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Moving beyond long-term refugee situations: the case of Guatemala

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One afternoon, we found out that 50 people had been killed the night before in a nearby village massacre. We all fled from San Rafael de la Independición, as well as from San Miguel and Nantón in Huehuetenango. We crossed the Mexican border and arrived in La Sombra with nothing except our shoes, some burritos and the clothes on our backs. We expected to stay a few months, a year at most. We have now been in Mexico for 17 years.

Alejandro Martín, La Gloria

Introduction

When the term refugee is referred to, it is often directly associated with an immediate need to flee with only the barest of necessities.¹ Based on this perception, being a refugee is only a temporary concern—the focus is often on the flight to freedom and the immediate aftermath, without accounting for the fact that the plight of refugees often lasts years, or even decades. Generally, there is a common misperception that a refugee situation is a short-term phenomenon that quickly resolves itself as soon as the immediate danger to the individual has subsided. This, in fact, is a belief that the refugees themselves initially hold.

Unfortunately, these ideas are inconsistent with reality; the majority of the world's 12 million refugees are confined to situations that the United Nations High Commissioner for Refugees (UNHCR) refers to as “protracted refugee situations.”² In these situations, basic needs for security, food, and shelter have been met, but over time, other needs have developed. According to UNHCR, “a protracted refugee situation is one where refugee needs have changed considerably over time, but where UNHCR and the host government have been unable to address them meaningfully, thus leaving refugees in a dependent state years after their arrival in the host country.”³

The 1951 Convention relating to the Status of Refugees (hereafter ‘Refugee Convention’) defines a refugee as an individual who cannot return to his or her home country because of a well-founded fear of persecution on grounds of race, religion, nationality, political opinion or membership in a social group. Refugee status was originally conceived of as a temporary measure, providing legal protection until an individual could safely return home, remain in the country of asylum, or resettle elsewhere. However, the drafters of the Convention were unable to predict that fifty years later, perpetually unstable political conditions would result in massive refugee movements across porous state borders resulting in protracted refugee situations.

¹This paper is the work of a group of Princeton University students working under the supervision of Professor Frederick Barton, the former Deputy UN High Commissioner for Refugees. The group included Christine Cheng, Johannes Chudoba, D. Austin Hare, Kathryn Ikard, Mohamoud Mohamed, -Mark Ng, Rebeca Sanchez, Nicole Singh and Harinder Sood. Christine Lin of Columbia University also worked with the group.

² Based on 1999 statistics. UNHCR, *State of the World's Refugees*. New York, Oxford University Press. 2000. In addition, UNHCR internal estimates of protracted refugee situations number 6.1 million out of a total refugee population of 12 million in 1999. Furthermore, at www.unhcr.org, UNHCR speaks of close to 22 million persons of concern. The U.S. Committee for Refugees (USCR) reports that the number of people forced from their homes by violence and repression stood at more than 35 million at the end of 1999.

³ UNHCR internally-circulated definition of protracted refugee situations.

In many of these cases, millions of refugees have been unable to return to their home countries; host governments do not want to integrate them; and they have little hope for resettlement in a third country. The combined perceptions that refugees are a drain on a country's resources and that they displace domestic workers makes it even more politically difficult to accept them for resettlement in a developed country. Further, the moral responsibility that developed countries used to take on for resettling refugees has seriously eroded. As a consequence, some refugees have been stuck in camps for five, ten, or fifteen years, and in extreme cases, refugees have remained in camps for several generations.⁴

A refugee's needs in protracted situations are very different from the needs UNHCR is accustomed to addressing during an emergency response. Typically, as soon as human security has been addressed, there is the need to begin addressing 'essential needs'. These needs include education, employment, training, health care, and access to credit. If UNHCR hopes to prevent protracted refugee situations, it must be willing to address the longer-term issue of essential needs. Unless these needs are addressed upfront, the durability of any refugee solution will remain in doubt.

Responses to refugee situations should obviously stress immediate needs, but UNHCR should also approach a crisis knowing that a situation that is initially described as 'temporary' could easily become both long-term and protracted. To that end, a comprehensive approach needs to be taken in ensuring durable solutions for refugee situations.

Objectives and methodology

The first objective of our report is to present refugees as individuals, with individual needs, rather than as a homogeneous population. Refugees have aspirations and expectations that change over time and that vary across the population. Host country policies and UNHCR policies should reflect this reality by providing refugees with a broad palate of choices.

As our report will show, refugees make life choices for a combination of reasons: family concerns, economic opportunities, political involvement, etc. Different people value each of these factors differently, resulting in different decisions being made in spite of similar circumstances. Our report emphasizes that the most effective means of empowering refugees is to provide them with the opportunity to make informed choices. The responsibility then falls on home governments, host governments, and the international community to ensure that these choices are available to refugees.

With this in mind, our report focuses on how can UNHCR support durable solutions for refugees and how does UNHCR prevent protracted refugee situations from developing in the first place.

⁴ The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has been in operation since 1949. Some families are now in their third, or even fourth generation. With hostilities increasing in the Middle East, the prospects for return seems slim.

This report hopes to provide fresh insights for UNHCR and its donors⁵ on durable solutions for refugees, with the intent of preventing protracted refugee situations. Our analysis focuses on Guatemalan refugees, drawing lessons from this situation to serve as a foundation for constructing a sustainable framework for future refugee situations.

Why Guatemala?

The Guatemalan refugee situation is interesting for three reasons. First, it is well-documented, allowing us to quickly familiarize ourselves with both the field and political contexts. Second, we wanted to analyze a refugee situation that had evolved over a long period of time. Guatemala was a good example because there had been two decades of instability before the refugee crisis fully broke out, and efforts to address refugee needs had extended another two decades beyond the crisis point. Most importantly though, UNHCR considers the Guatemalan case to be a model of success. Our intent was to examine the aspects of the solution that made it a success and to determine if the solution on the ground was as robust as it appeared to be in the reports. If Guatemala was indeed a model of success, what elements of this situation could be replicated in other refugee situations?

Our field research took place in three countries: Guatemala, Mexico and the U.S. We took a comprehensive look at the continental movement of displaced Guatemalans, examining where refugees chose to live and how they got there.

Geographically, the interviews were conducted in:

Guatemala: Guatemala City, Petén, Quiché, Alta Verapaz, San Marcos, Escuintla

Mexico: Chiapas and Campeche

U.S.: Oakland, California and Trenton, New Jersey

To provide a comprehensive picture of the situation, information was gathered at all levels: from the refugees themselves to senior UNHCR staff. Based on this research, we developed an alternative framework for analyzing global refugee movements.

In our research, we developed a simple working definition of the term refugee: any person who crosses an international border while fleeing persecution. While this definition is consistent with the 1951 Convention, it is often inconsistent with how refugee status is actually determined during a crisis. It is important to note that a practical distinction exists, even though in theory, the international system that grants refugee status would ideally recognize all those who legitimately fled from fear of persecution.

UNHCR typically assesses a refugee situation from the perspective of a host government. Theoretically, when an individual flees his or her country of origin and crosses an international border, the person would then be considered part of the refugee population, pending formal recognition from the host government. According

⁵ Our workshop also provided its conclusions to the Bureau of Population, Refugees, and Migration (PRM) <http://www.state.gov/g/prm/>

to its mandate, UNHCR can only offer assistance to those who are officially recognized by the host government as refugees. If the government chooses not to formally recognize them for practical or political reasons, then they are not deemed to be refugees and thus do not fall under UNHCR's mandate. In fact, UNHCR's work has been limited to countries of asylum, not countries of origin.⁶

Ideally, every person who crosses an international border should be accounted for. However, in reality, host country governments, home country governments, and UNHCR are often unable to track these people movements, especially in times of crisis when people often do their utmost to leave a country as surreptitiously as possible. This problem is compounded by the fact that official statistics usually do not track individuals after they leave their country of origin.

Some individuals may cross the border and disappear into the local population; others may cross one international border and choose to cross a second international border. At other times, the process of attaining refugee status can take many years, and refugees may be discouraged from applying for asylum and choose to remain in the state illegally.⁷ The end result is that we often do not know the extent of the real refugee population within any given country, including where people are situated, how they got there and what their needs are or how they might be able to contribute to a comprehensive solution to the refugee crisis in their home country.

Based on our research on the Guatemalan situation, we perceived a need for a framework that could analyze people flows based on the country of origin. This would allow us to work to track all Guatemalan refugees, rather than the small percentage that UNHCR and the Mexican government were actually able to assist. With this approach in mind, we examined the movement of Guatemalans to neighboring countries, above all to Mexico and the United States. From a more global perspective, this approach may prove relevant to other refugee situations that have also created international diasporas, as has been the case with the Afghans and the Kurds.

Fundamentally, a refugee solution cannot purport to be durable if it does not address the fact that refugees, as a population, have grown increasingly mobile. Once emergency needs are met, other factors, including educational and economic opportunities within the region, can have a substantial impact on refugee movements. Using a framework of analysis that tracks the movement of people allows us to better grasp the social, political and economic dynamics that affected the choices of individual refugees, and it also leads to policy recommendations that are more holistic and focused on refugee needs.

To provide a baseline comparison for refugee conditions, it is helpful to understand the conditions for individuals in both Guatemala and Mexico. While individuals struggle in both countries, there are significant discrepancies between the average quality of life that a refugee or a returnee would experience in Mexico, the United States, and Guatemala.

