

# 6 Repatriation and peacebuilding in the early 1990s

As the 1980s drew to a close, the end of the Cold War created new opportunities for peace. Starved of superpower support, proxy wars that had raged in several countries around the world soon came to an end. In a number of these cases, the United Nations played a major role in brokering and consolidating peace accords by establishing large peacekeeping and peacebuilding operations.

In the early 1990s, there was palpable optimism that a more peaceful world order, characterized by international cooperation, the resolution of conflicts, and a dramatic reduction in the number of refugees and displaced persons, was within reach. Between 1988 and 1994, 21 new peacekeeping and peacebuilding operations were mounted by the United Nations, compared with only 13 peacekeeping operations in the previous 40 years. The new optimism was symbolized by UN Secretary-General Boutros Boutros Ghali's *Agenda for Peace* of June 1992, which envisaged a revitalized collective UN security system.

UNHCR played an important role in a number of UN peacebuilding operations, particularly in Namibia, Central America, Cambodia and Mozambique, which are the focus of this chapter. Each of these countries was the scene of protracted armed conflict during the Cold War years. In each case, peace agreements—reached through internationally mediated negotiations—resulted in large-scale repatriation movements. UNHCR's activities were integral to the broader UN peacebuilding operations in these countries. In each case, these operations involved the organization of elections and other measures aimed at assisting the transition from war to peace. They involved varying numbers of international monitors and civilian administrators, and in some cases peacekeeping forces and international civilian police.

In Namibia, UNHCR's involvement in the repatriation operation was short and limited. In Central America, Cambodia and Mozambique, however, the organization played a much greater role in assisting with the reintegration of the returning refugees. In each of these cases, UNHCR participated in a wide range of general rehabilitation programmes and in activities aimed at encouraging reconciliation. By assisting returning refugees and displaced people as part of a comprehensive programme, UNHCR and the international community sought to ensure their successful reintegration, thereby consolidating the peace process.

UNHCR's activities in each of these cases reflected a new, broader application of the organization's mandate. Except for the operation in Namibia, UNHCR's involvement did not end when the refugees crossed safely back over the border into their own countries. Rather, UNHCR remained actively involved in addressing the needs of returnees for longer periods than ever before, carrying out a wide range of protection and assistance activities to help these people to reintegrate and rebuild their lives.

## The Namibian repatriation

Namibia's achievement of independence in 1990 was directly related both to the dismantling of apartheid in South Africa and to the end of the Cold War. The territory, which was known as South West Africa until 1968, had been controlled by South Africa since the end of the First World War. In 1966, the South West African People's Organization (SWAPO) began an armed struggle for independence, later establishing bases in Angola and Zambia. In 1978, the UN Security Council adopted Resolution 435, calling for the ending of South Africa's administration of Namibia, which had been ruled illegal in 1971, and for the territory's early independence following UN-monitored elections. It took more than a decade, however, for that resolution to be fully implemented.

The United States took the position that the independence of Namibia should be linked to a resolution of the civil war in neighbouring Angola, and the withdrawal of Cuban troops based there. It was not until December 1988 that South Africa, Angola and Cuba signed agreements to implement Resolution 435 and simultaneously to begin a phased withdrawal of Cuban troops from Angola. Two months later, the Security Council created the United Nations Transition Assistance Group (UNTAG), with a mandate which included monitoring the withdrawal of South African forces from Namibia and supervising the election of a constituent assembly.

### Repatriation precedes elections

From the start, UNTAG considered that the return and peaceful reintegration of the Namibian refugees was a prerequisite for elections and for the successful transformation of Namibia into an independent, democratic country. UN Security Council Resolution 435 of 1978 eventually began to be implemented on 1 April 1989. Within less than a year of this date, over 43,000 Namibians had returned home from Zambia, Angola and a number of other countries.

The start of the organized repatriation had to be delayed while UNHCR, which facilitated the operation, held long and difficult negotiations with the South African government to secure a comprehensive amnesty for all returnees. Once the repatriation began, refugees were transported by air to the capital, Windhoek, and, between June and August, to more northerly entry points such as Grootfontein and Ondangwa. Three small entry points were also used for those arriving overland. From these points, the refugees were taken to five newly established reception centres where they were registered and given food, clothing, health care and basic household necessities. The returnees were then transported to their home destinations, primarily in the north of the country.

The operation suffered some major setbacks. Repatriation had to be delayed for one month when fully armed SWAPO forces marched into Namibia from their bases in Angola on 1 April 1989. Their apparent attempt to establish an armed, as well as a political, presence inside Namibia was thwarted by the remaining South African military units. Temporarily released from their barracks, the South African forces



*Namibian refugees arrive back in Ovamboland, Namibia, after years in exile. (UNHCR/L. ASTRÖM/1989)*

defeated and expelled the SWAPO troops. Another problem was that the South West African police, which included some notoriously violent ‘counter-insurgency’ elements, were still being deployed by the South African-controlled Administrator General during the repatriation. These elements, known as *Koevoets*, continued to operate illegally in the north, particularly in Ovamboland. They spread fear, impeded refugee returns and prompted the UN Secretary-General to issue a formal complaint in June 1989. UNHCR sent protection missions to the area to monitor the situation.<sup>1</sup>

UNHCR was criticized at the time for the high cost of the Namibian repatriation operation. More than US\$36 million was spent on the return of just over 40,000 refugees. Almost half this amount was for the airlift operation to transport returning refugees and to deliver relief supplies. UNHCR considered this mode of transport essential, partly because it was unsafe to transit through southern Angola, and partly to make up for time lost due to the April incursion and delays caused by the lengthy negotiations to win full amnesties from South Africa for the returning refugees.

Despite the delays and setbacks, almost all the refugees were repatriated in time for the elections, which were held in November 1989. SWAPO won easily and

formed the first independent government in Namibia. As had been the case in the repatriations to Algeria in 1962 and to Bangladesh in 1972, UNHCR limited its assistance to immediate needs for food and material and withdrew most of its staff after the returning refugees had been accompanied to their destinations. UNHCR considered its work done when it had completed the repatriation operation and resolved the amnesty question and other legal issues. The Council of Churches in Namibia, which was UNHCR's main implementing partner, established assistance centres throughout the country to receive returnees and to assist minors, the elderly and other vulnerable groups.

