

Voluntary Repatriation (RP1)

Training Module

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Preface

Throughout its history, UNHCR and its implementing partners have accumulated a wealth of experience in promoting and facilitating what is usually the most desirable of all durable solutions for any refugee: voluntary repatriation. It is a subject on which much has been written, and continues to be written. Yet never before has an attempt been made to structure this experience in a way in which it can benefit our staff, and prepare them as they become involved in new repatriation activities.

This is the purpose of this training module. It has been based on contributions from a cross section of colleagues as well as NGO staff and independent researchers, all with first-hand experience of past repatriation operations. The observations, advice and guidelines contained in its pages reflect a combined effort to record and draw benefit from our shared, institutional memory.

As we progress into the last decade of the twentieth century with its shifting political horizons, the opportunities for voluntary repatriation are many. Yet the challenge of making this a feasible and lasting solution is greater now than at any other time so far. The problems posed by large-scale returns to countries devastated by years of conflict, and grappling with overwhelming economic problems only add to the complexities.

Now more than ever we need to train our staff, providing them with all the skills and knowledge we can derive from our past experience. This module is a first step in that direction.

January 1993
Sadako Ogata

Introduction

WHY THIS TRAINING MODULE?

The voluntary repatriation of refugees in many parts of the world represents an increasingly daunting challenge to UNHCR and its implementing partners. The reasons are well expressed in the following paragraph:

With the end of the cold war and as a result of various peace-keeping operations, millions of refugees and many more millions of displaced people may be able to return home soon. The majority of these will return to some of the least developed countries in the world (...) Many of the communities involved have virtually no productive capacity and very little basic facilities and infrastructure. They are communities often littered with mines, crowded with internally displaced persons and demobilized combatants, and affected by extreme poverty" (document EC/SC. 2/56 of 20 August 1992 presented to the UNHCR Executive Committee).

The overwhelming problems faced by many returnees require an urgent and sustained response. As a result, more and more staff are becoming involved in operations aimed at providing protection and assistance not only to individual returnees but to entire communities in numerous countries of origin.

This training module is designed to help them:

- understand the typology and characteristic pattern of repatriation movements;
- understand the legal framework of voluntary repatriation;
- identify the roles and responsibilities of UNHCR and other parties involved;
- identify the aid and development strategies which may be utilised in such situations;
- participate effectively in the planning and execution of major operations.

WHAT DOES IT CONTAIN?

The module is principally concerned with collective voluntary repatriations in developing countries.

It is divided into six chapters. Chapter one introduces you to different types of repatriation scenarios and gives an overview of the principal phases involved. The legal framework of voluntary repatriation and its implications for UNHCR are discussed in Chapter two.

Chapters three and four deal with action required in order to prepare for major programmes: the negotiating process on the one hand, needs assessment and operations planning on the other. Chapters five and six focus on key operational problems concerning organized and spontaneous repatriation, and conclude with a discussion of the rehabilitation and reintegration stages.

The module is supplied with Annexes comprising sample agreements and sample forms from previous operations as well as other standard documents.

It is also supplemented by a Trainer's Guide bearing the same reference (RP 1). The Guide provides a framework for a three-day workshop on voluntary repatriation, with detailed suggestions for a programme of activities and numerous training tools.

WHAT ARE ITS SOURCES?

In compiling this module an effort was made to draw on the rich experience accumulated by staff over the years.

To this effect:

- a design workshop was held in Geneva including representatives of major implementing agencies (IOM, IRC1(1) and LWF2(2));
- field offices involved in major repatriations were consulted;
- staff-members were invited to contribute case studies;
- operations plans and reports on many past operations as well as independent studies were examined.

This resulted in a very large body of material commensurate with the complexity of such operations.

A careful selection had to be made in order to keep the module to manageable proportions and make it both a useful introduction to the new staff-members and a reference tool for more experienced colleagues.

This second edition includes adjustments following pilot workshops held in April and May 1992, in Guatemala and Iran respectively.