⁶ Gil Loescher, *The UNHCR and World Politics, A Perilous Path*. Oxford University Press, Oxford, 2001. The 1951 Convention which was originally intended to help refugees from Communist countries; the Convention was not intended to be universal.

⁷ In the U.S., some Guatemalan asylees have waited 10-15 years for official refugee status, due to complicated political and legal issues.

According to the UN Human Development Index, Guatemalans have one of the world's lowest standards of living.⁸ A large proportion of the population relies almost exclusively on subsistence farming, with seasonal work on the coffee fincas (plantations). Mortality rates are relatively high, and the vast majority of the population lives below the poverty line as defined by the UN. Literacy rates remain low at 64 per cent, and a large percentage of the population does not even have access to basic provisions such as health care and safe water.

In contrast, Mexico is considered to be substantially better off. On average, purchasing power parity is two and a half times higher in Mexico than Guatemala. Literacy rates are much higher, and the percentage of the population living in poverty is much lower. Further, the poorest sector of society experiences a higher standard of living in Mexico than in Guatemala.

In the United States, the standard of living for refugees who entered the country illegally is quite low relative to the average American. However, even at the most basic standard of living, there is easy access to food, shelter, and clean water. Free education of a higher standard (than is available in Mexico or Guatemala) is accessible to all children of refugees. Emergency medical care is also available in most hospital emergency rooms. While purchasing power parity is low, refugees are able to earn a lot more money in absolute terms.

Without legal status, employment opportunities are limited, often resulting in underemployment and wage rates below the state minimum. Most of these jobs are menial jobs in the retail industry or seasonal work in agriculture. In spite of this, the average worker is still able to send considerable remittances home to support family members. For refugees who attain legal status, the benefits of having the legal right to employment and access to basic social services are even greater. Balanced against the economic benefits is the fact that these workers often pay a social price by working or living in squalid conditions, thousands of miles away from their families.⁹

Table 1: Measures of social and cultural conditions in Guatemala and Mexico		
	Guatemala	Mexico
Literacy rate (2001)	64%	90%
Purchasing power parity	\$ 3700	\$ 9100
Below national poverty line (1998)	80-90%	27%
Household consumption (2001)	-Wealthiest 10% consume 46.6% of GDP -Poorest 10% consume 0.6% of GDP	-Wealthiest 10% consumes 41% of GDP -Poorest 10% consumes 1.6% of GDP
Arable Land Holdings (1982)	-2.1% of landholders (mostly non-indigenous) own 72% of all arable land. -88.4% of landholders (mostly indigenous and ladinos) own 14.3% of arable land	
Source: UN Development Index 1999; CIA factsheet on Guatemala 2001; Programa de las Naciones Unidas de Desarrollo Guatemala: los contrastes del desarrollo humano, PNUD 1998; T. amd Melville, Tierra y Poder en Guatemala, 1982.		

⁸ HDI rank 2001: 108 out of 162 - <http://www.undp.org/hdr2001/>

⁹ A visit to the home of a group of Guatemalan refugees revealed that about fifty male occupants shared a single family home. The house was cockroach-infested and people were showering and cleaning

Social conditions

While indigenous Guatemalans survive as subsistence farmers in rural areas, members of the ruling elite own large plantations or dominate the country's private sector in Guatemala City. The pervasive inequality in this society is further exacerbated by the distribution of arable land; two per cent of the population owns 78 per cent of arable land in the country. This was one of the initial grievances of the indigenous people that prompted the insurgency.

The household consumption statistic further highlights the vast inequalities that exist within both Mexico and Guatemala, as the wealthiest members of society account for almost 50 per cent of household consumption in both cases, while the poorest members of society account for about one per cent of consumption. The most affluent members of Guatemalan society maintain standards of living that are comparable to the upper class in developed countries; in contrast, up to 75 per cent of Guatemalans live in extreme poverty, earning less than \$1 per day.¹⁰ The economic class separation is also a racial one, with fair-skinned Spanish speakers at the top of the hierarchy, and dark-skinned, indigenous people at the bottom. Despite the fact that racial discrimination is no longer legally permitted, racist attitudes are still common.

Following the introduction of agrarian reforms, a US-assisted coup in 1954 toppled the democratically-elected government and led to four decades of military-led rule in Guatemala. By 1966, US forces had begun to participate in army counterinsurgency campaigns, in which an estimated 30,000 Guatemalans were killed over the next several years. Through the 1970s, indigenous guerilla groups fighting for social and economic recognition grew in strength and number to form Unidad Revolucionaria Nacional Guatemalteca (URNG). The military began to focus on the counterinsurgency campaign.

Beginning in 1981, the Guatemalan army initiated massive scorched-earth campaigns against indigenous people suspected of being guerilla supporters; entire villages were destroyed indiscriminately. By 1985, the United States had resumed economic and military aid, and the war continued as the army failed to defeat the guerillas. During this time, the U.S.S.R. and the United States considered Guatemala to be part of the greater geopolitical struggle of the Cold War, and thus continued to strategically support the opposing sides in the conflict.

In 1989, the International Conference on Central American Refugees (*Conferencia Internacional sobre Refugiados Centroamericanos*, or CIREFCA) was held. This conference developed into a process that brought together the governments of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Nicaragua to develop programmes and to work with international donors. UNDP and UNHCR jointly led CIREFCA, involving NGOs and community organizations, laying the foundation for the peace which would eventually be reached.

In 1991, peace talks had begun between the government and the URNG. The talks stalled late in the year and made modest progress until 1994. That year, the first

themselves in the backyard. The site of an unannounced victor caused a panic in the household, unintentionally causing people to quickly leave the house for fear of being deported.

¹⁰ Programa de las Naciones Unidas de Desarrollo Guatemala: los contrastes del desarrollo humano, PNUD 1998

agreements were signed. Two years later, the URNG declared a unilateral ceasefire, allowing for the last ten agreements leading up to the peace treaty to be accepted by both sides. This was the final chapter of Central America's longest and deadliest war, with over 200,000 people killed.

In 2000, Alfonso Portillo, of the right-wing Guatemalan Republican Front (FRG) became Guatemala's first elected president since the end of the civil war. Progress in carrying out Portillo's economic and social reforms has been slow, and as a result, support for the government had fallen dramatically by early 2001. While the military's power has diminished since the end of the war, it is still a powerful actor, exerting *de facto* influence behind the scenes.

This tenuous balance of power within the country has made it very difficult for the government to prosecute past human rights cases and reform the military structure. The government has also failed to implement the fiscal pact to finance the Peace Accords and has been unable to increase political participation. Furthermore, the country faces a high crime rate, public corruption problems, politically motivated violence, and the intimidation of witnesses in human rights trials. Recent statistics also show that human rights abuses in the country have been increasing in the last two years after several years of decline. Guatemala is facing a period of weak leadership and political instability at a time when significant challenges still need to be addressed.

The major actors in Guatemala can be broadly grouped as follows:

Traditional domestic powers: the military, the oligarchy, and the Catholic Church;

URNG and its associated indigenous movements;

National peacemaking institutions: the National Reconciliation Mission (CNR), the Government Peace Commission (COPAZ), the Civil Society Assembly (ASC);

International actors: regional and extra-regional governments, international financial institutions, international NGOs, the UN.

Of the traditional domestic players, the Guatemalan Army has been blamed for 97 per cent of the 200,000 deaths and disappearances, the forced displacement of hundreds of thousands, and the co-opting of almost one million villagers into Civil Defense Patrols. These patrols pitted neighbour against neighbour, murdering all those who supported the URNG. In fact, through the 1980s, more people were killed during the Guatemalan Civil War than in any of the other civil wars that took place in South America.

The Catholic Church played a major role in community education and broader development work, exerting moral and political pressure on the government and the rebels and acting as official 'conciliator' between the opposing parties.

The oligarchy consists of approximately ten families who control a substantial portion of the Guatemalan economy. Collectively, they were opposed to any substantive

redistribution of political and economic power. In fact, the oligarchy worked hard throughout the peace process to limit government concessions. While the government is responsible for implementing the peace accords, it does not have enough economic or political power to fight the oligarchy.

The URNG grew from the amalgamation of several guerilla movements: the Revolutionary Organization of the People in Arms (ORPA), the Guerilla Army of the Poor (EGP) and the Armed Revolutionary Front (FAR). These guerilla groups flourished in the 1960s and 1970s in response to the vast social, political and economic inequalities of Guatemalan society: Mayan peasants had no land, no political rights, no access to basic social services, and no power. In contrast, the fair-skinned upper-class (the oligarchy) lived in luxury.

Among the national peacemaking institutions, the Government Peace Commission (COPAZ) acted as the formal negotiating body of the government and army. The Civil Society Assembly (ASC) assisted civil organizations in communication and consensus building and was instrumental in lobbying international lending agencies for financial assistance.

The United States played a significant role in Guatemala by covertly sponsoring the military. The United States provided arms, military training, and financial assistance through the duration of the civil war. Given the dynamics of the Cold War and the proliferation of proxy wars, the United States has denied its accountability in sustaining the counterinsurgency war. In this case, covert support of the Guatemalan military also resulted in the United States' refusal to officially recognize that a war was being waged against Mayan peasants. As a result, those who sought asylum in the United States during the early 1980s were initially deported back to Guatemala, facing certain death in some cases.¹¹

Under constant pressure from domestic NGOs and foreign governments, U.S. regional policy underwent a gradual shift in favor of demilitarization, political liberalization, public sector reform, and the enforcement of human rights standards by the late 1980s. Over time, the U.S. also played a major role as a *de facto* country of resettlement, with the largest proportion of those who fled Guatemala eventually ending up in the United States.