In 1990, a UN-led inter-agency mission found that the returning Namibians encountered serious difficulties in finding work, becoming self-sufficient, and achieving economic integration. This was particularly true of those who returned to the rural areas in the north of the country. Namibians who had returned in triumph felt abandoned by the international community.<sup>2</sup> The inter-agency mission recommended that assistance be made available to the Namibian returnees, but donors were reluctant to provide the necessary funding and few projects were actually put in place.

Meanwhile, some of the refugees had received advanced education while in places such as Eastern Europe or Cuba, and they brought back with them a variety of professional skills which eventually helped to build a stable and modestly prosperous new nation. A number of the returning refugees became leading members of the new government, including the new president, Sam Nujoma.

Namibia's attainment of independence proved to be the first of a series of post-Cold War achievements in which the UN system played a major role. In this case, UNHCR withdrew from the country soon after the main repatriation movements were over. In subsequent repatriation operations, UNHCR's involvement in assisting the reintegration of the returnees was to be much greater.

## Repatriation in Central America

The civil conflicts that engulfed El Salvador, Guatemala and Nicaragua in the 1980s forced more than two million people to flee their homes. Of those who fled across international borders, fewer than 150,000 were officially recognized as refugees by host governments in the region [see Chapter 5]. The displaced found only relative safety in the countries or places to which they fled. Host governments became increasingly concerned about large refugee populations which could not easily be integrated and which they regarded as security threats. They were therefore eager for repatriation to take place.

With the proxy wars of the Cold War era coming to an end everywhere by the late 1980s, governments in Central America recognized a common interest in ending the three conflicts in El Salvador, Guatemala and Nicaragua. They organized two conferences in 1986 and 1987 in Esquipulas, Guatemala, and on 7

August 1987 a regional peace agreement was reached. The agreement, which became known as Esquipulas II, was signed by the presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. It set out a procedure for the establishment of a firm and lasting peace in Central America. In 1989, as the Cold War ended, external powers which had been involved in these conflicts—particularly the United States—were persuaded to support regional peace efforts. The 1989 International Conference on Central American Refugees (*Conferencia Internacional sobre Refugiados Centroamericanos*, or CIREFCA) also played an important role in addressing displacement problems. In addition, a number of initiatives taken by the refugees themselves helped to build peace in the region. First in El Salvador in the late 1980s and then in Guatemala in the early 1990s, refugees began organizing large-scale returns without waiting for official peace agreements to be signed.

In El Salvador, before the conclusion of the UN-brokered negotiations to end the conflict, Salvadoran refugees in Honduras announced that they would begin returning in organized groups. Although the government objected to their repatriation plans, it did not control the areas in which they proposed to settle, and the refugees began to repopulate areas which had been emptied as a result of the conflict. They returned regardless of the ongoing conflict, and settled in places of their own choice, despite their questionable claim to the land. They sought the support of UNHCR and other humanitarian organizations in organizing the repatriation, but since the refugees were going to areas where their safety could not be guaranteed, UNHCR was not willing to promote or facilitate the repatriation at that stage. By the mid-1990s, all of the registered Salvadoran refugees in neighbouring countries—some 32,000—had repatriated.

A number of Guatemalan refugees in Mexico followed the Salvadoran example. They repatriated in organized groups, having negotiated the conditions of their return with both the Guatemalan government and UNHCR. They continued to return from Mexico both before and after the full set of peace accords were finally concluded in 1996. The success of the repatriation and reintegration operation was constrained, however, by the shortage of available fertile land for the returnees. UNHCR involvement in the Guatemalan repatriation operation was strengthened by a high level of refugee participation in the process.

UNHCR established its first office in Guatemala in 1987. The extent of the assistance provided by UNHCR to the Guatemalan refugees was extremely high compared with other repatriation programmes. Significant efforts were put into working with refugee women and encouraging their participation in community structures. The programme to assist returnees in recovering identity papers and other personal documentation successfully built upon UNHCR's earlier experience in El Salvador. Between 1984 and June 1999, when the UNHCR-assisted repatriation programme ended, some 42,000 refugees repatriated from Mexico. A further 22,000, about half of whom were born in Mexico, had by this time accepted the Mexican government's offer to settle there permanently.<sup>3</sup>

## Box 6.1

## Protecting refugee children

War and displacement break down normal social structures and children are often amongst those who suffer most. For this reason, children have always been of particular concern to UNHCR and other humanitarian organizations working in emergency situations. About half the refugees and other people who have been assisted by UNHCR during its 50-year history have been below the age of 18.

Among the most vulnerable children are orphans and those separated from their families. When faced with war, families may send their children to distant countries to seek safety. In some cases, children are sent away to avoid conscription, to get an education, or to claim political asylum and pave the way for other family members to join them later [see Box 4.4]. As a result they are often at an increased risk of assault and exploitation.

These children's lives are often disrupted at a crucial stage in their physical development. Poor hygiene and insufficient food during the period of displacement frequently have a devastating impact on the mortality rates of the very young. Hastily constructed and overcrowded refugee settlements present further threats to health. In refugee situations, older children are often compelled to take on additional responsibilities within the family, as breadwinners or carers for incapacitated adults or younger siblings. At the same time, they are still developing their identity and learning skills, but they must do so divorced from their home communities and their familiar culture.

Up to 300,000 young people under the age of 18—some as young as seven or eight years old—are actively engaged in conflict around the world. Some are volunteers, but in countries such as Afghanistan and Sri Lanka, as well as several countries in Africa, children have

been forced to take up arms. Refugee children are often at particular risk of such forced recruitment. Armed groups typically use children as porters, cooks, messengers, intelligence gatherers, or foot soldiers.

The participation of children and adolescents in education programmes is often cut short following displacement. In an emergency situation, the educational needs of refugee children are often not treated as a high priority and may suffer as a consequence of limited resources. Education and vocational training are crucial for children and adolescents, providing them with the skills required to live independent and productive lives. They are also an important protection mechanism against forced recruitment into armed forces and other forms of exploitation.

#### Recognizing children's needs

The 1989 UN Convention on the Rights of the Child, arguably the most comprehensive of all international human rights treaties, has been signed and ratified by every UN member state, except the United States and Somalia. For the purposes of the Convention, a child is defined as anyone 'below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier' (Article 1). However, a lower age of 15 years is defined as the minimum age for recruitment into the armed forces (Article 38). An optional protocol under negotiation raises to 18 the age below which compulsory recruitment into the armed forces and participation in hostilities is prohibited. The 1990 African Charter on the Rights and Welfare of the Child, which entered into force in late 1999, already establishes 18 as the minimum age for all such recruitment and for participation in hostilities.

