war, significant repatriation did not take place until after the national elections of 1990.

At the other end of the scale, however, refugee repatriation may not be part of the agreement (Angola and El Salvador) or may take place in significant numbers prior to the end of hostilities, as in Mozambique and Nicaragua. In Sierra Leone, the refugee issue became part of the second Conackry Peace Accords because of the interest of the mediators. Countries that were hosting refugees were eager to see them return.

⁴⁰ In addition to the weakness of institutional state structures, Bangura (1999, 21-22) stresses the role of ethnicity as well as regionalism in the conflict. (4:8) "Once the AFRC formed an alliance with the RUF, and some important elites from the North and Western Area decided to support or work with the AFRC regime, the geo-ethnic political divisions became magnified. Sierra Leone is one of the few countries in Africa that can be described as a multi-ethnic bi-polar polity characterized by the dominance of two roughly equal ethnic groups in a multi-ethnic setting. Elite politicization of ethnicity in this type of polity often leads to smaller groups coalescing with either of the larger ones in the competition for power." (1) Nevertheless, the RUF and the AFRC are not ethnic organizations, though the regional base of the RUF is Eastern and Southern, while that of the AFRC is Northern and Western, and each region is dominated by a different ethnic group.

Thus, the second main type of civil war is over control of the government of the polity. The people are an incidental target of the war; their elimination is not a war aim in itself. They are not anti-people wars as much as ordinary civilians, and very many of them, may be victims of such wars. In warlord wars as distinct from other wars to gain control over the government, the ruthlessness often result in large numbers of civilian deaths. Further, the various sub-types of non-warlord wars are not mutually exclusive categories. In some cases, the wars are over succession following an anti-imperial war (Angola, Cambodia, Mozambique and, in part, Western Sahara). In other cases, they are primarily ideological wars as in Angola, Cambodia, El Salvador, Guatemala and Nicaragua. In still other cases, they are proxy wars for nearby hegemony as in Angola, Cambodia, El Salvador, Guatemala and Lebanon. As often as not, these wars are determined by more than one factor.

The different types of war and the cases closest to them can be summarized in the following chart.

<u>Type of War</u>	<u>Cases</u>
1. Ethnic Wars	
a) Anti-People Wars of exclusion	Bosnia (ethnic cleansing) Rwanda (genocide)
b) Pro-People Wars – segregationist secessionist	Lebanon Sri Lanka
2. Power Wars - wars fought for political control only	
a) Governing Wars over:	
i) imperial succession	Angola Cambodia Mozambique Western Sahara
ii) ideology	Angola Cambodia El Salvador Guatemala Nicaragua
iii) proxies for regional hegemony	Angola Cambodia El Salvador Guatemala Lebanon
b) Anti-Government Wars by competing warlords	Liberia Sierra Leone Somalia

All types of war have a direct impact on the four themes of refugee repatriation – the right to return, voluntary repatriation, organized or spontaneous return and whether refugees return before a conflict is over. In civil wars against people fought over the constituency of the body politic, if the victorious parties are exclusionists in defining the body politic, the powers in control will not grant any right to return whatever the peace agreement says. Perhaps they could be coerced to do so by more powerful forces willing and able to commit military power to undertake such a task, as in Kosovo, but this is not something observed in any of the case studies that were part of the project. There are simply very few opportunities for any significant voluntary repatriation to the original homes of the refugees no matter how hard the international community tries to facilitate the return of refugees. In most cases, the best that can be achieved is repatriation to the homeland in areas where the power in control belongs to the same ethnic group.

Refugees as Products of Peace Agreements

Refugees are produced by civil wars and are intentional products of civil wars fought over the definition of the sovereign people. Refugees are also both intentional and unintentional products of the end of violent conflict in a civil war when the kind of war is one fought over which people are sovereign. Even in anti-People Sovereign Wars, when the victors are those with an integrationist rather than ethnic definition of the sovereign people, refugees are produced. When violence ends by victory of one side – either one ethnic group or the other - or even those who hold a non-ethnic definition of the body politic – many supporters of the defeated side flee. They may be Serbs and Roma from Kosovo or Hutus from Rwanda. This phenomenon occurs even when violent conflict ceases with the signing of a peace agreement rather than being based on victory of one side. In Bosnia-Herzegovina, tens of thousands of Serbs fled or were induced to flee Sarajevo after the Dayton Accords were signed. Thus, in these types of wars, refugees may be the product of the peace agreement as well as its beneficiaries (different groups in each case, of course).