Mexico was another significant actor in the area, accepting thousands of formal and informal refugees, as well as putting pressure on the Guatemalan government to work through the peace process. The Mexican government was also concerned about political unrest: a sudden influx of politically mobilized refugees into one of the poorest regions in Mexico had the potential to cause civil strife. Further, Guatemalan soldiers had entered Mexican refugee camps on several occasions to assassinate suspected guerillas or guerilla supporters, violating Mexican sovereignty. The CIREFCA process, by involving regional governments as well as international donors and UN agencies, was able to address many of these concerns. Further details on Mexico's role are detailed through the rest of the paper.

On the financial side, European nations provided substantial funding. The International Monetary Fund (IMF) and the World Bank promised to cover almost 75

¹¹ Jennifer K. Harbury, *Searching for Everardo*, Warner Books, Inc., New York, 1997.

per cent of the \$2.6 billion cost of the accords' implementation, contingent on a progressive political settlement. International NGOs played both a humanitarian and a political role, speaking out against human rights violations and furthering local development. Two UN agencies have long maintained a significant presence in the area: UNHCR and MINUGUA, the UN Verification Mission in Guatemala.

The peace accords were the product of extensive negotiations led by the UN. The provisions went far beyond the mere cessation of conflict, attempting to address the root causes that led to the conflict, resulting in hundreds of pages of agreements on indigenous rights, political participation, and financial reforms. However, of the 170 agreements made by the government, only 62 have been carried out. The mandate of MINUGUA was due to expire in December 2000, but has been extended for another four years.

It is important to note that almost every institutional actor has categorized the peace accords as 'dead'. Many reasons have been attributed to the perceived collapse of the accords. These reasons include: the failure of the government to follow through on its commitments; the depletion of international monies; the lack of general awareness within the population about the concrete goals of the peace accords; and the complexity of the accords themselves. Further, General Rios Montt, deemed by many to be responsible for the military's ruthless stance during the war, currently wields significant influence in the government, undermining any government credibility. While there are important actors who still believe in the accords and are attempting to salvage them (USAID, U.S. Dept. of State), the vast majority of actors have acknowledged that the peace accords lost much of their momentum after the failure of the 1998 referendum proposing social policy reforms.

Out of a population of 7.5 million people, it has been estimated that between 1.5 million and 2.5 million people were displaced from their homes during the Guatemalan civil war, representing at least 20 per cent of the population.¹² (For the purposes of this paper, we will use an estimate of two million people who were displaced during the war).¹³ Persecution was generally limited to indigenous people of Mayan descent and those who lived in rural areas. Of those who were displaced, approximately 50 per cent stayed within Guatemala, often heading to remote jungle or highland areas.

Of those who crossed an international border, the vast majority headed to Mexico and in due course, to the United States. Approximately 200,000 Guatemalans took refuge in Mexico during the war. Most crossed the border in the early 1980s; at the peak in 1983, hundreds of Guatemalans sought refuge on a daily basis. Of those who entered Mexico, approximately 40,000 were registered with UNHCR. The remaining Guatemalans who entered Mexico but did not register with UNHCR are presumed to have locally integrated into the Chiapas, Campeche, and Quintana Roo areas. Over time, nearly half of the refugees that registered with UNHCR returned to Guatemala, some of them on an individual basis and others as part of a collective return process. A small number of the UNHCR-assisted refugees that have chosen to remain in

¹² The estimate of 1.5 million is based on the addition of INS data on Guatemalans in the U.S., Mexican refugee data, and extremely conservative estimates on internal displacement. The estimate of 2.5 million is based on the INS data, the Mexican refugee data, and estimates given by field staff in Guatemala and Mexico.

¹³ The estimate of 2 million displaced people is based on Ricardo Stein's estimates.

Mexico have been naturalized; the remainder of them will gradually be naturalized over time.

Those who have not been registered by UNHCR (estimated at 72 per cent of those who remained in Mexico) are much more difficult to track. It is unlikely that they have been naturalized or have legal status in Mexico due to the high cost and lengthy process of obtaining an immigrant visa (FM2¹⁴). Given population growth rates in the refugee camps, it is likely that the unofficial refugee population in Mexico has grown to 188,000.

Of those who fled Guatemala, the INS estimates that approximately 800,000 went to the United States. However the actual number may be significantly higher. The vast majority of refugees are concentrated in California, Texas, New York, and Florida. Most of them arrived in the United States illegally, although 129,000 entered as sponsored immigrants or with legal refugee status, and 413,000 entered the United States as tourists or students, and now remain in the country illegally. Only a small number have applied for asylum upon arrival in the U.S.

In most cases, Guatemalans fled their villages out of fear, but they chose their destinations for different reasons: neighbourhood connections, economic opportunities, family connections, educational opportunities, etc. Communities with established Guatemalan communities also act as a cultural magnet, attracting new migrants. The INS continues to find it difficult to differentiate between those who fled from persecution during the civil war from those who left as economic migrants.

Of the two million people who were forcibly displaced from their homes in Guatemala, UNHCR was able to assist less than five per cent; of the one million who crossed an international border during their flight from persecution, UNHCR assisted less than seven per cent. While it was widely recognized that UNHCR created durable solutions for those who did receive its help, it is clear that the vast majority of refugees and internally displaced persons received no assistance from UNHCR.

The problem is not that UNHCR was unable to help every single refugee or internally displaced person, but that all those who would have wanted or needed UNHCR assistance did not receive it. If UNHCR is expected to develop durable solutions, it needs to be able to reach those that need its help. Otherwise, the forcibly displaced will continue to move around, looking for safety, but paradoxically creating a larger security problem.

In the United States where the largest proportion of Guatemalans have settled, it continues to be difficult to differentiate between those who were personally persecuted during the civil war, those who fled because they feared 'generalized violence,' and those who should be strictly considered economic migrants. The interpretation of these categories seems to depend on the domestic political and economic climate.¹⁵

The refugees recognized the need for political leadership, so democratic systems of representation were set up upon settling in the camps:

¹⁴ For details see http://www.consulmexny.org/eng/visas_fm2.htm

¹⁵ Compare e.g. p.229ff in Loescher, G. (2001) : The UNHCR and World Politics, Oxford Univ. Press.

There were thousands of us in this one camp, so we had to elect leaders to represent us. There were forty representatives who then reported to twenty group leaders who were ultimately responsible to five camp leaders. The selection of leaders was done democratically with each adult getting one vote.¹⁶

This system of organization appeared to prevail in both Mexico and Guatemala, as most settlements that we visited had an established hierarchy that had been elected to deal with public issues. Often, this increase in political leadership and organizational capability resulted in benefits such as electricity, potable water, and supplies for health clinics.

The refugees also drove the peace process with their demands for collective return. They helped negotiate the demilitarization of several zones of conflict, and attracted the attention and support of the international donor community. In fact, their political involvement was critical to negotiating land rights for returnees.

The organization and creation of the Permanent Commissions (CCPP) articulated concerns for indigenous people regarding discrimination and distributional inequities, and resulted in substantive negotiations in 1994-96. The CCPP also secured UN participation in the verification of ongoing human rights abuses and wide-ranging commitments to the rights of indigenous peoples, ceasefire and disarmament provisions, and a comprehensive program for the reintegration of ex-guerillas.

Historically, the skewed distribution of land has heavily favoured the wealthy, causing much dispute in Guatemala. The land situation has been exacerbated by successive authoritarian regimes that have granted national and international business elites communal land rights.

The National Land Commission (CONTIERRA) has documented 600 land disputes that have yet to be resolved. Most returnees claimed to have returned to parts of the country similar to the ones they had fled from (mainly in the mountainous Northwest of the country). However, many of our interviewees in the Petén area were very dissatisfied with the poor quality of their land; some claimed that one of the reasons they had been driven out of their homes was to rob them of their fertile land.

As shown in Table 2, in 1979 only 38 per cent of Guatemala's territory was registered as private farming land, and only one quarter of that amount was devoted to consumption crops. Furthermore, much of the registered land had been misallocated, as large areas of highland (better suited to forestry) were stripped bare for farming, while more fertile land

Size of farm units (hectares)	No. of farms	(%)	Surface area of farms (hectares)	(%)
<0.7	250,918	41.1	60,871	1.5
0.7-7	296,654	48.7	608,083	14.7
7-45	49,137	8.0	774,974	18.4
45-902	13,158	2.1	1,793,619	42.7
>902	477	0.1	955,922	22.7
Total	610,344	100.0	4,193,469	100.0

Davis, S.H., and Hodson, J., 1982, Witness to Political Violence in Guatemala: The Suppression of a Rural Development Movement, Oxfam America, Boston.

¹⁶ Interview with Andres Andres, Municipal head of La Gloria settlement, Chiapas, Mexico. Oct. 31, 2001.

along the southern coast was given over to pasture.

Even still, the overall area devoted to subsistence farming was disproportionately small. Small subsistence farms of up to seven hectares (less than is required to feed the average family) accounted for only 16 per cent of all privately owned land.¹⁷ Correspondingly, credit, loans and other resources are being channeled disproportionately to urban areas and the agro-export sector, leading to chronic under-investment in the countryside. Although land reform was urgently needed, the highly unequal distribution of land was never addressed directly in the peace accords.