The protection of children in war-torn societies has been high on the UN agenda in recent years. In 1994, the UN Secretary-General appointed Graça Machel, widow of President Samora Machel of Mozambique, to conduct a study on the impact of armed conflict on children, and in 1997, the Secretary-General appointed a Special Representative for Children in Armed Conflict. Other international bodies have recently sought to protect children from the effects of armed conflict. The 1998 Rome Statute of the International Criminal Court considers it a war crime to conscript or enlist children under the age of 15 into national armed forces and use them in hostilities. In June 1999, the International Labour Organization approved Convention No. 182 on the Prohibition and Elimination of the Worst Forms of Child Labour, which includes a ban on the forced or compulsory recruitment of children for use in armed conflict. Most recently, the UN Secretary-General raised the minimum age for those participating in UN peacekeeping operations to 18.

Amongst UN organizations, the UN Children's Fund (UNICEF) has the lead role in assisting children. In addressing the special needs of displaced and refugee children, UNHCR cooperates closely with UNICEF, UNESCO and other specialist organizations, such as the International Save the Children Alliance. UNHCR's major concerns include child health, the special needs of adolescents and separated children, the prevention of sexual exploitation, the prevention of recruitment into the armed forces, and education for girls as well as boys. Although children are a category of particular concern to UNHCR, the programmes aimed at assisting and protecting them will only be effective if carried out as part of broader programmes aimed at addressing the needs of whole families and societies.

In Nicaragua, the situation was different. Here, it was only after the 1990 electoral defeat of the ruling Sandinista government that large-scale repatriation took place. Most of the 72,000 refugees, 350,000 internally displaced people and 30,000 former combatants returned to their homes in the early 1990s.

The Salvadoran and Guatemalan returns, which began before the formal peace agreements had been concluded, were different from most of the previous repatriation operations in which UNHCR had been involved, and led the organization to reconsider its traditional approaches to repatriation operations. It became necessary to define more clearly the organization's policies on when to promote and when to facilitate voluntary repatriation.

### **Reconstruction as a key component of peacebuilding**

From 1989, UN Secretary-General Javier Pérez de Cuéllar played a key role in mediating between the two parties to the Salvadoran conflict. After an initial agreement on human rights was concluded in 1990, but before a ceasefire, both parties asked the Secretary-General to establish an observer mission. As a result, the UN Observer Mission in El Salvador (ONUSAL) was established by UN Security Council Resolution 693 of 20 May 1991, initially to monitor implementation of the agreement. A formal peace agreement was eventually concluded in January 1992. At the time, it was the most comprehensive document of its kind and was considered a major achievement for the United Nations as well as for the Salvadoran negotiating parties.

The Guatemalan accords, which in March 1994 agreed on a timetable and process to achieve peace, were drafted with even greater citizen participation. They built on the Salvadoran example, but provided a less specific agenda for compliance. In November that year, the UN Verification Mission in Guatemala (MINUGUA), established by UN General Assembly Resolution 48/267 of 19 September 1994, began its work in Guatemala. Initially, it monitored the general peace process in Guatemala, and from December 1996, when a final peace agreement was reached, it monitored the implementation of the various peace accords.<sup>4</sup>

As with subsequent UN peacebuilding operations in the 1990s, the UN operations in El Salvador and Guatemala went well beyond traditional peacekeeping functions by including programmes to strengthen local and national institutions, resolve questions of land distribution, and promote justice and human rights. This was carried out largely through cooperation with local non-governmental organizations (NGOs) and grassroots organizations.

Central American political leaders and opposition groups insisted that peace and development should go hand in hand, and sought a comprehensive plan for regional reconstruction. Major donors decided to channel funds through UNHCR and the United Nations Development Programme (UNDP), to implement a range of projects targeting all the war-affected groups. It was agreed that these funds should be used not to assist individual returnee families, but to support entire communities and affected areas. UNHCR and UNDP were to manage what became known as the



*Salvadoran refugees dismantling their camp in Colomoncagua, Honduras, before repatriating. (UNHCR/D. BREGNARD/1990)*

CIREFCA process, which proved to be one of the most important innovations to come from the region.

### **The CIREFCA process**

The International Conference on Central American Refugees (*Conferencia Internacional sobre Refugiados Centroamericanos*, or CIREFCA) was held in May 1989. From then until the end of 1994, the CIREFCA process involved coordinated national, regional and international action to achieve lasting solutions to the problems of displacement in the region. The process was strongly supported by donors. For their part, local political leaders promised to link solutions for refugees, returnees and internally displaced people to national dialogue and reconciliation.

CIREFCA served as a forum in which the governments of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Nicaragua discussed their respective programmes and prepared projects, with the participation of NGOs, for presentation to international donor conferences. The programme was overseen by a combined



UNHCR–UNDP support unit. The CIREFCA framework promoted community-level projects, consensus-building among regional leaders, communication between governments and NGOs, and communication amongst the many different NGOs in the region.

The CIREFCA process enabled UNHCR to address the needs of returning refugees and displaced people in a more comprehensive manner than ever before. This was the first time that UNHCR and UNDP had worked closely together over a long period in the design and implementation of programmes. The different cultures, priorities and operational systems of the two organizations led to a number of difficulties. UNDP focused primarily on assisting governments in achieving long-term development goals, while UNHCR projects had until then been characterized by rapid implementation and shorter-term goals. In spite of what was at the time often a difficult relationship, UNHCR gained much from its experience of working in close cooperation with UNDP.<sup>5</sup>

Although the regional governments initially considered the CIREFCA process to involve only governments, UN organizations and other major donors, they gradually

*UNHCR projects to assist the reintegration of returnees included the funding of small business ventures such as this carpentry workshop for returnees in Ixcán, Guatemala. (UNHCR/B. PRESS/1996)*



## Box 6.2

## Linking relief and development

For many years, the linkage between emergency relief assistance and broader development assistance has been a cause of concern. In the late 1970s and 1980s, this concern focused on two main issues: first, the need to promote greater self-sufficiency for refugees in countries of asylum; and second, the need to address the social and environmental impact of large refugee populations on host countries. In the 1990s, the focus shifted to the reintegration of returning refugees and displaced people in countries making the transition from war to peace.

