

[VERY ROUGH DRAFT]

PROBLEMS OF REFUGEE REINTEGRATION¹

By

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Introduction:

This chapter is concerned with refugee repatriation and reintegration as part of the implementation of a peace accord.² I will use the term “refugee” loosely to apply to both internally displaced persons (IDPs) as well as those who actually cross borders except, as in cases of forced repatriation where it is necessary to distinguish between the treatment accorded the internally displaced and the refugees.

Solving the problem not only of the refugees but of displaced persons is generally considered to be a core element in finding a peaceful resolution of a violent conflict. Large numbers of refugees and displaced persons are generally at least a byproduct if not an actual intended product of the violence as in Bosnia and Kosovo. For example, Elizabeth Cousens noted in her case study 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.” (p. 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.

Contrast this with the much smaller number of refugees in absolute and relative percentages produced by earlier conflicts such as the one in Namibia which resulted in 40,000 to 90,000 refugees. There has been a definite trend to increased numbers of refugees as well as internally displaced persons culminating in the extreme of Kosovo where virtually 85% of the population was either displaced or fled across adjacent borders. The Angolan conflict is another situation in which the numbers of refugees and internally displaced keep escalating from the original 425,000 refugees and 800,000 internally displaced recorded in 1991 to the over one million in each category in 1999. Again, contrast these figures with what were once considered huge numbers – 500,000

¹ The original title of this chapter was to be called “the problem of refugee resettlement.” The term ‘reintegration’ is used instead of ‘resettlement’ to distinguish between refugees who are relocated (resettled) abroad and refugees settled in first countries of asylum in contrast to those who return to their homeland. ‘Resettlement’ in ordinary language encompasses the problems faced by all refugees, whether repatriated, settled in countries of first asylum or relocated and settled in immigration countries like Canada and the United States. To distinguish the three situations, the problem of repatriated refugees is referred to as one of reintegration as distinct from resettlement.

² Thus, I am not concerned with asylum seekers in the developed world or settlement in first countries of asylum, though these issues will, as shall be seen, directly impact on the pressures for and support of the repatriation process by other countries.

refugees produced by the Cambodian conflict. In comparison, the 1992-1994 peacebuilding operation in Mozambique involved the repatriation of 1.6 million refugees.

The numbers are large and increasing in both absolute and percentage terms. It seems unsurprising then when general statements are made, such as in the Central American Esquipulas Accords (1987)³ that there would be, “no lasting peace without initiatives to resolve the problems of refugees, returnees and other displaced persons.” Many studies have drawn the same conclusion. “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.”⁴ Resolving the refugee and displaced persons issue would appear to be a core element in the terms and successful implementation of a peace agreement.

Centrality or Marginality of Refugee and Displaced Persons Repatriation

However, in spite of the rhetoric of the Esquipulas Accords, the analysis of the issue concluded that refugee repatriation was a marginal issue. Chuck Call 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)

Reading the other case studies overwhelmingly give the impression that the refugee issue was **not** central to either the success or failure to implement the peace agreement. In some cases, the agreement itself was silent on the issue of the repatriation of refugees. (Cf. Liberia case study, p. 37) 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 and Sorpong Peou’s study of Cambodia – p. 10), 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

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

⁴ .“The Challenge of Return and Reintegration in the Great Lakes Region,” paper presented at the Regional meeting on refugee issues in the Great Lakes,” 1998, p. 3.

to understanding the core of the peace agreement and its effects on implementation strategies.

Thus, the very first issue that requires some determination is whether the resolution of the plight of the refugees and displaced persons is a marginal or a central factor in the implementation of peace agreements.

There are a number of reasons why one would expect refugee and IDP repatriation to be a key issue in both a peace agreement and its implementation. The very large and increasing numbers alone would suggest the centrality of the issue. Further, when refugees are not repatriated and successfully reintegrated, they frequently metamorphose into refugee warriors, perpetuating the cycle of violence. (Zolberg et al, 1989; Khiddu-Makubuya 1994; UNHCR 1995) This was certainly the case with the Palestinians.

But there are as many if not more cases that could be cited where the displaced do not become refugee warriors – the Turks and Greeks in Cyprus, the Ovest Deutsch repatriated into Germany from Eastern Europe after WWII. Further, the cessation of violence, the setting up of new structures of government, the provisions for disarmament, the demobilization of soldiers all seem to be so much more urgent and without which there could be no repatriation.