Successes and challenges

In comparison to other refugee situations in the world, the Guatemalan refugee case is generally considered to be a success. In this section we discuss the conditions experienced by current and former Guatemalan refugees, in an attempt to demonstrate which areas of the refugee response have been beneficial and which have not.

UNHCR adopted two durable solutions to the Guatemalan refugee crisis: 1) local integration in Mexico and 2) reintegration/repatriation to Guatemala. As a result of host country cooperation (Mexico), UNHCR was quite successful with the local integration of Guatemalan refugees in the Mexican regions of Chiapas, Campeche and Quintana Roo. In addition to the Mexican government and UNHCR, other major actors (the Church and local and international NGOs) also contributed substantially to the integration of the Guatemalan refugee population in Mexico. Notwithstanding limited successes, there were numerous challenges and failures in both the local integration and repatriation programs of Guatemalan refugees.

The third traditional durable solution for refugee situations is resettlement in a third country. This took effect in the United States without UNHCR intervention. Despite the fact that Guatemalans were not resettled in the US as official refugees, an enormous number migrated to the US in search of asylum.¹⁸ For a variety of reasons, the INS has not granted asylum to a large proportion of this population; as a result, a majority of Guatemalan asylum-seekers are currently residing in the United States as illegal immigrants. Nevertheless, the fact that so many Guatemalans fled to the US and now remain there with no official status poses a serious challenge to the assertion that the response to the Guatemalan refugee crisis has been, on the whole, successful.

The Catholic Church played an important role both in the initial stages of the crisis and in the eventual transition to peace. In our interviews, refugees repeatedly emphasized that the Church was the first to arrive and to provide aid to the refugee community.¹⁹ The Church provided support in the form of basic provisions such as food, clothes, shelter, and even land.

¹⁷ Davis, S.H., Hodson, J., 1982, *Witness to Political Violence in Guatemala: The Suppression of a Rural Development Movement*, Oxfam America, Boston.

¹⁸ Again, the INS estimates that 800,000 Guatemalans live in the US, but the actual number could exceed 1.5 million. It is important to note that this exceeds the number of refugees in Mexico and those who have returned to Guatemala by a ratio of over 10 to 1.

¹⁹ Interviews with refugees in La Trinidad and Peten, Guatemala, with several of the Mexican camps, and with PACEPIC in Comitán.

UNHCR intervened at a later stage of the crisis. It responded to the emergency by providing basic provisions to the limited share of the refugee population it had access to, and also served as an intermediary between this group of refugees and the Mexican government agencies. Contact with refugees took place primarily through the camps. Additionally, UNHCR contributed resources to promote programs for longer-term sustainability, such as resources and training programs devoted to crop cultivation, health, and education. During the interviews, refugees often underscored the indispensable role of UNHCR in informing them of their legal rights, and in delivering documentation for large numbers of refugees at a time. UNHCR also encouraged the political participation and empowerment of women.

Other members of the international community also worked to improve the situation of the refugees. Mexico was recognized for its willingness to cooperate in the resolution of the crisis by establishing COMAR, the Mexican commission on refugees; and by collaborating closely with UNHCR and local NGOs. Additionally, many Mexican citizens offered shelter to refugees during the crisis. While Mexico played a constructive role in the process, it should be acknowledged that its participation was facilitated by such incentives as cheap labor, the spillover effects of international assistance, and increasing pressure from humanitarian voices within the international community to receive the refugees. Mexico also had a political incentive to placate the refugees: the arrival of thousands of refugees into one of the poorest regions in Mexico could have become a destabilizing force in time.

While there were many successes, the major actors in the Guatemalan situation also faced significant challenges. Differences in planning also arose between local NGOs and UNHCR. While UNHCR and the international community plan their operations over fixed periods, reflecting fiscal calendars and donor expectations, local organizations such as PACEPIC were unable to forecast when their work would be completed.²⁰ The inability of both sides to recognize the needs of the other has threatened the viability of implementation models in which UNHCR is closely partnered with local NGOs in service delivery.

Concern also arose over the lack of recognition in the United States of the Guatemalan refugee population, as relatively few organizations were engaged with Guatemalans who had fled to the United States as a result of the war. In this realm, UNHCR failed to use its influence with the INS to at least speed up the asylum process. As revealed by Guatemalan asylum seekers in the U.S., the INS asylum process is expensive and time consuming, often taking up to ten years before a decision is made.

Social and cultural integration

While all Guatemalans must deal with issues such as high poverty, low literacy rates, and substandard public health infrastructure, refugees face additional, unique challenges. Their successes and failures in dealing with these challenges are highlighted below and offer a number of lessons.

²⁰ A PACEPIC representative in Chiapas stated that he could not foresee the difficulties facing Guatemalan refugees being overcome in the near future.

We witnessed significant concern about the loss of cultural heritage occurring among Guatemalans in Mexico. Individuals seldom wore their traditional dress and traditional music was no longer played at social gatherings. As a result, cultural enrichment programs are now being created, particularly for the youth who have little or no cultural memory of Guatemala.²¹

However, some argue that the diminishing influence of Guatemalan culture may be beneficial, easing the process of social integration into Mexican society through the cultural acceptance of Mexican traditions. Our field visits to Guatemalan communities in Mexico, occurring during the Day of the Dead celebration, revealed this type of integration. Many Guatemalan families were remembering their loved ones and preparing altars in remembrance of them, in the Mexican tradition. Similarly, different ethnic groups have been forced to learn Spanish in order to communicate with each other. Therefore, while the disappearance of Mayan languages has diluted ethnic culture and identity, it has also contributed to the cohesiveness amongst different ethnic groups that now live as unified communities in Mexico.

Inter-group differences have diminished significantly over time among the refugees and returnees that we interviewed. With Spanish serving as a lingua franca and a common set of goals to unite them, the refugee camp experience and the resettlement experience have mostly succeeded in defusing existing tensions between different indigenous groups.²²

A concern over family divisions also arose during our interviews. While parents dream of returning home, refugee children often do not want to leave Mexico. One boy described Guatemala as a distant land from a fairy tale.²³ These differences amongst family members have resulted in a ricochet effect in some cases, with families leaving Mexico for Guatemala, only to return again to Mexico. In other cases, families also separate, with some members of the family staying in Guatemala and others, mostly the younger generations, returning to Mexico because they did not feel Guatemalan. This issue of cultural identity and identification combines powerfully with an intergenerational gap with differing expectations for future economic and social opportunities. Consequently, a successful solution needs to provide a variety of options to allow for diverging refugee preferences.

The degree of cultural attachment is also affected by the duration of the refugee situation. As has been the case in many other refugee situations, the longer the stay in the host country, the more difficult it becomes for refugees to repatriate. Many of our interviews with heads of households in Mexico revealed that returning to Guatemala was not an option; individuals felt no attachment to the country because they had been away for so long.

One of the major successes we observed was the collective effort by various players to provide primary and secondary education in Mexico. UNHCR funded the

²¹ PACEPIC is looking for funds to implement this program.

²² Though far more muted than expected, we witnessed some latent resentment among local Guatemalans towards returnees. Venesiya, a college student and English speaking guide, claimed in Tikal (Nov. 2nd, 2001) that “the returnees are perceived to be acting more as Mexicans than as Guatemalans. And Mexicans are known to be conceited, arrogant and demeaning.”

²³ Interview with Angelina in San Lorenzo settlement on November 1, 2001.

construction of schools in the settlements and provided teacher salaries, while refugees provided labor for the construction of schools, and COMAR recruited teachers. These efforts provided refugee children with access to educational opportunities that had not been available in Guatemala before their flight. In the return process, the Guatemalan government and NGOs provided some educational opportunities in returnee settlements, and schools started functioning almost immediately after the return. In our interviews both in Mexico and in Guatemala, refugees and returnees alike consistently emphasized the importance of education (see box).²⁴

However, the level of educational services in the Mexican camps remains low compared to the rest of the country. Additional services that are still needed include vocational and job training, adult education and literacy, and education about the peace accords, specifically in Chiapas. Among returnees, education in the remote highlands of Guatemala is still limited, and opportunities for secondary education in the returnee areas are few.

One of our interviewees, Pablo Ramirez, commented on the importance of an education: “education is ... the only way out.” In these areas, it was unlikely that agriculture would ever yield more than a subsistence income for most of the population. To develop alternatives, refugees and returnees would need to be able to make choices about their education.

Throughout our interviews, it became clear that physical isolation slows down or impedes local integration and reintegration. A large proportion of the refugee settlements in Mexico were physically isolated, with no other settlements within several miles. As a result, it was not surprising to find that many of the Guatemalans in Campeche who are now Mexican citizens reported that they had limited, if any, contact with Mexican society. One respondent stated that although she is Mexican, she has almost no interaction with the Mexican community.²⁵ Several returnee communities in Guatemala were also physically isolated. Some settlements were even inaccessible by four-wheel drive, located in jungle areas or very far from the main roads.

Some Guatemalan settlements in Chiapas were situated closer to Mexican villages, and in these cases, interaction with locals was positive. Residents cited the fact that their children attended school with Mexicans and that intermarriage was not uncommon. Moreover, the presence of Guatemalans in the area was actually beneficial for the larger community; refugee communities were magnets for development projects such as schools, health clinics, and water supply systems, which frequently benefited the host community as well.