Gaps between emergency relief and long-term development assistance have often resulted from the institutional differences between organizations that provide emergency relief and those that foster development. Relief organizations must be able to respond quickly and must give priority to urgent needs. They usually rely heavily on international staff. Funding for emergency assistance is usually short-term and project-oriented. By contrast, development organizations usually rely on long-term strategies that can be conducted on a regional or national level. They are often absent during periods of conflict or political instability.

In practice, the transition from relief to development has often been difficult. On the one hand, projects initiated by relief agencies are often too small and too fragmented to lay the groundwork for sustainable, long-term development programmes. On the other hand, financial institutions and development organizations have their own priorities and are often unwilling to take on programmes in which they have had no formative role. Development organizations often lack the field experience and expertise necessary to assume responsibility for projects previously carried out by relief organizations. The success and sustainability of development programmes depend largely on the commitment of both the local population and the national government, which is often lacking in projects set up rapidly by relief organizations during the emergency phase.

In Africa, the initial impetus to limit the dependency of refugees on international assistance and to create situations of 'integrated development and self-reliance' came from a Pan-African conference on the situation of refugees in Africa, held in Arusha, Tanzania, in May 1979.<sup>1</sup> Two years later, the first International Conference on Assistance to Refugees in Africa (ICARA I) was held in Geneva. This conference focused on the linkages between UNHCR relief programmes for refugees and broader development programmes in refugee-hosting countries.

In 1984, a second international conference (ICARA II) attempted to get donors, international organizations and host governments to commit themselves to development-oriented approaches to refugee assistance. It was agreed that emphasis should be put on programmes aimed at achieving self-sufficiency and durable solutions for refugees. The initiatives agreed on at this conference were overshadowed, however, by the magnitude of the new refugee crises in Africa at the time, many of which were exacerbated by severe drought. Progress was also hampered by host governments' insistence that funding for projects for non-nationals—including refugees—should be additional to resources dedicated to national development. This was known at the time as the question of 'additionality'. Limited commitments by the international community to certain refugee-hosting countries also stalled the process.

In Central America in the late 1980s and early 1990s, as various wars in the region ended and as large-scale repatriation began, it also became clear that sustainable peace was dependent upon the successful reintegration of returning refugees and displaced people. This, in turn, depended largely on the rehabilitation and reconstruction of infrastructure and institutions damaged by war. A series of development programmes was therefore launched to consolidate the peace, and UNHCR provided assistance not only to returning

refugees and displaced people, but also to other war-affected populations. An International Conference on Central American Refugees (*Conferencia Internacional sobre Refugiados Centroamericanos*, or CIREFCA), held in Guatemala City in May 1989, launched several initiatives to bridge the gap between humanitarian assistance and longer-term development. The numerous quick impact projects (QIPs) implemented by organizations such as UNHCR played some part in consolidating peace in war-affected communities. On their own, however, these one-off, modestly funded micro-projects were unable successfully to bridge the gap between relief and development.

In 1999, UNHCR launched a new initiative, together with the Washington-based Brookings Institution, to study ways of bridging the gap between relief and development. The objective of the 'Brookings process' is to improve coordination and cooperation between relief and development organizations in efforts to achieve long-term, sustainable reintegration of returning refugees and displaced populations. Rather than relying on systems whereby responsibility for particular projects is handed over from relief organizations to development organizations at a particular point, this initiative attempts to ensure systematic cooperation and coordination between relief and development agencies from the beginning. The idea is for relief and development organizations to carry out joint analyses and needs assessments, and to prepare joint action plans and project evaluations.

Ultimately, the aim of the 'Brookings process' is to draw other international organizations, non-governmental organizations, and bilateral bodies into a more effective coalition of partners for reintegration and development. As one UN official put it: "Relief" means saving lives, and "development" means saving livelihoods; both sets of activities need to take place simultaneously.<sup>4i</sup>

accepted the important role of local and international NGOs. Their eventual cooperation with these NGOs was no small achievement, given their initial animosity towards them.

Among the CIREFCA initiatives, the most innovative and influential in future repatriation operations were the quick impact projects. It was in Nicaragua that they were first implemented on a large scale. They were micro-projects, often involving the rehabilitation of clinics, schools and water systems, or aimed at creating income-generating opportunities. They required a modest injection of funds and a great deal of community involvement. These projects addressed urgent needs identified by community members, and were carried out in communities with large numbers of recent returnees. They encouraged people to share ideas, skills and resources and helped reduce tensions between former adversaries. Ultimately, these projects were seen not only as innovative but also as essential to successful reintegration and reconciliation.

Quick impact projects were subsequently implemented in Cambodia, Mozambique and other returnee situations. In 1995, High Commissioner Sadako Ogata described them as bringing rapid and tangible benefits to local communities and returnees alike, while at the same time she warned that the impact of such projects would be limited if insufficient efforts were made to sustain them.<sup>6</sup> Indeed, while they succeeded in attracting donor support and in helping communities in the immediate post-conflict phase, the lack of donor interest beyond the initial phase and limited local government commitment to incorporate these projects into national development strategies, rendered many of the projects largely unsustainable.

Following this Central American experience, it became increasingly clear to UNHCR and other humanitarian organizations that peace and development in post-conflict situations cannot be achieved solely by initiating modest, short-term projects for vulnerable groups. Nor can such projects address the structural problems that often give rise to conflicts in the first place, such as weak governance structures, the inability or unwillingness to redirect national resources, and lack of income-generating opportunities. In Central America, efforts to achieve sustainable reintegration continue to this day. Quick impact projects are no longer visible in the region, but the lasting impact of the CIREFCA process remains evident in the strength and effectiveness of community groups and local NGOs throughout Central America.

## The Cambodian repatriation

The 1991 Cambodian peace accords were another example of the dramatic shift in geopolitics that followed the end of the Cold War. Vietnamese forces withdrew from Cambodia in 1989 as Soviet assistance to Viet Nam dried up. Regional leaders soon sought an end to the fighting and a peace process was begun with the full

involvement of the UN Security Council and substantial international support. For the first time, the four Cambodian armed factions which had been involved in the conflict agreed to cooperate in the pursuit of peace.