Further, refugee repatriation seems to bear little correlation with whether or not provision is made in the peace agreement. Most repatriation is spontaneous, occurring or not occurring whether or not provided in an agreement and generally ignoring the elaborate and careful plans made by international agencies for a safe and orderly return. Such returns often precede or immediately follow the signing of the peace agreement. When they precede such agreements, the return is often a response to the fact that it is more dangerous to remain outside one's country than return to it. Thus, when repatriation plans are made, it is rare that they are utilized.

There is another factor that may skew the understanding of whether refugees are central to a peace agreement and its implementation – the skills, expertise and priorities of the researchers. Most experts in conflict studies know little of the refugee literature. Their studies have been of wars and conflicts, of mediation and disarmament – the very meat of the conflict itself. Refugees appear as by-products, a matter of humanitarian rather than military or political concern. They are perceived as victims rather than agents involved in the conflict and its resolution. As genuine refugees, they do not bear arms and seem to pose little risk to the success or failure of a peace agreement even when provision is made for their return.

It would appear that the issue of refugee repatriation is a core part of an agreement when the issue of refugee return is a central part of the conflict itself. When refugees are merely the by-product of the violence and not a target of it, then the issue of refugee repatriation may indeed be marginal to the peace agreement and its implementation. At the same time, when the non-return of refugees is considered part of

the war and peace aims, and the war has been successful in this regard, then refugee repatriation will unlikely be a central part of any agreement. And even when it, if the ethnic cleansers win *de facto* even if they lose *de jure*, as in Bosnia, then more refugees are produced wherever repatriation takes place. This is certainly true in Kosovo where the return of the Muslim Kosovors was preceded by and co-terminus with the majority of Serbs in Kosovo.

There may be another factor influencing whether refugees are central to a peace agreement. In the war in Sierre Leone, the 1996 Abidjan Peace Agreement made no provision for the repatriation of refugees. In contrast, the 1997 Conakry agreement did. 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.

Classification of Peace Agreements

I suggest that with respect to peace agreements in relation to the centrality of refugees, they might be classified according to the following possible simple matrix:

REFUGEE ISSUE IN RELATION TO PEACE AGREEMENT

		CENTRAL	MARGINAL
Peace	IN	Of interest to one of parties; party has power and will use it	Of no central concern Concern with humanitarian aid to implement repatriation
Agreement	OUT	Of interest to one party but no enforcement power	No concern

REFUGEE ISSUE IN RELATION TO IMPLEMENTATION WHEN ISSUE CENTRAL

Implemented	Party with interest has both preponderance of power and willing to use it
Not Implemented	Party with interest lacks either the power or the willingness to use it

This perspective sidesteps what has always been considered a central issue in refugee repatriation – namely that the refugee repatriation had to be voluntary. Instead it suggests that refugee repatriation will be voluntary except in cases where the party with the interest and the power and the willingness to use it wants or does not want the refugees repatriated. In that former case, and in spite of moral indigestion by some onlookers, refugee repatriation will be induced rather than remain voluntary. In the latter case, no refugee repatriation of any size will take place.

There is another issue that is rarely considered – refugees that are by-products of the peace itself. This was the case in both Bosnia and Kosovo where the minority left after failing in their efforts to use violence to become the dominant majority or where the minority was identified with the instigator of the violence but that instigator eventually lost the war. After Saddam Hussein was repulsed from Kuwait. The Kuwait government kicked out a million Palestinians even though only a minority had openly expressed approval and support for Hussein's action. (Richmond 1994, 215) provision made or may not be made for the protection of the ethnic group who lost the conflict – that is in conflicts where the production of refugees was a central goal of the conflict itself. But whether provided for in the agreement or not, the minority will only remain to the extent the “victors” have the commitment, the force and the willingness to use that force to prevent further ethnic cleansing. Further, the minority must also both perceive this and be willing to accept living under the new power. The new power need not necessarily belong to a party to the core conflict but may be the power of an intervenor as in ECOSOC's intervention in West African conflicts or NATO's involvement in Bosnia and Kosovo.

CONTEXT

Another aspect that needs to be considered in the relationship of refugees to the implementation of peace agreements is the context. That context has many dimensions. First, peace is intended between and among various groups. Further, the goal of the 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 even when dealing with an intra-state war.

Further, the 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 themselves 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. Part of this will be determined 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 are likely to 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. When there is a determined interest of one party to prevent refugee repatriation, for the security of the region, quite aside from the interests of the other party, it is important to make provision for the repatriation of refugees. This is especially crucial before the refugees acquire a reputation by associating even marginally with such activities. Thus, even when refugees are not initially perceived to be a crucial element in a peace agreement, they may indeed be a central element when long term stability of the region is taken into consideration.