Although flight from Guatemala occurred over twenty years ago, families in both Guatemala and Mexico are still dealing with the trauma and loss that comes with fleeing one’s country, witnessing the horror of war and persecution, and being torn away from loved ones. This trauma was the main reason that one family we spoke with did not return to Guatemala: although Rosario and her family missed their home,

²⁴ Pablo Francisco Ramirez, Secretary of Junta Directiva in El Nuevo Porvenir (Samox), Alta Verapaz, Guatemala; November 1, 2001.

²⁵ Margarita, a mother of four in Quetzal/Edzna, October 31, 2001.

they knew they were safe in Campeche, and the passing of time did not make them feel comfortable enough to return.²⁶ Despite this type of lingering trauma, our field visits revealed that mental health services are not available in communities in Mexico and Guatemala.

Economic opportunity

A defining characteristic of UNHCR's refugee situation was that it offered access to land for both returnees to Guatemala and refugees in Mexico. Initially, all refugees were located in the Chiapas region, close to the Guatemalan border. Incursions by the Guatemalan military subsequently forced the relocation of 10,000 refugees to Quintana Roo and Campeche. Free land was offered to those refugees who volunteered to move. However, in spite of this incentive, many still preferred to stay close as close to the border as possible. For those that remained in Chiapas, the opportunity to repatriate and the accompanying offer of land came many years later. Those that decided to make Chiapas their permanent home never benefited from these opportunities to acquire land.

The Guatemalan government invested more than 200 million quetzals (approximately 30 million dollars) in purchasing farms for returnees. In our discussions with refugees and returnees, land ownership was often cited as one of the key elements in their decision to return to Guatemala, to move to the Campeche or Quintana Roo regions of Mexico, or to move from an older camp to a newer camp in Mexico.

Land ownership was also crucial in the Mexican camps. In Campeche, we observed high rates of land ownership; most families owned a plot of land where their houses stood and a separate parcel for cultivation.²⁷ The COMAR office in Campeche continues to work toward providing land titles for additional families and hopes to close down its office after this is accomplished.

Despite these successes, problems were often associated with the land. One of the most common complaints among interviewees was regarding the poor quality of land. The plots were often isolated, placed apart from the local communities. Furthermore, the interviewees expressed difficulty with attempting to earn a profit on their crops.

Another important step in establishing long-term economic opportunity and growth is developing mechanisms for credit. We observed that Guatemalans' access to credit varied. Those living in Campeche reported access to several sources of credit; sources included Fondo de Apoyo Recuperable (established by the Mexican government in collaboration with COMAR and UNHCR), the Rigoberta Menchu Foundation, Credito de la Palabra, and INVICAM. Loans ranged from \$100 to \$1200 and were available for land cultivation, the purchase of livestock, and small business development. However, at a 24 per cent interest rate, only the most affluent residents were able to seek loans for home improvement or small business development. Many of those interviewed expressed their inability to solicit a loan and cited the need for programs that offered no-interest loans with a flexible payment schedule, such as those from the Rigoberta Menchu Foundation and Credito de la Palabra.

²⁶ Interview with Rosario in Santo Domingo Keste, Campeche on October 30, 2001.

²⁷ The land where Santo Domingo Keste, Campeche is located was purchased by UNHCR from a local rancher

Returnees were generally unable to access credit and often cited a lack of access to credit as a major impediment to the economic viability of their community.²⁸ The few individuals that had managed to acquire credit told us that they were having substantial difficulty in making payments. In response to this need, the Consultative Asamblea Consultiva de las Poblaciones Desarraigadas (Assembly of Displaced Populations) is working to establish flexible revolving loan funds for returnee communities. The long-term concern of these communities remains however, especially because the banks may have the option to appropriate the land if returnee communities are unable to make their loan payments.

Another common concern among interviewees was the limited access to markets, due in part to the aforementioned physical isolation of the camps and returnee settlements. Guatemalans now living in Mexico reported that even when they had surplus commodities - which was not often - reaching buyers was difficult if not impossible. One returnee reported that he often carried a basket full of chickens to sell in a small town 60 miles from his home, because that was the closest market.

In addition to the lack of credit and inaccessible markets, limited capacity building and the lack of training are both hindering economic progress. While many of the Guatemalans living in Mexico can boast of citizenship and an array of public services, many returnee communities in Guatemala talked to us about the fact that training is not diversified. Training and technical assistance has generally been in the area of agriculture, limiting the options that refugees and returnees can pursue. The ramifications of these programs were evident when we visited communities that had invested heavily in coffee production. In these cases, the fall in coffee prices had left these communities in dire economic straits with no real prospect for other profitable ventures, given their lack of training in other vocations.

This was also a problem in returnee communities. In Santa Anita, individuals suggested that training should extend beyond agriculture to training people to do clerical work or program work for the government or NGOs. They felt that a greater focus on micro-finance would allow them to become more self-reliant. This sentiment was echoed by Guatemalan asylum-seekers in the US who repeatedly emphasized the lack of job training in Mexico as the reason that they ultimately fled to the United States.

Related to training is the issue of capacity building. Although capacity building for local NGOs was a focus of UNHCR's approach, we found that this policy had not been fully carried out. In Mexico, strides have been made toward truly developing and supporting local NGOs such as PACEPIC, but this situation stands in contrast to the one in Guatemala. During repatriation, international NGOs were the leaders in the process while indigenous NGOs were used primarily as contractors, providing services for a limited period of time. For the most part, these local NGOs were not involved in developing strategies or decision-making. Today, the international NGOs have left, and local NGOs still do not have the capacity to replace them.

Remittances from the US are often overlooked in the discussion of economic opportunities for Guatemalan returnees. A recent CNN report cited that Guatemalans in the United States remit approximately \$700 million dollars back to Guatemala

²⁸ Interviews with residents at La Trinidad in Esquintla and Finca Tuila in Cahabon, Coban

annually. In fact, remittances are the largest source of foreign income, exceeding revenues from the export of coffee. These remittances boost the overall economy of Guatemala dramatically, contributing to local investment, and improving the standard of living for millions of people.

In our visits to communities in Guatemala and Mexico, we saw the importance of these remittances first hand. In most of the communities, it was easy to identify which families had relatives or friends in the US—they boasted the best infrastructure, the most decorative windows, better quality doors, and expensive appliances. These differences in living standards underscore the impact of refugee movements to the United States and the potential role of remittances in these communities.

Approximately two million people were displaced by the war in Guatemala, with one million fleeing to Mexico and one million to the United States. Of those, approximately 40,000 returned to Guatemala, while 40,000 were locally integrated in Mexico. Thus, a primary concern remains: where have the remaining refugees gone and why is such a large proportion of this population untracked? This discrepancy may be explained by a lack of registration of significant populations of refugees in Mexico and the United States, as well as the absence of basic citizenship documentation in these countries, making it difficult to track refugee populations.

The illegal status of Guatemalan refugees in the United States also poses enormous obstacles to tracking. Due to a variety of political disincentives and a lack of interagency coordination, the process of applying for and receiving refugee status in the United States is costly and could take up to ten years. In addition, the INS prioritizes the integrity of its national borders ahead of refugee considerations— with strong backing from the domestic electorate. Ironically, refugees know they can still find work in the United States regardless of their asylum status, as long as there is still a demand for their labor in local economies.

There were many other factors that affected people flows. At the initial stage of the repatriation process, many Guatemalan refugees were induced to return to Guatemala from Mexico after the signing of the peace accords. The international community offered political and economic incentives to Guatemala and applied pressure on the government to provide land for refugees. The government promised a better livelihood, including roads, electricity, schools, health, technical assistance, and land. However, in our interviews, resettled residents reported that the Guatemalan government failed to deliver on their promises.

The existence of de facto disincentives to relocate was another factor affecting people flows within Guatemala and Mexico. One resident of La Trinidad, Guatemala, suggested that even if he wanted to move, he did not have the education or job training to relocate to the big city.

Political empowerment

As mentioned above, the Mayan communities in Guatemala suffered from structural and social inequalities. Upon arriving in Mexico, these refugees were bound by the common experience of years of racial and social inequality, even though they were often from different Mayan groups. Although they spoke many different dialects,

they became relatively united in the camps. This socio-cultural unity helped the refugees form and strengthen the CCPP, which facilitated their eventual return to Guatemala in the 1990s.

In contrast, most asylum seekers we interviewed in the United States reported that they did not maintain an interest in the political happenings in Guatemala. While most of the immigrants in the United States were also of Mayan descent, they did not exhibit the same unity that we witnessed among refugees in Mexico.

Highly organized committees were present in many settlements, often functioning like a municipal government for the camp. This resulted in strong communication links among the refugees. In one returnee settlement, community leaders conducted regular meetings and mobilized communities to focus voters on specific issues.²⁹ Additionally, some settlements have organized communal telephone systems and loud speakers that are used for the broadcast of important events.³⁰

We also heard reports that democratic elections for community organizations were held on a regular basis. In one community in Petén, existing committee members offered names for the next election, votes were then polled, and the individual receiving the most votes was appointed President, the next as Vice President, and so on. In another community, everyone offered three names for each of the posts, votes were polled, and the candidate with the greatest number of votes won the seat. The term of office lasted one year, and gender representation was generally ensured, with, on average, two seats out of five taken by women. The communities of La Quitzala, Leguna Perdida and Salvador Fajardo all confirmed similar practices.

Refugees began a self-initiated return to Guatemala as early as 1984. At that time, the fighting between the Guatemalan army and the URNG was confined to the remote mountains, allowing refugees and the internally displaced to return to non-mountainous areas.