The Paris Peace Agreements were concluded on 23 October 1991 at an international conference.<sup>7</sup> Under these agreements, all parties agreed to give the United Nations primary responsibility for overseeing Cambodia's transition to democracy. This resulted in the creation of the UN Transitional Authority in Cambodia (UNTAC), authorized under UN Security Council Resolution 745 of 28 February 1992. The signing of the peace agreements and the creation of UNTAC signalled that the time had come to encourage refugee repatriation. It was widely agreed that the refugees' return was essential to the success of the peace agreements and the impending national elections, planned for May 1993. Before the conclusion of the agreements, extensive consultations with UNHCR took place on matters relating to repatriation.

UNTAC faced enormous challenges. After 22 years of war, Cambodia's infrastructure had been all but completely destroyed. Most of its political, social and judicial institutions were neither viable nor legitimate. The majority of the people with the skills needed to rebuild the country had either been killed or had fled. On paper at least, UNTAC's powers and responsibilities exceeded those of all earlier UN peacekeeping operations. In addition to demilitarization and demobilization of the armed factions, UNTAC had responsibility for ensuring 'a neutral political environment'. This entailed managing the civil administration and supervising the parties' compliance with the peace agreement, pending the election of a new government. At the time, UNTAC was the largest and costliest UN mission ever mounted. It eventually cost US\$1.7 billion and at its height had a staff of 22,000. This included over 15,000 peacekeepers and some 3,600 civilian police from more than 40 countries.<sup>8</sup>

### **Repatriation as part of the peace plan**

UNHCR had been in Cambodia helping to resettle spontaneous returnees well before the arrival in March 1992 of Yasushi Akashi, the head of UNTAC and Special Representative of the Secretary-General. The organization had first opened an office in the Cambodian capital, Phnom Penh, in 1980. In 1989, as the political situation started to improve, UNHCR had started planning for repatriation. The Paris Peace Agreements formalized the process by calling on UNHCR to act as lead agency for the repatriation operation and to assume primary responsibility for the reintegration of returning refugees and displaced people. Following the precedent set in Namibia, the peace agreements anticipated that the refugees would return to Cambodia from the camps on the Thai border in time for the national elections in May 1993.<sup>9</sup>

Formally, the repatriation operation constituted one of the seven components of UNTAC, and Sergio Vieira de Mello, the UNHCR Special Envoy who directed the repatriation operation, also reported to Akashi. The other six components dealt

with military issues, civilian police, elections, human rights, rehabilitation and civil administration. In practice, every component of UNTAC had a role to play in the repatriation and reintegration process. Most importantly, the UN presence was needed to prevent continuing internal conflict from endangering the lives of returning refugees and displaced people.

As in so many other cases, the repatriation took place much more quickly than had been expected. The UN Advance Mission in Cambodia (UNAMIC), which preceded the deployment of UNTAC, coordinated with UNHCR to establish repatriation routes, reception centres and resettlement areas, and was instrumental in assisting the first returning convoys. Much of the early work had to be carried out on an *ad hoc* and emergency basis with whatever resources were available on the ground. UNHCR's presence in the country before the peace accord was concluded enabled the organization to play an important role during this initial period.

Between March 1992 and April 1993, more than 360,000 Cambodians returned. Although the overwhelming majority returned from Thailand, some 2,000 also repatriated from Indonesia, Viet Nam and Malaysia.<sup>10</sup> The repatriation operation was a logistically complicated and costly one, given the devastated infrastructure, the presence of land mines, the absence of reliable data about conditions in the countryside, continuing distrust among the different political factions, and frequent ceasefire violations. In addition, the heavy monsoon rains transformed many of the roads used in the repatriation operation into mudbaths, and extensive use had to be made of railways and waterways. Nearly 100,000 Cambodians returned by train, especially to the capital and the eastern provinces.

Before the Cambodians began their journey back from the camps in Thailand, UNHCR staff made efforts to ensure that they would be able to choose their own destinations. This was relatively straightforward in Khao I Dang camp, which was managed by UNHCR, but was more problematic in some of the border camps which were still under the control of the Khmer Rouge. UNHCR also sought assurances that it would have full access to returnees living in zones within Cambodia controlled by the Khmer Rouge. Despite persistent efforts to maintain a dialogue with their representatives, UNHCR had difficulty monitoring the situation of returnees in these zones.

UNHCR also sought guarantees from the Cambodian authorities that they would not carry out reprisals against people returning from camps known to have been used as bases for attacks on government forces. After some delay, the Cambodian authorities committed themselves to ensuring that there would be no such reprisals. The military, police and human rights component of UNTAC assisted in monitoring this, and there were few incidents of harassment of returnees by the Cambodian government.<sup>11</sup>

In its preparations for the safe return of the refugees and displaced people, UNHCR had identified five essential preconditions: peace and security; provision of adequate agricultural land by the government of Cambodia; de-mining of settlements; repair of key repatriation roads and bridges; and strong funding support

from donor countries. In the event, as the scale of the undertaking became apparent, these preconditions were often met only in part.<sup>12</sup>

A particular problem in ensuring safe return concerned the huge number of land mines and unexploded ordnance in the country. De-mining and mine awareness operations were slow to be set up and landmines remained a constant threat. As one UNHCR representative stated in late 1991: 'The only de-mining going on now is when people tread on them.'<sup>13</sup> Indeed, landmines continued to be laid, and even when the de-mining operations got underway, there was initially evidence that landmines were being laid more quickly than they were being removed. By the May 1993 elections, UNTAC's small Mine Clearance Training Unit had cleared around 15,000 mines and other unexploded ordnance, out of over eight million mines estimated to be scattered around the country.<sup>14</sup>

From June 1992, UNHCR began to implement a number of quick impact projects in areas with large numbers of returnees. By the end of 1994, UNHCR had provided US\$9.5 million for around 80 projects including the repair or reconstruction of tertiary roads, bridges, hospitals, dispensaries and schools. These community-based projects proved far more difficult to implement than had been the case in Central America, as local NGOs and grassroots organizations in Cambodia were far less developed and there were only minimal local administrative and social structures. This problem was addressed to some extent by close cooperation between UNHCR and UNDP, which led to the establishment of the Cambodian Repatriation and Resettlement operation (CARERE). Under this operation, UNDP progressively assumed responsibility for reintegration efforts as UNHCR phased out its activities.<sup>15</sup>

## Access to land

The question of the returnees' access to land for settlement and cultivation proved to be a complex one, and UNHCR had to adjust its policy on the matter as events unfolded. Initially, UNHCR told the refugees in the Thai camps that they could select destinations in rural areas and that they would receive two hectares of arable land, in addition to assistance packages containing basic household and agricultural items.