Even though power wars are not in general directed at the people, repatriation of refugees may be encouraged or discouraged by the different sides. Some returnees, for example, could strengthen the FLMN in Angola while others would not. The fact that a civil war is fought over control of the state and not over the issue of sovereignty of a people does not mean that the issue of refugee repatriation is depoliticized.

Regional Context

Another aspect that needs to be considered in the relationship of refugee repatriation to the implementation of peace agreements is the regional context. Peace is intended between and among various groups. The goal of that peace is not just the cessation of bloodletting and violence, but economic development, the protection of human rights, the introduction or development of democratic practices, the protection of minority rights, all as conditions of long term physical, legal, social and psychological security. Peace is a regional and not just a national issue when dealing with an intra-state war. Consequently, that regional context will have many dimensions.

The first is the immediate regional security context. Instability in one state has repercussions on the neighboring states. In the extreme case, the Congo, there are in fact six wars going on at the same time, each in relation to a different neighbor or set of adjacent states. Refugees have a dramatic impact on the stability and economic health of a region. Thus, even when refugees are not an objective of the conflict itself, they may engender conflict in neighboring states or use their camps in neighboring states as bases from which to launch attacks on their former homeland. Thai stability, domestic politics and security were crucial motives in Thai support for the Cambodia peace agreement and the repatriation of the refugees. (Chantavanich and Benyasut 1989)

The risk of refugee camps being used by refugee warriors is determined, in part, by the location of the refugee camps. That location is often predetermined by environmental, social, political, logistical and financial constraints rather than the security of the region and of the refugees themselves. Further, when the rule of law is weak in the neighboring state where the refugees have obtained temporary asylum, and the refugees are prevented from repatriation, the propensity to metamorphose into refugee warriors became much greater.

Even if the refugees do not become refugee warriors, but certainly if they do, there will be a strong likelihood that many refugees will become involved in illegal entry, drug trafficking, crime, prostitution and the arms trade. Any involvement of this type will add to the destabilizing propensities in the region. A solution to the refugee problem is especially crucial before the refugees acquire a reputation by associating even marginally with criminal activities.

When there is a determined interest of one party to prevent refugee repatriation - because the conflict is over the definition of the body politic or possibly even where the refugees will likely support one side in an electoral battle provided for in the agreement - it is important to make provision for a permanent resolution to the refugee problem for the security of the region. However, in exclusionary civil wars over the definition of the sovereign body politic in which ethnic cleansing is a central element, and where processes of ethnic homogenization in specific territories have been a result of the civil war, refugee repatriation to homes is unlikely to be one of the permanent solutions. Quite aside from the humanitarian concern for the refugees, long-term regional stability will require another solution to the problem of refugees than repatriation to their homes.

Beyond the immediate spatial context, there are larger regional factors at work that make the resolution of the refugee issue necessary when drawing up and implementing a peace agreement. There are regional economic factors. But necessity and easy feasibility are not necessarily in synch. If refugees are not repatriated, if ethnic separation becomes the *de facto* solution when the ethnic cleansers are the *de facto* winners, then the regional distrust between and among the ethnic enclaves will engender heightened distrust and hamper if not sabotage efforts to get regional trade moving again. Since regional inter-state trade usually constitutes the major part of economic exchanges

between and among states, the failure to repatriate refugees may deform local trading exchanges and seriously hamper the prospects of economic recovery from the conflict.

The International Role in Refugee Repatriation

In Central America, CIREFCA was committed to the repatriation of refugees throughout the region. It was also an effort to strengthen the presence of the UN as well as the working relationship between the UN and NGOs. Thus, in understanding the issue of refugee repatriation in civil wars, the role of international actors must be taken into account as well as the interests of local states and regional players.