Reasons for the refugee self-initiated return included harsh living conditions and an uncertain future in the camps, as well as the gradual phasing out of international assistance. Seeing as many refugees were skeptical about the conditions on the ground, they sent representatives home to Guatemala to check the conditions and security situation before making the decision to return. Despite initial hesitations of the Guatemalan government, refugees organized their first large-scale return to Guatemala in January 1993.³¹ During the next five years, refugees numbering in the thousands returned to Guatemala and established new communities and settlements.

These returnees were active political agents, negotiating the demilitarization of some areas, and establishing peace in others. By the time the final peace accords were signed in December 1996, 78 per cent of total returnees (calculated until June 1999) had already settled in Guatemala.³² Their exposure to a culture of freedom of speech and organization in Mexico helped to empower other Guatemalans who had become

²⁹ Samox/EINuevo

³⁰ Interview in Los Angeles, Quiche on October 31st, 2001.

³¹ In *Risking Return: NGOs in the Guatemalan refugee repatriation* (Life and Peace Institute, 1999), Liam Mahony reports that the first group of returnees in January 1993 consisted of 2,500 refugees.

³² Worby, Paula. *Lessons learned from UNHCR's involvement in the Guatemala refugee repatriation and integration program.*

accustomed to a culture of secrecy and silence. This ability to speak out during the truth and reconciliation process was especially critical because it empowered others to also speak out.

The returnees also contributed to the formal process of the peace talks and to the content of the final accords. There were two keys to this success: they were highly organized and united behind the CCPP leadership and the new civilian government promoted refugee participation in the peace accords to improve its international image.

One of the most important means of empowering refugees was through the Mexican naturalization process. Through naturalization, refugees receive birth certificates and immigration documents (FM2s) that allowed them to work, increasing their mobility and their job prospects.

However, significant challenges still exist. While a large number of refugees have been naturalized in Mexico, only those who have been registered with UNHCR and COMAR have been eligible. A much greater number of Guatemalan refugees remain unregistered and face mobility restrictions and lack work permits. Furthermore, even after naturalization, some refugees still believed that they did not have Mexican voting rights.³³

In addition, refugees in Campeche and Quintana Roo in the Yucatan Peninsula have more opportunities for naturalization than those in Chiapas.³⁴ Often, the lack of money to pay the fees is a factor that prevents refugees from becoming naturalized.

Throughout our interviews, we heard a great deal about female empowerment. Initially, women could not communicate with each other in the Mexican camps, due to women's subordinate roles in the family structure and differences in indigenous languages. In the camps, many of the women were encouraged to organize and to participate in decision-making processes. Eventually, NGOs and UNHCR established women's organizations in the camps and mobilized women towards greater participation in gender-based empowerment programs, with a focus on reproductive health services, promotion of women's literacy in Spanish, protection and training on women's rights, and human rights. As a result, women became more likely to speak for themselves, to make family planning choices, to dress as they wanted, and to participate in the voluntary municipal councils. Women have also become less tolerant of domestic violence and mistreatment: "We learned that we have the right not to be beaten."³⁵ Some women received access to credit to start small businesses.

However, while many communities reported capacity-building initiatives for women in the refugee camps, many of these gains were subsequently lost when families returned to Guatemala. Communities became dispersed, and traditional male-female roles were reasserted. In the absence of organized support from women's groups, it became more difficult for women to assert their rights. Female returnees reported that the return to Guatemala had lowered their status as a group. By and large, UNHCR

³³ Interview with Margarita in Quetzal Edzna, Mexico on November 1, 2001.

³⁴ Approximately 85 per cent of the Guatemalan refugees living in Campeche and Quintana Roo had been naturalized by October 2001, and the remaining 15 per cent were in the process of naturalization.

³⁵ Antonia, Angelina, Petra; San Lorenzo, Chiapas, Mexico; November 1, 2001.

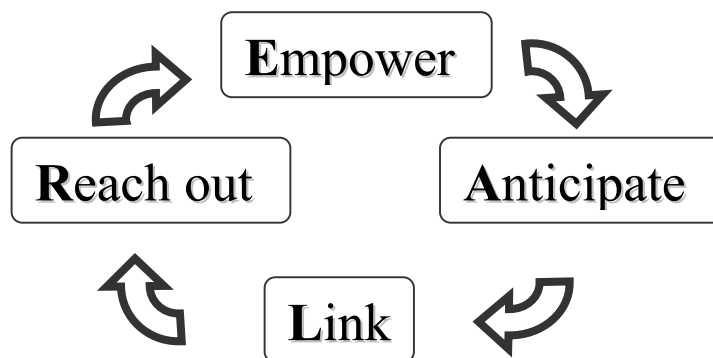
underestimated the importance of continuing and strengthening empowerment programs established in Mexico.

Lessons learned

In this final section, we present a holistic, refugee-centered approach to provide an alternative perspective on preventing a refugee crisis from becoming a protracted refugee situation. Our model has been greatly informed by the Guatemalan refugee situation, though we have generalized it to apply to refugee situations elsewhere. The REAL framework has been designed as a tool of analysis with which to evaluate successes and shortcomings of past refugee programs and to improve current and future refugee responses. The framework is composed of four interconnected action areas where UNHCR should focus its attention and its funds - Reach out, Empower, Anticipate and Link.

An optimal refugee response should reach all the refugees or persons of concern, ensuring that those who want help are made aware of where it is available, be it through UNHCR, local NGOs, or the host government. Even where UNHCR is not the agency providing relief, it has a responsibility to do its best to inform refugees of their options.

Four Critical Elements: REAL Model



As mentioned, less than five per cent of the two million persons of concern were actually assisted in the Guatemala operation. This is one of the most striking shortfalls of the UNHCR response in Guatemala. An organization cannot hope to effectively respond to a crisis without knowing with whom it is dealing. The shortfall undermines the agency's credibility vis-à-vis the refugees, the host and the home governments, and the donors. In addition, it leads to the problem of adverse selection because the five per cent of the displaced population that ends up in the camps is probably the least mobile, the least skilled, and possibly also the least able to actively

contribute to a solution.³⁶ At a minimum, UNHCR must know the number of displaced, their movements, their needs, their backgrounds and their skills.

The fact that UNHCR was not able to track the majority of refugees on the ground also means that it has no way of supporting the efficient use of the remittances that flow back to Guatemala every year. As the main company involved in transferring remittances, Western Union deducts 10 per cent of the money it transfers. UNHCR could consider lobbying Western Union to set up a development fund with a portion of this money; the company could expand its services and thereby increase its volume of business with comparatively little additional investment. Alternatively, UNHCR could help set up a beneficiary-focused transfer mechanism (with other NGOs, UNDP) and offer advice on productive investment and micro-credit schemes.

A large number of individuals do not know of UNHCR's presence and/or choose not to accept UNHCR's assistance. In order to expand the options refugees beyond the traditional camp infrastructure, we recommend that UNHCR consider a decentralized approach to service provision. UNHCR should establish decentralized resource & service centres (RSCs). These centres would be established both in the host country and the country of origin to provide basic services tailored to refugees and returnees. These centres would cater to refugees and returnees in need of assistance. They would be located in the communities where the refugees have locally integrated or where returnees have decided to settle. They could be established as development projects in partnership with UNDP.

Locations for RSCs would be chosen to meet observed needs that would provide for sustainable long-term solutions. To minimize costs and to avoid disrupting existing services, RSCs would build on existing infrastructure and human resources (i.e. they could be integrated in schools, hospitals or local administration facilities).

Initial services would include providing food, shelter materials, emergency packs, and financial assistance. At the next stages, services would include basic medical care, education and training, peer counseling, and job services. Long-term options would include office infrastructure, project planning support, coordination, and micro-credit opportunities.

To ensure sustainability, the centres would be managed by local NGOs with funding to be provided by international donors through UNHCR. Gradually, the centres would replace donor funding with user fees (e.g. medical services) and remittance services. While such self-financing mechanisms are vital to ensuring sustainability and local ownership, they also need to be carefully balanced to avoid excluding the most vulnerable sections of the population. RSCs are not substitutes for government health and education services. In some cases, establishing an RSC could simply consist of boosting existing services and creating a financial incentive for the community to open up access to refugees and returnees; in other cases, an RSC may be created temporarily to provide emergency packs.

³⁶ This issue came up in one of our very first interviews at the Finca Sta Anita in Quetzaltenango, Guatemala, on October 27, 2001. Similar observations were made in interviews between 1992 and 1997 in Croatia and in Bosnia, where refugees insisted that anybody who had the choice avoided the camps or spent as little time there as possible.

The larger vision behind RSCs is to foster integration with the local community, providing benefits to both the refugee/returnee population and the surrounding communities. RSCs would also fill the current gap that exists for assistance to self-settled refugee communities, as well as the gap that exists in transitioning and integrating returnee communities to their home countries. Resource service centres could serve as information hubs for the community at-large to share information, and for local NGOs and international NGOs to gather information.