Most of them chose land in the northwest, near the border, which they knew to be fertile, but initial assessments of available land proved unreliable, not least because of the large number of landmines. UNHCR eventually concluded that there was simply not enough unutilized and suitable land in the country—let alone in the desired northwestern provinces—for its plan to be viable.<sup>16</sup>

This miscalculation was illustrative of the larger problems facing the peace-keeping mission. Cambodia had been cut off from the outside world for so long that major initiatives were based largely on out-of-date or inaccurate data. Relying on data produced in a 1989 survey, UNHCR policy-makers in Geneva and Bangkok were unaware of subsequent economic changes in the country that had affected land values and availability.<sup>17</sup>

In May 1992, UNHCR presented the returnees with several new options, including that of receiving agricultural land but not necessarily in their area of choice, and the option of receiving a cash grant and other material assistance. In the end, about 85 per cent of Cambodian families opted for the cash grant, a food allocation and a household/agricultural kit. UNHCR was criticized at the time for having initially raised false expectations among the refugees that they would automatically receive land upon their return. At first, the Cambodian authorities were concerned about the effects that the cash grant would have. They feared that returnees with cash in hand would flock to already crowded urban centres, but their concerns proved unfounded. Most returnees settled with surviving relatives, largely in rural areas.

### **The 1993 elections and subsequent developments**

The deadline of the May 1993 elections exerted considerable pressure on the repatriation operation. Virtually all of the refugees repatriated in advance of the elections, leading the commander of the military component of UNTAC to describe the repatriation operation as 'astonishingly successful'.<sup>18</sup> UNTAC failed, however, to achieve one of its principal objectives: the disarming and demobilization of the military factions. The Khmer Rouge, which had led the genocidal regime of the 1970s, withdrew from the demobilization agreements and remained in armed strongholds with a sizeable number of Cambodians brought in from the border camps. Sporadic fighting between government forces and the Khmer Rouge took place throughout the period of UNTAC's presence in Cambodia, resulting in the renewed displacement of several thousand people, many of whom were recent returnees.<sup>19</sup> UNTAC's efforts to create a civilian police force and an effective civil administration also foundered.

Despite the prevailing security situation and widespread fears that the elections would be disrupted, the May 1993 elections were remarkably free of violence. In the elections, the United National Front for an Independent, Peaceful and Cooperative Cambodia (Funcinpec), led by Prince Ranariddh, secured the largest share of the seats. Although the Cambodian People's Party, led by Hun Sen at first contested the result, it later joined a coalition government with Funcinpec, which was co-headed by Prince Ranariddh and Hun Sen as first and second prime ministers. Almost the entire staff of UNTAC departed within a few months of the elections, and UNHCR began scaling down its operations soon after.

The exodus of thousands of international staff over such a short period raised concerns about the still unfulfilled conditions of the peace accords. In particular, the failure of the factions to disarm contributed to continuing violence and further displacement both within Cambodia and to neighbouring countries. In July 1997, Hun Sen seized power. A year later, his party secured victory in a general election which was alleged by opposition parties to have involved widespread fraud. Although the Khmer Rouge leader, Pol Pot, died in April 1998, and some Khmer Rouge leaders have been arrested, many others have been given amnesties. Since

then, however, an agreement has been reached between the Cambodian government and the United Nations on the composition of a tribunal to try the Khmer Rouge leadership.

## The Mozambican repatriation

Soon after the Cambodian repatriation, another major repatriation operation began, this time in Mozambique. The large-scale return of Mozambican refugees followed a peace agreement which brought to an end more than three decades of armed conflict in the country. Between 1964 and 1975, the conflict had consisted of a struggle for independence from Portugal by the the Mozambique Liberation Front (*Frente de Libertação de Moçambique*, or Frelimo). After independence was achieved in 1975, war broke out again, this time between Frelimo and the opposition forces of the Mozambique National Resistance (*Resistência Nacional Moçambicana*, or Renamo).

It was largely the dire economic conditions in the country that led the Frelimo government to start abandoning its socialist economic policies in the 1980s. South Africa's withdrawal of support to Renamo at the beginning of the 1990s had also deprived the resistance group of essential support. But it was poverty, above all, that drove the parties to the negotiating table. A severe drought that began in 1992 worsened the already dismal conditions and made it impossible for the government or Renamo to continue to support their armies. Beginning in May 1991, the two factions began negotiations which eventually led to the signing of the General Peace Agreement for Mozambique in October 1992. By that time, much of the country's infrastructure had been destroyed and more than a third of the population had been uprooted at least once. Out of a population of 16 million, more than 1.7 million people had sought refuge in neighbouring countries, some four million had been internally displaced, and at least a million people had been killed.<sup>20</sup>