In forging the peace agreement, the repatriation of refugees may be more of an issue for the interveners than for the combatants. The interveners may push for a faster peace agreement without key details of the peace being worked out because those interveners have become anxious to see the refugees off their soil and back across the border. In the war in Sierra Leone, the 1996 Abidjan Peace Agreement made no provision for the repatriation of refugees. In contrast, when interveners played a much more significant role in the peace negotiations, the 1997 Conakry Agreement included such a provision. A central difference in the 1997 Agreement was the fact that ECOWAS, with power to enforce the agreement, was a party to the agreement intent not only on covering all the bases rather than avoiding explosive issues, but had its own interests at stake in resolving the refugee issue.

Globalization of the market system has also been a force for putting local conflicts within a larger context. This can be seen in some of the provisions of more recent peace agreements. Hence, major powers have an interest in any civil war. But the right to membership in a state of one's choice has not been globalized. Major western powers have both a low tolerance for receiving masses of refugee flows⁴¹ at the same time as they practice a low risk strategy in dealing with the conflicts that produce such flows. There is an unwillingness to risk the lives of one's own soldiers even to save large numbers of lives at risk in intra-state wars. Therefore, they seek strategies that try to limit the irritability produced by the threat of a large influx of refugees. At the same time, major powers adopt strategies which minimize the risk to their own military. However, the historical context in which solutions to refugee problems are put forth may rule out the promotion of other solutions to the refugee problem than refugee repatriation.

There is another aspect of the globalization issue that receives little attention. Refugees resettled in the diaspora, particularly in developed countries, serve both to exacerbate a conflict by funding different parties to the conflict and acting as their propaganda agents, but also assist in reintegrating refugees through the transfer of

⁴¹ Newland and Papademetrious (1998) argue that the "clear and widespread tendency to interpret obligations more narrowly than heretofore and restrictive practices both here [in the USA] and Europe are being emulated by developing countries like Thailand, Iran and Tanzania, which feel justified in their actions because they are less able than the developed nations to handle massive refugee flows." (644) (For evidence of the shift from humanitarian acceptance to rejection, see Ram 1990, Hitchox 1990, Davis 1990.)

remittances to relatives. This funding may be the greatest source of foreign earnings for a state recovering from civil war.

Historical Context and Humanitarian Intervention

In addition to the regional and global political and geographical context, the relationship between the refugee issue and the drawing up and implementation of peace agreements must be viewed in an historical context. In the aftermath of what was then called the Great War (WWI), the official solution to a refugee crisis concentrated on internationally endorsed population exchanges. After World War II with the setting up of UNHCR and the signing of the Refugee Convention, the solution to refugee issues legally shifted to one based on refugee status determination for persecuted individuals and humanitarian action focussed on resettling refugees often rooted in Cold War politics.

The nineties have given birth to a third predominant solution - unsanctioned population exchanges and temporary protection for masses of refugees - while the rhetoric endorses multi-ethnic societies. As a consequence, many refugees are left in limbo. The provisions in the peace agreement do not recognize this reality. They focus on one solution (putting enormous resources behind minority returns in Bosnia) while not facilitating the real one available - relocation. This is apparent in the studies of the efforts to return refugees and displaced peoples to minority areas governed by those who led the ethnic cleansing in the aftermath of the exclusionary wars won by the ethnic cleansers.

Analyzing case studies of peace agreements and their implementation in relationship to the refugee and displaced persons issues should reveal how pervasive this apparent paradox is. Unfortunately the inherent propensity of the conflict situation itself, the predispositions and skills of those trained to study the conflict and the urgency of resolving the violent dimensions as quickly as possible, together have a propensity to marginalize the issue.

The Media

I will speculate. In Kosovo, if Milosovic had not greatly accelerated the rate of ethnic cleansing already underway before NATO started its bombing campaign, there would have been a good chance that a large and effective protest movement against the bombing would have developed. The pictures of wave after wave of fleeing and distraught masses crossing the borders, destabilizing the local states and carrying with them tales of atrocities and horrors, provided the passion and support for the bombing campaign against a sovereign state and the infrastructure that made it operate.

In the Rwanda genocide of the Tutsi, it was not the genocide that instigated an international response, but the plight of the Hutu refugees at Goma. Refugees provide a magnet for the media. The plight of the refugees has a powerful effect on whether western powers become involved. The media coverage also affects how they become involved and the reaction to that involvement by their publics. I do not recall any of the case studies taking up the role of the media, especially in relationship to refugees and the

impact on the peace agreement as well as the possibilities of the implementation of the terms.