While the financial viability of these centres has not been fully explored, the impact of RSCs and the potential of each centre to reach thousands of people relative to its low cost could offer a substantial incentive to donors to further investigate. The benefits of service centers can be summarized as follows:

1. Decentralized service centers would serve as pull factors, encouraging larger numbers of refugees to officially register with UNHCR. As mentioned, these pull factors could include vocational and language training, health and education services, cash grants, building materials and agricultural tools. By providing these services, the agency would be assisting refugees and it would also a more accurate picture of refugee movements. This applies similarly to returnee populations.
2. Decentralized service centers would allow refugees to maintain the option of self-settlement. By bringing services directly to the refugee populations, individuals would be able to integrate more easily into the local community without giving up access to essential services.
3. Depending on UNHCR's preference, the service centers could influence population flows by either dispersing their impact through establishing a large number of centers or concentrating refugees in one area by establishing fewer service centers.
4. Service centers would likely allow UNHCR to target a much larger number of refugees, at the same cost..
5. Given our holistic approach, decentralized service centers would ideally be open to public use by both refugees and local residents. This would decrease tensions between refugees/returnees and local populations.

A major argument from host governments favouring traditional camp infrastructure is the effective containment of refugee populations. Thus, UNHCR must consider the security concerns of the host country in its plans for service centers. To address this, UNHCR should create incentives for the host country to consider a decentralized approach to service provision. UNHCR may wish to demonstrate the benefits of refugees as economic assets that can be connected with local employment needs.

In addition, UNHCR can argue that increasing registration rates through the service centers will eventually allow for more refugees to be directly contacted for opportunities to repatriate, relieving some of the long-term burden on the host country. Finally, UNHCR can emphasize to the host government that local populations would also benefit from the centers.

While we are confident that the concept of decentralized resource and service centers is flexible enough to fit the diverse needs of a variety of complex refugee situations, we are aware that several arguments may be voiced against them. Our responses to some of these concerns:

1. The idea of RSCs is not new – UNHCR has established similar centres in its most recent operations, but it has not yet built a systematized framework around the concept. In this case, we would encourage the agency to formalize the concept to enhance sustainability and to facilitate funding opportunities.
2. UNHCR’s mandate is limited to protection and RSCs lie outside this mandate. While we fully support a clear definition of roles between actors (UN, government, NGOs), increased coordination would minimize duplication of services and also ensure that critical gaps are filled. UNHCR should not be expected to run and sustain RSCs in the longer term, but it may be in the best position to initiate the pilot projects.
3. RSCs will exacerbate rather than defuse tensions between the local population and refugees. There is a risk that local populations may perceive refugees as unwelcome competitors for already scarce resources – RSCs need to be set up to allay such fears.
4. Donors will not be willing to provide funding for “expanded” UNHCR services. Much depends on the education and advocacy strategies that UNHCR employs with donors. The agency will ideally stress the need for long-term, comprehensive approaches to refugee crises. The rationale is that RSCs have the potential to save the donor community considerable amounts of money over an entire emergency and development cycle. For UNHCR itself, being able to reach a larger number of beneficiaries at lower costs would considerably improve the expenditure per beneficiary ratio.
5. Governments and voters in host countries would oppose RSCs. There is a common argument that refugees need to be kept in camps, away from local communities, so as not to overburden the local population and risk further destabilization. While we accept that camps may be necessary for providing shelter, security, and services to the most vulnerable refugees, confining all refugees to camps will only encourage refugees to avoid UNHCR, leaving them even more vulnerable than they were originally. UNHCR has the potential to promote more flexible approaches to refugee situations and should convince host governments and voters of the potential benefits of RSCs.

One of the most crucial elements of a successful refugee solution is ensuring and incorporating refugee voice and participation. UNHCR’s success in Guatemala can be largely attributed to the fact that the agency was able to rely on the vast leadership and knowledge potential within the refugee population. UNHCR must ensure that the empowerment of refugees remains a top priority in handling other refugee situations, on both a political and a socio-economic level.

The political empowerment of the Guatemalan refugees was largely due to the fact that they were introduced to various democratic ideals and values in the camps. Leaders from the refugee population were often responsible for managing the day-to-day operations of the camps and were usually elected through popular voting. Furthermore, the camp experience fostered a high degree of pro-activeness among the refugees. They became accustomed not only to voicing their needs and concerns, but also to generating and implementing solutions to those concerns. UNHCR should continue to foster political participation and encourage local leadership among the refugees. This will ensure that refugees are not just passive recipients, but active decision-makers in their communities.

A critical element of empowerment is ensuring that refugees are able to make informed choices. It is not enough to simply ensure that refugees are involved in all stages of the decision-making process. UNHCR must ensure, as it did in Guatemala, that refugees have access to the necessary information and resources to assess a situation and decide on the best course of action. This is especially important in situations where refugees are given the option to repatriate or locally integrate. Informed choices can be fostered through reconnaissance missions, where refugees are allowed to survey the location to which they would be relocating or repatriating.

It is also important to provide refugees with periodic political and economic updates about the conditions in both their host government and their country of origin. This access to critical information allows refugees to make informed decisions, especially if they need to decide whether to repatriate or to locally integrate. While much of this is, laudibly, already being done, efforts to reach a larger proportion of the displaced population not serviced in the camps could enhance informal information networks. These could be enhanced and complemented by a close cooperation with other actors, as described in the “Linkages” section below.

Another critical point is that UNHCR should ensure that empowerment continues after refugees leave the camps. In several of our interviews with female returnees, many of them voiced the concern that they had lost many of the gains made in Mexico upon their return to Guatemala. They attributed this to the fact that they were now dispersed throughout the country and that traditional male/female roles had been reasserted. It is important that these empowerment programs, especially those targeting vulnerable populations, are continued and strengthened upon repatriation. One possibility is to form councils that would be responsible for ensuring that empowerment continues during this critical period of readjustment. UNHCR cannot assume that empowerment will simply continue upon return; it needs to make an active effort to ensure that it actually does.

Along with promoting political empowerment, UNHCR should also promote the socio-economic empowerment of refugees. It is critical for UNHCR to maintain a holistic understanding of the various elements that ensure that refugees are able to live their lives with dignity. While political empowerment provides refugees with a means of enacting change in a situation, socio-economic empowerment ensures that they can maintain their emotional well-being and have the skills needed to be economically self-sufficient.

A standard definition of basic needs would include access to food, water, and shelter; essential needs would extend these needs to include education, employment, training,

and health care. However, our field visits revealed that mental health services should also be considered essential. In order to ensure the emotional well-being of refugee population, it is important for UNHCR to address their psychosocial and mental health needs.

Decades after the fact, refugees were still dealing with the trauma of fleeing the country and living through the Civil War. The vividness of the stories that they shared with us indicated that the memories were still fresh in their minds. However, in an effort to “put the past behind,” many of the refugees choose not to discuss these traumatic experiences. Several of the Guatemalan refugee children in Chiapas indicated that their parents never spoke to them about “life before Mexico.”

One of the ways that UNHCR can address this issue is by providing a venue through which the refugees can collectively share, process, and deal with their trauma. A cost-efficient way of providing this service is by facilitating the formation of peer support groups. UNHCR would not be responsible for providing one-on-one professional counseling to the refugees. Instead, UNHCR staff will provide the refugees with the proper training to facilitate these group discussions.

It is also important for UNHCR to engage in efforts to assist refugee communities in retaining their culture. Cultural enrichment programs, especially for refugee children born outside the country, are critical if refugee populations are expected to successfully repatriate to their country of origin.

Our field studies also revealed the importance of providing refugees with access to credit. Without credit, land ownership would not have been a possibility for either the repatriated or locally-integrated refugees. The credit mechanisms were especially robust in Campeche and could be a significant reason as to why these refugees were more economically self-sufficient than those in Chiapas. However, some refugees were hesitant to access credit because they knew that they would not be able to pay the interest (usually 24 per cent per annum) or keep up with the payments. UNHCR should advocate for interest-free loans with flexible payment schedules, similar to those granted by the Rigoberta Menchu Tum Foundation.

It is also important to keep in mind that refugees may not be familiar with the concept credit. PACEPIC had an innovative way of dealing with this issue: they attribute their success in being able to collect timely payments from their clients to the fact that the organization is run almost exclusively by former refugees. As a refugee-run organization, the loan officers were refugees themselves and were able to explain the obligations and responsibilities of credit to their respective communities in an effective manner.

Another way that UNHCR can facilitate the economic self-sufficiency of refugees is by ensuring that they are maximizing the use of all their resources. The role of remittances is often overlooked when assessing a refugee situation. Our field visits revealed that remittances were a major source of income for many of the refugees. UNHCR should engage in efforts to assist refugees in using this resource to promote economic empowerment through investment. As with micro-credit programs, peer-based education and training could improve the management of these funds and ensure that an adequate proportion goes into investment and savings rather than exclusively into consumption. As mentioned above, UNHCR could also find

alternative means for refugees to receive their remittances, as most financial institutions charge a significant service fee.

As part of long-term refugee development, UNHCR should facilitate skills training that would allow refugees to gain self-sufficiency after repatriation or in the local economy. One important strategy may be for UNHCR to identify the productive employment sectors in the refugee/returnee areas and to facilitate the selection and implementation of relevant training. Based on our interviews, agriculture was the only sector of employment for returnees to Guatemala. This seemed natural given that land was being provided to returnees and most of the refugees were originally farmers. However, it proved insufficient as the global price of coffee dropped steeply in the years after repatriation.

Alternative income generation skills for refugees/returnees include: crafts (carpentry, masonry, pottery, sewing), entrepreneurship skills matched with revolving credits, forest management, animal husbandry, and agricultural extension. Before skills training programs are implemented, the local marketability of these skills should be considered.