Beyond the immediate contextual elements, there are larger regional and global 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. 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.

It also clear that the globalization of market system has been a force for putting local conflicts within a world trading context as can be seen from some of the provisions of more recent peace agreements. Ironically, and something virtually unnoticed in the studies of the implementation of peace agreements, temporary stability rather than a real long term peace may be the real goal. This may be one reason the refugee issue may be marginalized.

Major western powers have both a low tolerance for receiving masses of refugee flows as well as 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 the intra-state wars. Therefore, they seek strategies which try to limit the irritability produced by the threat of a large influx that has not been preselected for entry, but strategy which minimizes the risk to their own military. That means the peace agreement usually provides for sufficient repatriation for the refugees without solving the condition of their original displacement. This was true in El Salvador and it is true in Bosnia.

HISTORICAL CONTEXT and HUMANITARIAN INTERVENTION

In addition to the 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 individual status determination and humanitarian actions rooted in Cold War politics. This solution was universalized in 1967, But the nineties have born witness 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 shift focus on one solution (putting enormous resources behind minority returns in Bosnia) while not facilitating the real one available - relocation. This is apparent in all the studies of the efforts to return refugees and displaced peoples to minority areas governed by those who led the ethnic cleansing.

Studying 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 an issue. From a more detached and longer term perspective, the connection between the refugee and the peace issue would otherwise be viewed as central.

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. It was 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 that provided the passion and support for the bombing campaign against a sovereign state and the infrastructure that makes it operate. media and the politics of refugees.

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 the refugees, and the impact on the peace agreement and the possibilities of their implementation.

The legal context may be 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 is the vehicle for transmitting most of those perceptions.

HUMAN SECURITY

This brings us to the issue of how the peace process should be approached, particularly when addressing the refugee issue. Canadians, and York University in particular, pioneered in developing what has now become widely known as a “human security” rather than a rights approach to the refugee issue when dealing with peace agreements and their implementation. This means shifting the focus from gathering up the arms, demobilizing the soldiers, agreeing on a governing structure, integrating the army, etc. to focusing on longer term issues of peace.

Thus, the peace agreement, once refugees are made central, would stress environment, economic, social, psychological, economic, rights. The long terms goals of reconstruction would be used to frame the immediate objectives such as employment and housing. Further, there would also be a shift in the interpretation of national interests for the intervenors. A moral and ethical dimension of national interests would come to be recognized. After all, in most of these recent conflicts, national interests narrowly defined were not the instigators of international involvement. Rather, in every case, compassion rather than an abstract consideration and calculus of self-interests instigated the involvement or made it operative after a great deal of rhetorical and diplomatic effort.

Further, it must also be recognized that the interest in human security leads the rival groups to use the aid given to try to make political points. They want to become recognized for providing that human security. Usually this is treated as stealing the credits (cf. The case study of Mozambique, p. 49) when it also should be viewed as acculturating the parties to a different set of priorities and values. For as they take credit for providing the human security, they also begin to take on the role and self-image as human security providers.

[Other topics to be discussed focussed on the problems of repatriation themselves:]

PROCESS

SCALE AND TIME FACTORS

DECISION MAKERS

PROTECTION – humanitarian protection zones vs return

ENVIRONMENT

PROPERTY RIGHTS

RECONSTRUCTION

EMPLOYMENT

DEVELOPMENT – complex needs: sustainable

Housing, health, education, economic, political, social

Skills training, capacity building

- regional trade

- international coordination

GOVERNANCE – state responsibility and accountability

- international support

RECONCILIATION AND JUSTICE

CONCLUSION

This chapter concentrates on a number of paradoxes related to the relationship of peace agreements and their implementation to the problem of refugees. The most blatant paradox is the discrepancy between the widespread rhetoric that asserts the centrality of the refugee issue to the peace process and the case studies which generally find that the issue is a marginal one compared to most of the others. This is in spite of the fact that the numbers of refugees and displaced persons both as a total and as a percentage of the populations affected has been increasing. Further, the production of refugees and displaced persons has often become an objective of the war itself.

I have tried to explain why this occurs and also tried to find a classification to indicate and provide a guide where even if the refugee issue appears marginal, it is not and should not be. Further, I have tried to present a number of factors which argue for the long term importance and centrality of the refugee issue to peace agreements, which we ignore at our peril. I have tried to contextualize that importance politically, geographically, historically and conceptually within the emerging concept of human security as well as the role of the media in relationship to refugees which often becomes the catalyst for any humanitarian intervention that takes place. Only then do I consider the critical factors that ought to be considered when dealing with the implementation of a process of refugee repatriation.