The legal context may stress the rights that refugees possess, but the ability to exercise those rights may depend more on perception than on any abstract rights. And the media provide the vehicle for transmitting most of those perceptions.

PART III – REINTEGRATION OF REFUGEES

If only some peace agreements address the problem of refugee repatriation, and, as in Bosnia, sometimes in a way that sabotages a permanent resolution to the refugee problem, not one agreement adequately addressed the problem of refugee reintegration. The failure to repatriate refugees in a timely fashion may be one factor in the continuation of a conflict and the failure to implement an agreement. This was evidently the case in Angola. (Rogge 1994, 27)

In Angola, different groups of refugees acquired different languages, a different education and received different forms of professional accreditation (Rogge 1994, 42) as many refugees also became urbanized and educated. Those in Zambia had become primarily anglophones while those in Zaire had become francophones. The acquisition of different cultural outlooks reinforced the fact that the different groups of refugees supported different political movements. (Allen and Morsink 1994, 75-79) Many of the refugees in Zaire supported the National Front for the Liberation of Angola (FNLA). Their repatriation or reintegration was, thus, not a high priority for the Popular Movement for the Liberation of Angola (MPLA) which controlled the government. (Rogge 1994, 27)

Land was certainly a very important factor in determining whether refugee repatriation was or was not successful. The failure to provide land to the returnees in Angola was certainly one of the most important factors in the failure of that repatriation program. On the other hand, land was a critical aspect, if not the most critical aspect, in the repatriation of Guatemalan refugees. The government agreed to a mechanism for land acquisition by the refugee. Between 1993 and 1997, 37,000 refugees returned and were resettled in their place of origin or on lands purchased on favorable terms with help from the government. However, only refugee groups that had signed up by December 29, 1997 qualified for those terms.

Similarly, the success of the program of providing land to the returnees in El Salvador was critical in marking that program a success. Land was a major issue in the peace process, and transfers to ex-combatants and civilians in FMLN-controlled zones were a central element of reintegration plans. (Call, 28) It was a complicated process, but Call quotes the ONUV as reporting that by December 1996 nearly all (98.93%) registered beneficiaries had received title to their land. The question Call does not answer, and could not answer because he was not undertaking a comparative study, was whether this

success in transferring land was made possible because the vast majority of the refugees were not repatriated and most were resettled, mainly in the USA.⁴²

The availability of land, however, is certainly not the only factor promoting successful reintegration, but it is one important factor. For example, in Cambodia, the effort of reintegration did not accomplish its goals of either giving the refugees the two acres of land promised⁴³ or even allowing them to settle where they liked. The refugees were not repatriated to their homes (Eastmond and Ojendal 1999, 41). However, not providing land to the refugees may in other cases promote peace. In the Arusha Accords of Rwanda, the refugees who had left the country more than ten years previously (the vast bulk left thirty to thirty-five years earlier) were **not** entitled to reclaim their property. In this case, this denial of any right to reclaim property eliminated a significant source of conflict when the Tutsi population repatriated.

In other contexts, other economic policies affect not only the process of reintegration but the rate and desirability of return. For example, in Lebanon, as Zahar's case study makes clear, the economic policies (neo-liberal) were said to favor the rich. They also contributed to scaring away Lebanese skilled workers and professionals from repatriating. (30)⁴⁴

Perversely, in some cases the very process of repatriation undermined the possibility of successful reintegration because the major economic source for sustaining the population was cut off. For example, since the camps in Ethiopia subsidized the Somali economy, closing or moving of those camps disrupted the Somali economy and increased the propensity for conflict. (Hogg 1996, 157)

Finally, transfers of funds from other refugees in the diaspora are an important factor, not only in sustaining factions in the civil war, but in the process of repatriation and reintegration of refugees following the war. In Somalia, remittances from relatives were important in sustaining the economy (Hogg 1996, 153). In the Sri Lankan civil war, refugees in the diaspora were critical sources for remittances that bought both munitions