As the agency mandated to lead and coordinate international efforts to protect refugees, UNHCR must bolster efforts to anticipate impending crises, before they occur. Refugee crises can be anticipated by conducting regular country trend analysis through networking with other agencies on the ground, including other UN agencies, human rights groups, diplomatic missions, churches, and community based organizations. This information-sharing network will enable UNHCR to gather reliable information, anticipate refugee movements and looming refugee crises, and initiate work with host governments. In many cases, these anticipatory systems are already in place - what is needed is to ensure that desk officers have the capacity to quickly draw organizational attention in case of an impending crisis.

Historically, UNHCR has always been an effective advocate for refugees. As a powerful international advocate, the agency has the potential to mitigate the impact of a conflict, or perhaps even to contain the conflict in its earliest stages. Sometimes this can be done through quiet, diplomatic intervention; other times, a process of naming and shaming is more effective; and in other cases still, UNHCR may be most effective by minimizing its presence and working through local actors. The importance of UNHCR's link to the UN system needs to be stressed: the agency has the legitimacy of the international community supporting its actions. This is a powerful endorsement of the work that it does and the role that it plays in armed conflicts.

While some would argue that part of UNHCR's effectiveness is due to its political neutrality, we stress that the mandate of the organization, and indeed the heart of the organization, depends upon its moral influence. UNHCR should not shy away from its advocacy role, even when its position is politically unpopular.

Though it is often the first of the UN agencies on the ground, UNHCR is typically not the first actor to arrive at the scene, as it must first be invited by the host government. As already noted, many of the Guatemalan refugees reported that the Catholic Church was the first institution they came into contact with when crossing the Mexican border. It was not until two years into the crisis that UNHCR was formally invited to establish operations in Mexico. In such cases, UNHCR and its partners face an

information deficit that is very hard to correct ex-post. Therefore, UNHCR should build partnerships with the actors that already have field access. It should know how an emergency is evolving, how many people are affected, what their most pressing needs are, and what the options for immediate and medium-term solutions are.

Funding remains one of the main factors preventing UNHCR from developing a more efficient strategy based on long-term refugee assistance. Planning based on single-year funding cycles limits UNHCR's ability to take long-term measures to resolve refugee crises. Donor education could address part of this problem: in anticipation of a crisis, UNHCR should alert and inform donors in advance, asking for additional funds in order to provide more sustainable solutions that extend beyond camps. Establishment and implementation of multi-year cycles would secure funding commitments for a longer period, allowing UNHCR to concentrate less on adhoc fundraising and more on the most efficient solution to refugee crises: preventing them.

UNHCR can avoid handover and sustainability problems only if it cooperates closely with local, national and international actors. Therefore, UNHCR should strengthen its linkages among domestic actors (government and NGOs) and donor countries. In our field interviews, returnees reported that one of the most pressing problems was that much of what been promised them was never delivered. This was due in large part to the fact that there was no government or NGO presence in the area.

After arriving in the host country, UNHCR should move quickly to begin tracking all of the major players on the ground. The agency must determine who is currently assisting the refugees, what services are being provided and what needs remain unmet. UNHCR should also determine if the situation requires the help of more humanitarian organizations or if a greater influx of NGOs would result in duplication and inefficiency. Greater efficiency may also be achieved if UNHCR is able to determine whether other agencies would be better equipped to deal with specific populations, such as children or marginalized refugees. Furthermore, if the region lacks state presence, UNHCR must identify the power brokers.

In order to assist in tracking the major players, UNHCR should focus on the development of a comprehensive data and information management system. From the very outset, this information management system should provide a joint data collection standard for all actors. To be attractive to such a broad pallet of users, the underlying data structure and its software applications must be fully upward and downward compatible. Within UNHCR, the system should include cutting-edge data management, including on-site data collection, real-time transmission, computer-aided analysis, and the means to share information with other actors on the ground. In addition to ensuring a more rapid deployment of services and materials to the refugees, the system will provide for greater efficiency in the long-run, with a standard system across all UNHCR operations.

Evidence of the importance of linkages and tracking have proven effective elsewhere. In Mozambique, UNHCR was noted for paying special attention to handing over responsibility to UNDP. UNHCR developed a District Development Mapping approach, allowing it to provide UNDP with information on its reintegration projects, district-by-district. Additionally, UNHCR decentralized responsibilities among many partners, including local NGOs.

While a conflict is occurring, UNHCR is one of the few organizations that is able to maintain regular contact with both sides. It is often one of the few actors that has both the clout and the credibility to bring the two sides together. Just as importantly, the contacts that it maintains with both sides serve as a valuable source of information for the UN system, other international agencies, NGOs, and the media.

Historically, UNHCR has had a reputation for acting on its mandate of protecting refugees while also trying to balance tensions between states. In its earliest days, UNHCR advocated the reunification of Hungarian families in spite the fact that Western governments considered repatriation to a communist country to be completely unacceptable. With persistence and diplomatic skill, High Commissioner Lindt was able to overcome states' objections, establishing its credentials with the Communist countries as an *independent* international actor.

Several years later, UNHCR wanted to assist the refugees created as a result of the Algerian war of independence. In spite of strong French opposition, UNHCR was eventually able to overcome this resistance. These are just two of the earliest cases where UNHCR was able to break new ground in its advocacy efforts. They both serve as a reminder of UNHCR's potential to advocate based on its principles and its mandate— even where it meant acting against the interests of its largest donors.

UNHCR has a critical advocacy role to play— it is the most powerful link between the refugees, the actors that have created the conflict conditions, and the international community.

In some cases, it can call media attention to a conflict that was previously not newsworthy; it can attract funding through international donors; it can mobilize the international NGO community to respond to a particular situation; and it can even influence powerful governments to pressure the two sides to end a conflict. UNHCR is at the nexus of many powerful networks, each of which has the potential to help refugees, as well as to prevent conflict. Simply put, the organization needs to make more effective use of its role as an international *advocate* for refugees.

Advocacy could include greater UNHCR involvement in the refugee/asylee issues in the countries of resettlement, most notably in pushing for larger resettlement programs in developed countries. The INS approved less than three per cent of total Guatemalan asylum applications to the United States during the period 1987 – 1998. Clearly, the INS handling of the asylum process has been cumbersome and slow, and UNHCR has the opportunity to help speed up this process.

Even in the earliest stages of a crisis, UNHCR should recognize the need to link long-term institutional actors who have a stake in the development and sustainability of the region. UNHCR should explore longer-term development strategies with the World Bank, UNDP, USAID, NGOs, and the European Union. Early engagement of these actors is necessary in order to ensure sustainability and the continuation of refugee and returnee development programs after UNHCR leaves. Closer coordination with traditional development agencies is also needed in the funding and implementation stages. Though past attempts in this direction have failed (e.g. the Brookings Process), further efforts need to be undertaken. Typically, coordination can work on an informal, personal level; through integrated planning and evaluation exercises, such contacts can be multiplied and formalized across organizations.

In Guatemala, the impact of UNHCR programs was limited by the lack of an exit plan. According to a UNHCR representative in Chiapas, one of the major challenges in UNHCR's "exit" was the handing over of responsibilities to various local, regional, and national actors. Because UNHCR had played such a significant role over an extended period of time, refugees worried that the departure of the agency would mean a significant decline in services. In Guatemala, UNHCR attempted to mitigate the transition problem by increasing community capacity through a government-NGO network that it had established upon the announcement of its gradual phase-out.

Ideally, handover and delegation arrangements should not be simply perceived as elements of a closing-down phase, but should instead be part of UNHCR's continuous planning and cooperation from the outset of an operation. International actors (NGOs, UNDP, World Bank, EU, USAID) need to determine the stage at which they should become involved in the process. Institutionally, UNHCR should maintain strategic alliances with both domestic governmental and non-governmental actors to facilitate the exit process.

Handing over to actors who have a long-term stake in the region is absolutely critical. If UNHCR does not ensure the sustainability of the solution, then all the agency has done is save refugees from one crisis only to allow them to fall victim to another one.

Conclusion

In our attempt to take a fresh look at long-term refugee situations, we focused our research and our field visits on the Guatemalan refugee diaspora in order to understand how durable solutions can be developed and maintained.

Keeping with the spirit of the 1951 Convention, we considered all persons who left Guatemala while fleeing persecution to be refugees. With this basic premise, we concluded that UNHCR was only able to assist a very small proportion of the entire Guatemalan refugee population. Among those that UNHCR assisted, we found that the most successful refugee communities were those where refugees had been given choices: to live where they wanted, with whom they wanted, and to support themselves the way they wanted. It became clear that refugees needed to be recognized as individuals: each community, each family, and each family member had their own particular needs and wants.

Thus, refugees need to be given a voice in refugee operations vis-à-vis UNHCR, as well as through host and home governments. The most effective way of doing this is to offer refugees choices and to provide them with the means to make informed choices.

For UNHCR, the efficient flow of information lies at the heart of resolving volatile refugee crises. As the lead UN agency on the ground, UNHCR has a responsibility to coordinate planning and implementation, as well as to lay the groundwork for long-term solutions in cooperation with other development agencies. This is the critical transition: from crisis to development; from basic needs to essential needs; from mobilization to empowerment. It is this period of transition that determines whether or not a refugee solution will be durable.

In this spirit, UNHCR should continue to strive to create situations where people can make informed choices about where they can live; the type of future that is possible through education or training; and the political empowerment that is possible through participation. It is only through assisting refugees to reach their fullest potential that real durable solutions can be created.