### Repatriation from six countries

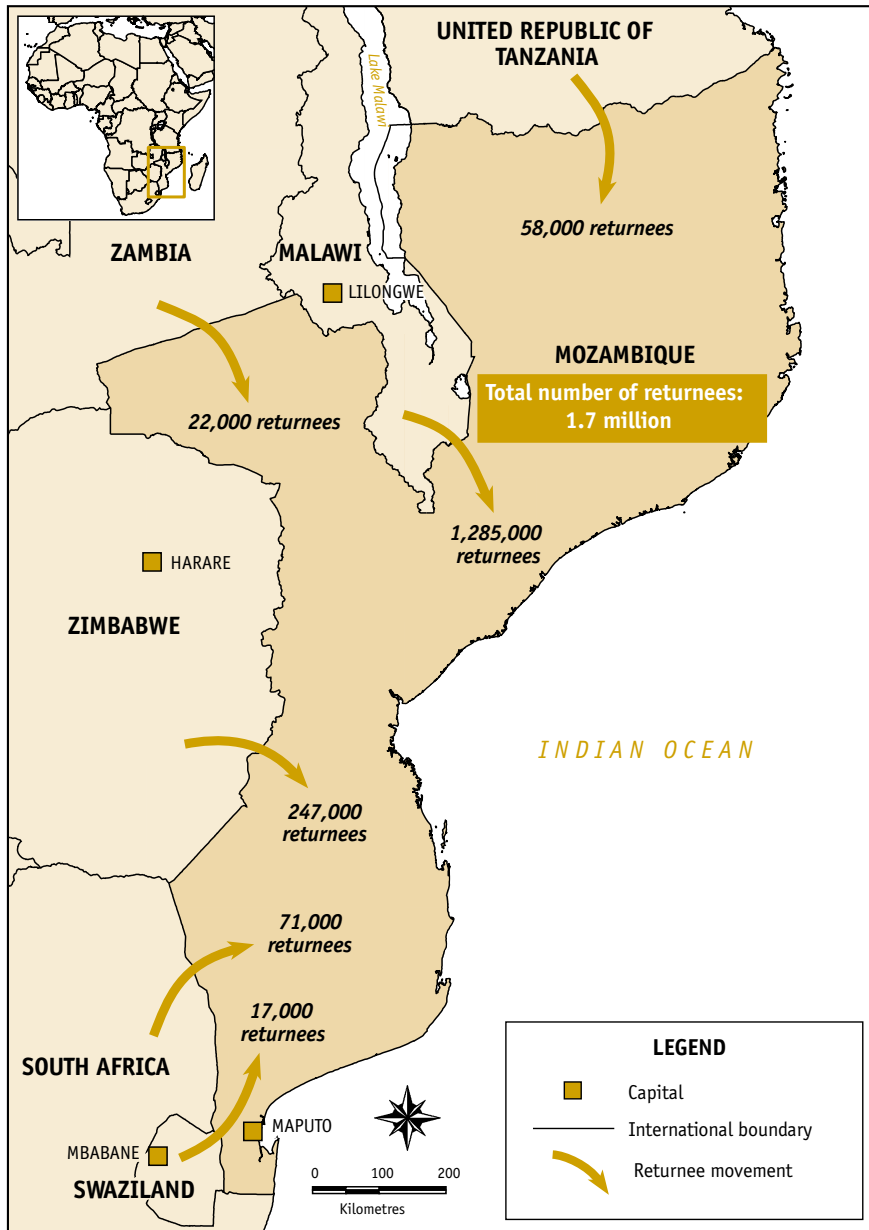
By far the largest number of Mozambican refugees—some 1.3 million—were living in Malawi, where most of them had been living in camps since the early 1980s [see Box 5.2]. More than 400,000 others were in South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

As with the repatriation operation in Cambodia, UNHCR operated within the framework of a wider UN peacekeeping and peacebuilding operation. The UN Operation in Mozambique (ONUMOZ) was established in December 1992 and comprised some 7,500 troops, police and civilian observers. It included an Office for Humanitarian Assistance Coordination, which was responsible for coordinating and monitoring humanitarian assistance, including the reintegration of refugees and internally displaced people.



## Repatriation to Mozambique, 1992-94

## Map 6.1



Once again, the refugees began repatriating of their own accord even before the peace agreement was signed. The bulk of returns were spontaneous, especially from Malawi, where most refugees had easy access to Mozambique from the camps. Organized transport was provided only for vulnerable groups of refugees, such as unaccompanied children, female-headed households, the elderly, and those travelling

## Box 6.3

## Human rights and refugees

Violations of internationally recognized human rights are a prime cause of forced displacement. This is so whether people flee persecution directed at them as individuals, or whether they flee *en masse*. In some cases, forced displacement of particular groups of civilians is a specific aim of parties to a conflict. In other cases, factors such as acute poverty and social discrimination—often on racial or ethnic lines—lie at the heart of the problem. Violations of basic economic, social and cultural rights often lead to political instability and violence, which in turn can cause forced displacement. There is a logical connection, therefore, between human rights and refugee protection. As High Commissioner Sadako Ogata put it, ‘human rights concerns go to the essence of the cause of refugee movements as well as to the precepts of refugee protection and the solution of refugee problems.’<sup>iii</sup>

### Human rights standards

The legal foundation for the link between human rights and refugee protection is found, amongst other places, in Article 14 of the 1948 Universal Declaration of Human Rights, which affirms ‘the right of everyone to seek and enjoy in other countries asylum from persecution’. In searching for a definition of the word ‘persecution’, it is important to start with the human rights standards contained in the three instruments known collectively as the UN Bill of Rights—the Universal Declaration, the 1966 International Covenant on Civil and Political Rights, and the 1966 International Covenant on Economic, Social and Cultural Rights.

Particular categories of refugees and displaced people, such as women and children, also receive special attention through human rights treaties such as the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women and the 1989 UN Convention on the Rights of the Child. The ‘best interests’ principle is of

special importance to displaced children, as it pervades all procedures and decisions concerning children, irrespective of their migration status.

The right to be free from torture and cruel treatment is another fundamental right protected by treaties such as the 1984 UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms. This right also involves a prohibition against forced return of refugees (*refoulement*) and has been shown to apply to asylum seekers who might otherwise face deportation to places where they fear torture. This right is increasingly being used to protect refugees from *refoulement* in circum-stances where national asylum procedures have not proved effective.

Human rights standards also provide an important yardstick for determining the proper treatment of refugees and asylum seekers when they reach a country of asylum. Traditional refugee law, including the 1951 UN Refugee Convention, gives no specific guidance to states on the standards of reception they are expected to provide to asylum seekers. Human rights standards have been particularly helpful in areas that affect the quality of life of refugees and asylum seekers in host countries. This includes issues such as health, housing, education, freedom of movement, detention and family reunification.

Human rights standards also help to define the conditions for the safe and dignified return of refugees and displaced people to their countries or places of origin. Civil, political, economic and social rights provide a principled and objective framework within which return, reintegration, reconciliation and reconstruction activities can take place. For example, a key priority for returnees is often to recover their property, and particularly their homes.

### Monitoring, supervision and enforcement mechanisms

In recent decades, the proliferation of human rights standards has been accompanied by a broad range of mechanisms that monitor, supervise and, on occasion, enforce these standards. At the international level, compliance is monitored by UN treaty bodies, such as the committees established under the six main human rights treaties, and by non-treaty-based bodies, such as the UN Commission on Human Rights, whose work often has a direct impact on refugee protection. With their extensive field presence, organizations such as UNHCR have a responsibility to cooperate with these bodies, subject to considerations of security and confidentiality.

Since its creation in 1993, the Office of the UN High Commissioner for Human Rights has emphasized the importance of national human rights structures. It has actively promoted the creation of national human rights bodies that support and implement international standards. These national institutions are becoming increasingly important partners for UNHCR in the promotion and protection of refugee rights. For example, national human rights commissions and independent ombudsmen often have power to investigate and enquire into human rights violations that affect refugees and asylum seekers, such as the legality and conditions of detention. Efforts to strengthen independent judicial bodies and the rule of law are also critical activities at the national level that ensure basic rights of refugees are respected.