⁴² There are several possible reasons for this. The peace process was not burdened by the costs of repatriating one million refugees. Further, the competition for land was eased. Finally, remittances from relatives who had resettled abroad became an important element in the post-war economic reconstruction. Call himself notes (p. 62) that in the two successive years after the agreement, remittances totaled one billion US dollars each year. In other words, the irony may be that the El Salvador peace accords were so successful (at least as one important ingredient) because the overwhelming bulk of refugees were **not** repatriated. Remittances were also a factor in rebuilding Lebanon to which most refugees also did not return. The issue of remittances (as in El Salvador) from refugees who settled abroad should be considered both in the process of destabilization to finance militias as well as in the economic reconstruction of Lebanon to finance rebuilding of homes. In fact, remittances replaced the funds lost from trade. (Beyhum 17, 21)

⁴³ It is not clear why the UNHCR did not know that the 2 acres of land could not be available as promised. There appeared to be no lack of fertile land according to some studies of the process of repatriation.

⁴⁴ The neo-liberal policies had an even more important effect on the internally displaced. The imposition of property rights were at odds with encouraging return as the Ministry of the Interior began to execute court orders to evict 40,000 families illegally occupying properties. (Zahar, 38)

and propaganda during the war and could be used to reintegrate returning refugees following the cessation of hostilities.

But there are many other factors that impeded successful reintegration. The first is the absence of security. It is certainly a factor in the decision to repatriate. Based on their study of the Afghan refugees in Pakistan, Ask, Knudsen and Suhrke (1993) argue that political stability is the most important element in fostering refugee repatriation. Glatzer (1990) argues that neither the cessation of hostilities nor political stability, but rather physical security, which may be influenced by those other two factors, is the most crucial element. Thus, local banditry, anarchy, the existence of a local mafia as well as unexploded ordinance, are key ingredients inhibiting return. Court Robinson (1994) stresses the importance of both political and physical security. Beyond serving as motives to repatriation, they are primary factors in the success of reintegration.

In Cambodia, quite aside from the considerable evidence that the process of repatriation itself was manipulated and that inadequate information was provided to the refugees on the issue of security (Robinson 1994), once the refugees were returned to Battambang, a Khmer Rouge area, the security goal was not achieved because the refugees were subjected to intimidation by the SOC. Contrary to widespread belief, the insecurity was not impeded because of the large number of mines left in the area. This area was **not** heavily mined (Eastmond and Ojendal 1999, 95), though Babb and Steuben (1998, 106) emphasize this factor in the failure of reintegration.

As another illustration of the importance of physical security, in Mozambique, when Frelimo returned to Milange, the bulk of refugees did not return. But after EMOCHA invested in recovery and the town was rehabilitated from 1989-91, there was a larger scale return. As Wilson and Nunes concluded: "Whilst the relief programmes played an important role in creating the context for this trade, and sustaining a proportion of the population upon which it could be based, it was above all the military security of Milange, and its border location, that initially enabled the rise of commerce, just as these same two factors have most enabled the return of so many refugees." (211) In other words, economic recovery and physical security are mutually reinforcing.

The requirement of international organizations to ensure the return of refugees in safety and dignity also inhibits and retards the involvement of an organization like UNHCR. For example, in Mozambique, de-mining was specifically not a condition of repatriation in the peace agreement. (Zieck 373) Yet, UNHCR was to provide the standard guaranty of orderly return and reintegration in conditions of safety and dignity. Hence, repatriation was not started by UNHCR until April 1993 since the repatriation could only commence "when the High Commissioner is satisfied that the refugees can return in safety and dignity under the circumstances prevailing in Mozambique." (UNHCR May 1993, 9) This is another explanation for the high numbers of self-repatriated versus those who are part of an organized return movement.

A third major problem in reintegration, other than the absence of land and the persistence of unexploded ordinance and intimidation threatening the physical security of

the returnees, was the tension between the residents in the area and the repatriated refugees.⁴⁵ Fourthly, monies and food rations taken up under Option C were inadequate to the actual amount needed until the refugees were reestablished because donors did not contribute enough. (Cf. UNDP 1991 regarding donor pledges vs actual contributions). Babb and Streuben (1998, 106) stress this factor in particular. The result was lack of sufficient building materials, seed grains or even food to meet the repatriation requirements. As a result, many commentators (Eastmond and Ojendal 1999 as well as Geiger 1994) blame the incapacities of UNHCR, UNDP and the NGOs, though Eastmond and Ojendal also point to the dependency syndrome that the refugees developed in the camps (48). Law (1995, 64) believes that the haste of the effort to expedite the repatriation was at the root of the disorganized effort, resulting in a disproportionate amount of money spent on repatriation at the cost of reintegration. (Law 1995, 62)

In the case of Namibia, however, there was plenty of time to plan the reintegration process. Yet the same general pattern of a large gap between the funds needed to run a proper reintegration program and the funds actually available was evident. The UNHCR had insufficient funds after a 17 million dollar shortfall in the monies actually available for its rehabilitation projects. No funds were available for cultural understanding, educational training and psychological assistance programs. As a consequence, the international effort to get educated Namibians to return was undermined. Further, Tapscott and Muloneni (1990) argue that the returnees who did come back were **not** happily accommodated by their families. Given the skills of those who did return, they were still unemployed. Their skills were not recognized and the returnees became disoriented. Preston (1994) says that returnees were embarrassed at dependency on their families and depressed by lack of economic opportunities. In the end, only 7% were employed while 36% were active in subsistence production; the idle took to drink and crime. (262) It should not be a surprise, then, that of up to 100,000 Namibians expected to return, only 42,736 refugees went through the official UN return program.

Other factors also played a part. In Cambodia, refugees lacked a social network to facilitate becoming reestablished. (Eastmond and Ojendal 48) Related to this issue, local suspicions and rejection (Davenport et al 1995) and local intimidation (cf. the Chrouy Arpel study of 21 returnees) compounded the problems of the returnees. Even in the Chrouy Arpel study, where the refugees did receive free land, they lost it. (Hansen 1993)

In other regions, the local residents were much more dependent on the refugees than the reverse, as was the case elsewhere. In Somalia, there was extensive food sharing between residents and returnees; wherever Somalis had access to refugee camps, they had access to food and, hence, were healthier.

⁴⁵ After all, the process of repatriation may be part of the conflict. In Guatemala, during the civil war, the locals had been taught to distrust refugees, and, hence, returnees. "The army apparently warned people in a village neighbouring the return settlement in Nenton not to mix with the returnees because 'they bring back their organization that started the problem'." (Stepputat 1999, 214) This was in a context where government supporters were organized into safe enclaves around civil defence strategies. (Gramajo 1995)

To go back to Cambodia, there seems to be no single cause for the failure of reintegration of Cambodians.⁴⁶ But there is a virtually unanimous consensus that it did fail. Among the myriad possible factors, each played a part, thereby throwing a shadow over the supposedly successful reintegration process. However, the threat of violence was reduced and made possible the repatriation process. Nevertheless, the implicit terms of the agreement regarding refugee return were in spirit, if not always in letter, violated.

The failure of reintegration of refugees has a number of negative consequences. Foremost amongst them is the production of a body of unemployed youth who easily slip into criminal activities and, more importantly for our purposes, become a source of recruits for the resumption of armed conflict. In Sierra Leone, the marginally unemployed and disaffected youth became a main source of recruits for the warlords who resorted to armed conflict to take over the government.

This happened in Somalia as well. There, returnees, because of war as well as drought, drifted into camps. (Gode and Kelefo) In the Eastern Hareghe region, some refugees spent 14 years in camps. (Holt and Laurence 1991, 145). As a result, the young people did not acquire the husbandry skills of pastoralists. They began to identify with urban and sedentary life. Thus, when they returned, they drifted back into towns. In the absence of a major economic revival, they were added to the urban unemployed and, therefore, contributed to instability. (Holt and Laurence 1991, 147) In fact, the percent of returnees who went to the rural areas was only 28.5%. (Holt and Laurence 1991, 147)

Clearly, the failure of reintegration has long-term consequences for the achievement of positive peace even when there are few repercussions on the general cessation of organized violent political conflict and the achievement of negative peace.