Humanitarian organizations and human rights bodies have distinct yet complementary areas of expertise. As UN Secretary-General Kofi Annan stated in 1997, ‘human rights are integral to the promotion of peace and security, economic prosperity and social equity’. He emphasized that ‘a major task for the United Nations, therefore, is to enhance its human rights programme and fully integrate it into the broad range of the Organization’s activities.’<sup>iv</sup>

long distances.<sup>21</sup> Direct assistance with departure, transport and reception was provided to 380,000 refugees (22 per cent of the total), a number comparable with the large-scale repatriation of Cambodian refugees in 1992–93 from camps on the Thai border.<sup>22</sup> The vast majority of the refugees returned to Mozambique well before the elections which were held in October 1994.

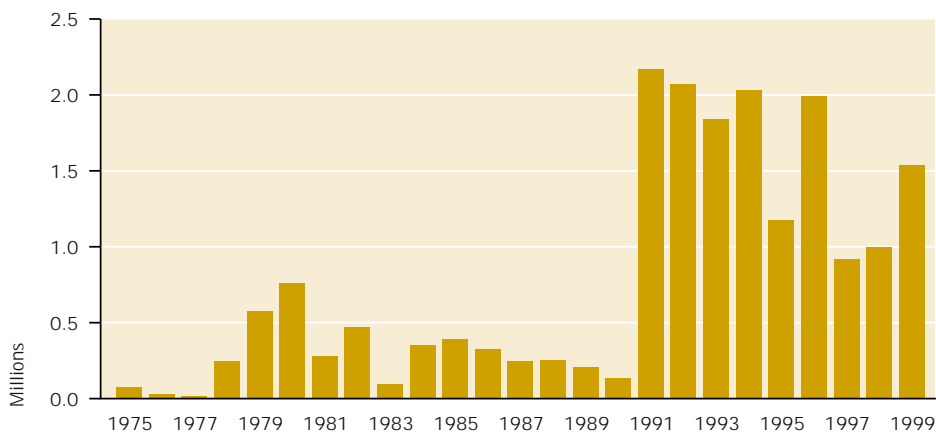
## Reintegration and reconstruction

The reintegration programmes for returnees which were carried out by UNHCR and other international organizations in Mozambique were even more ambitious than those which had been carried out in Central America and Cambodia. Of the total UNHCR funding of US\$145 million for the Mozambican operation, some US\$100 million was spent on reintegration projects. Moreover, the reintegration programme provided assistance to four times as many people as were directly assisted by UNHCR during the actual repatriation.<sup>23</sup>

Protecting the returnees in Mozambique proved easier than in Cambodia. In the latter, sporadic fighting continued even after the peace agreements were signed, and the United Nations failed to demobilize and disarm the Khmer Rouge. By contrast, in Mozambique almost all fighting ended after the peace accords were signed. There were only a few isolated ceasefire violations and these were handled successfully through a ceasefire commission. Unlike Cambodia, the cooperation of all parties was ultimately secured in Mozambique, even though Renamo withdrew from the ceasefire supervision and control commission for several months in 1993. Although demobilization was delayed, it was eventually achieved with considerable success in Mozambique. Even in areas where supporters of both the previous warring parties settled, there were few security incidents. The peace agreement provided for a general

Estimated annual refugee returns worldwide, 1975–99

Figure 6.1



amnesty and did not seek to punish war crimes committed against the civilian population. Communities employed their own traditional means to seek justice and reconciliation, rather than relying on international intervention.

UNHCR's field presence proved vital when the ONUMOZ mission left in December 1994. Following its departure, UNHCR, UNDP and the World Bank worked closely together to design complementary programmes. UNHCR also collaborated with UN mine clearance operations but soon shifted its focus to promoting mine awareness, because of the slow progress in clearing mines.<sup>24</sup> The repatriation operation officially ended in July 1996, and UNHCR retained 20 field offices in Mozambique until the end of the year.

International organizations, including UNHCR, assisted with the rehabilitation of schools, clinics, wells, roads and other infrastructure throughout the country. More than 1,500 quick impact projects were initiated. Funding from donors was readily available and there were numerous agencies involved in the reconstruction work. The reintegration programme helped stabilize and strengthen communities that had been torn apart during the war. As in Central America, the contacts which were made amongst former adversaries as a result of these quick impact projects helped reduce tensions and build stability.

Aldo Ajello, the UN Secretary-General's Special Representative in Mozambique, attributed the success of the ONUMOZ operation largely to three main factors: first, the new opportunities which had opened up as a result of the end of the Cold War and the breakdown of apartheid in South Africa; second, the strong will of the Mozambican people to build peace; and third, the fact that the international community had been willing to commit substantial funds and other resources from the moment the peace agreement was signed.<sup>25</sup>

## Changing approaches to repatriation and reintegration

During the 1990s, it became increasingly clear that in post-conflict situations, refugees often go back to situations of fragile peace where tensions remain high, where there is still chronic political instability and where the infrastructure is devastated. Such countries are often precariously perched between the prospect of continued peace and a return to war. In such situations, the prevention of renewed fighting and further refugee flight depends largely on efforts made by local, regional and international actors to ensure durable peace.

In the few years between the refugee returns to Namibia in 1989 and the returns to Mozambique in 1993–94, UNHCR's role in repatriation operations changed profoundly. In previous decades, UNHCR's involvement in repatriation operations was generally short-term and small-scale and the organization focused primarily on ensuring that refugees returned safely. The repatriation operations in Central America, Cambodia and Mozambique involved a new and broader approach. In each case, UNHCR played a major role in UN peacebuilding operations, and humanitarian

activities were integrated into a wider strategic and political framework aimed at ensuring reconciliation, reintegration and reconstruction.

It also became increasingly clear during the 1990s that peacebuilding efforts need to be sustained over time if they are to be effective in helping societies overcome the animosities, trauma and despair engendered by years of war and exile. During the optimistic years of the early 1990s, donors contributed generously to UN peace-keeping and peacebuilding efforts. In subsequent years, however, they often proved unwilling to sustain such funding levels over long periods. It proved particularly difficult to gain the necessary donor support for programmes in countries of little strategic importance, particularly as the spotlight of the international media moved away. As early as 1993, financial support for UNHCR was already falling far short of expected needs. This problem was to continue throughout the rest of the decade.

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