CONCLUSION

There has been a failure to examine critically widely held assumptions that rr&r are essential to achieving and maintaining peace. This is certainly the case when refugees are **not** repatriated, for there is a real danger of creating refugee warriors. Further, if the refugees are repatriated but not reintegrated, they may become refugee warriors anyway. There are a number of reasons why this may be the case. Sometimes, as indicated above, when the refugees are repatriated but the reintegration of those refugees is not successful, the result is the creation of a breeding ground for future violence and even recruits for a new violent uprising. But there are many other cases where it appears that successful rr&r are not essential to the successful implementation of a peace agreement.

⁴⁶ There is one theory that traces all these factors to one root. The Khmer Rouge had agreed to cooperate based on the promise of refugee repatriation and the prospect of a continuing base of support within Cambodia. There were forces at work determined to undermine that support. The consequences of the failure of the refugees to reestablish themselves is that a source of revenue and support for the Khmer Rouge was taken away. (Reynalt 1989 and Vickery 1990) According to proponents of this thesis, the refugees were intentionally sacrificed to the cause of stability and the decimation and withering away of the Khmer Rouge.

On the other hand, the implicit and unexpressed contrary position that refugee repatriation is a marginal issue in the implementation of most peace agreements has also not been probed. The conclusion I draw is more surprising than either of the above positions. Successful refugee repatriation and reintegration, in many cases, may not have been either central to the success of a peace agreement or marginal to that success. Contrary to both positions, in many cases the *non-repatriation* of refugees may have been central to the success of a peace agreement, such as in El Salvador. It facilitated the successful repatriation *and reintegration* of the small proportion of refugees who did return. As well, the refugees who remained in the diaspora provided a source of remittances to help rebuild the economy. Could it be the case that the failure of repatriation was an essential part in securing the cessation of violence?

In some cases, the repatriation of refugees may have, in fact, jeopardized the possible 'success' of a peace agreement, where success is simply defined as the absence of violence. In an exclusionary war, where refugees attempted to return to their homes, and not just parts of the homeland, and where the ethnic cleansers were *de facto* victorious, the return of the refugees to their homes was a stimulant to the resumption of violence. This is quite aside from the issue of the justice of that return and the injustice that is perpetuated by the non-return. The intimidation by the majority against the minority returnees may be unethical and unacceptable, but, with the exception of Kosovo, the international community showed no inclination to stop the ethnic cleansing with the force necessary to accomplish the task. And, in Kosovo, when they did, the effect was to ensure the repatriation of the refugees first expelled, but only at the cost of the expulsion of the other ethnic group(s). In other words, in many civil wars there may be an inverse correlation between the repatriation of refugees and the successful implementation of a peace agreement defined as the continuation of the cessation of violence. Success cannot simply be defined as the implementation of the terms of the peace agreement. Put another way, in some cases, the terms of the agreement may be implemented but there is more violent conflict. On the other hand, the terms may be effectively ignored, and the result is short term peace and long term injustice.

If the right of return is insisted upon, at least in the terms of the agreement, but there is no intention of enforcing that right, then there is no real right of return. There are merely rhetorical and hypocritical gestures that make a mockery of the whole principle of rights. More significantly, insisting on certain rights in certain situations, as in the case of the Palestinian refugees or the refugees from the wars following the break-up of the former Yugoslavia, means the refugees are left in limbo. They are neither resettled nor repatriated to their home. The result is the worst of the alternatives available.

This is not just the case in exclusionary wars. In the peace agreements to end both the Cambodian and Lebanese civil wars, the right of return was included. But in each case, it effectively meant the opposite. The refugees did not have the right to return to places of their choice. In Cambodia, they were located where it suited the political parties, for very different reasons. The effect was that the refugees were moved to an area where they would support the Khmer Rouge, but were not given the means to reintegrate so that any support they could render would be useless. In Lebanon, the refugees were

relocated to areas where they would be homogeneous with the dominant ethnic/religious group. One begins to suspect that when the 'right of return' is articulated in an agreement, it is a cover for taking away rights to freely locate anywhere in the country.

The phrase, 'voluntary repatriation', also seems to have developed into a rhetorical device to disguise many situations where refugee return is induced or even coerced. In other situations, as in the case of the Rwandan refugees in Zaire, it is used to impede a return that might have otherwise taken place. And when returns are truly voluntary, they often occur outside the terms of the agreement and often before the conflict has really ended.

Other issues emerged about repatriation that have had very little discussion previously. A great deal of repatriation is clearly political, aimed at enhancing the support for one side or another in the electoral battles that are scheduled to ensue following the cessation of armed battles. In one sense, such a transformation from violent to peaceful ways of settling conflicts is certainly to be welcomed. On the other hand, it clearly effects the pace of repatriation, often to the detriment of the refugees. If the goal is to get the refugees "home" so they can vote, as in Cambodia, the pace may be too fast. If the goal is to delay the vote, the repatriation may be held up for years as in the Western Sahara. In either case, the process of repatriation becomes very politicized and, as in Cambodia, undermines the reintegration process more than usual.

The most important observation, however, is that it is crucial to link refugee repatriation to the type of war that was fought and who the real winners are. If the ethnic cleansers remain in *de facto* power after a war of exclusion, attempting to move refugees back to their homes in minority areas is a chimera driven by supporters of a multi-ethnic philosophy who, understandably, do not want to give the ethnic cleansers a post-genocidal victory. With the exception of the war in Kosovo intended to finally diminish the military capacity of Milosevic, those intent on putting Humpty Dumpty back together again have not succeeded in getting the developed countries to put up the military forces and use them to accomplish such a goal. Further, even as in Kosovo where they do ensure that the Muslims from Kosovo return, the cost is the ethnic cleansing of Serbs and Roma from Kosovo. In either case, the idea of a multi-ethnic polity has been destroyed and refugees result who cannot be repatriated.

There are other factors that have an affect on the support, push for and pace of refugee repatriation. The most important of these are the policies and actions of neighboring states hosting the refugees. In some cases, for example, in Sierra Leone, the very issue of refugee repatriation may be inserted into the peace agreement because of the interests and pressures of the host state or states.

From an even more distant perspective, the timing of the issue of refugee repatriation, in relationship to the historical development of acceptable international norms in dealing with refugees, is clearly very significant. In addition, the role of the international media in covering such events and the development of the globalized economy all have an effect on whether and how refugee repatriation is linked to a peace

agreement in a civil war and its implementation. The most surprising lesson of the study, however, is that refugee repatriation may sometimes operate to the detriment of positive peace. The absence of repatriation of the majority of the refugees who become resettled in countries of asylum may enhance the prospects for peace in both the short and long term. Furthermore, the prospects for successful reintegration of the refugees who do repatriate may also be enhanced given the reduction in competition for scarce land, the increased flow of remittances to assist in the rebuilding effort, etc.

Thus, once the reintegration as well as repatriation factors are thrown into the equation, the relationships become even more complicated. For example, it seems odd to learn that the maintenance of refugee camps, hence retarding refugee repatriation, in an area in which violent conflict has stopped, may be important to sustaining the peace and preventing the resumption of conflict. For unemployed and disaffected returnees can resort to arms. Further, the camps may be an important source of economic subsidy in an area that is struggling to survive simply to obtain the bare minimum for subsistence.

If repatriation of refugees and the sustaining of peace are sometimes at odds rather than complementary, possibly it is even more surprising to learn that the mode of refugee repatriation may undermine the prospects for refugee reintegration. More surprising still, expenditures on repatriation may come at the cost of monies needed for reintegration, thus endangering the long-term prospects of achieving positive peace. Returnees are not always welcomed back with open arms by those who remained behind. Quite aside from possible political differences and suspicions of why some left and others remained behind, the refugees may have adopted different cultural patterns, acquired new languages and skills which may threaten the patterns of life of those who remained behind. Repatriation of refugees may itself be a source of conflict and pose its own challenge to the prospects for reintegration.

The answer, thus, is somewhat more subtle than simply reversing the correlation that refugee repatriation (and reintegration) are essential ingredients in the successful implementation of a peace accord. The issues of repatriation and reintegration are not marginal either. This paper puts forth the evidence and arguments for challenging the presumption of humanitarian scholars that successful repatriation and reintegration are essential to the successful implementation of a peace agreement. At the same time, it also challenges the possibly implicit assumption of most scholars of conflict studies that the issue of refugee repatriation may be a marginal factor in the successful implementation of a peace agreement. Instead, refugee repatriation and reintegration may be complicating factors, with many different dimensions, in the successful implementation of a peace agreement.