OTHER REFERENCE DOCUMENTS

Major returnee programmes involve all aspects of UNHCR's operations and the text makes reference to existing training material on specialised fields such as programme and project management, operations planning, fund raising, etc. Bibliographical details and suggestions for further reading are given at the end of the module. The **Draft Protection Guidelines**, issued by the Division of International Protection in September 1993, constitute important complementary reading. These guidelines cover many of the same issues as you will find in this module, but offer a more thorough analysis of the protection aspects.

HOW TO USE THIS MODULE

Each chapter begins with learning objectives and ends with a self assessment test. If you are using this module for self-instruction, use these tests to measure what you have learned and compare your answers to the answer key at the end of the module. You will also find case studies which are designed to help you learn by example. All are based on real-life situations.

A special tribute is due to Stefan Sperl, a former colleague now with the School of Oriental and African Studies, London University, who compiled this module. Thanks are also due to the Ford Foundation which provided a grant for the production.

Chapter 1

Recognizing Voluntary Repatriation Patterns

Voluntary repatriations in different parts of the world exhibit an endless variety of situations and problems. The type and circumstances of each movement invariably change from one situation to another, according to a host of factors which in turn are subject to seemingly unpredictable fluctuations. Your first task must be to recognize this extreme complexity and to seek to identify the main distinctive

features.

The graphic illustrations on the next pages can help you achieve this. They show the principal factors you need to analyze using the kind of questions you will find in this chapter. The list is by no means exhaustive, but it can help provide a clearer understanding of the complex and confusing situations you are likely to encounter.

The chapter concludes with an overview in tabular form of the sequence of events that are typical of voluntary repatriations, indicating the protection and assistance activities which may be required.

Its preparation has also taken account of the multi-year study of spontaneous repatriation, recently conducted by F. C. Cuny and B. N. Stein. Their findings are of great interest, and a summary is included in the Annexes to this module.

1. *How “voluntary” is a decision to repatriate?*

As illustrated in the graphic below, the issue of **voluntariness** is at the core of refugee repatriation. What does this term mean in practice? Despite almost universal recognition of the principle that refugee repatriation should be voluntary, the reality often gives cause for concern. For many refugees, the decision to return is dictated by a combination of pressures due to political factors, security problems or material needs. In some cases the decision is taken in the absence of any viable alternative. This comment by a prospective returnee is a good illustration: “I probably won’t be resettled, asylum here is not sure and camp life is very hard. My reply then is yes, I return home of my own free will, but my choice is not free” (P. Grandi’s report on 1991 repatriation to Iraq).

Graphic 1: Voluntary Repatriation Variables (1)



Graphic 2: Voluntary Repatriation Variables (2)

Each one of the variables shown in graphic 1 can be divided into a number of subcategories as follows:

TYPE OF MOVEMENT			CIRCUMSTANCES OF MOVEMENT		
Characteristics of refugee groups	Organization of movement	Mode and destination	Political factors	Constraints	Incentives
Number?	Spontaneous or organized?	Return by what means?	Political change in country of origin or asylum?	Security situation?	Improved security?
Provenance?	Organized by whom?	One or several movements?	Political settlement?	Effects of war?	Availability of assistance?
Age/gender?	Collective or individual movement?	Destination?	Political pressures?	Displaced persons?	Economic prospects?
Special groups?			Who controls areas of return?	Economic crisis?	Emotional ties?
Legal status?			UNHCR access?	Access to land?	
Ethnic, religious, cultural affiliation?				Time constraints?	
Community organization?					

As we shall see in the next chapter, it is UNHCR's task to verify the voluntary character of repatriation. In practice this is not a simple task. A host of factors can have, directly or indirectly, a bearing upon the refugees' decision to return. The analysis that follows seeks to identify these factors. It is sub-divided according to the headings that appear on the graphics and their links with the central theme of "voluntariness" of the decision.

2. Analysis and examples of repatriation variables

Characteristics of refugee group

➤ How many potential returnees are there?

With over 10 million, Bangladeshis formed the largest returnee group of recent times (1971); another very large group are the Afghans, over 2 million of whom are expected to return. The numbers involved in fully organized repatriations have been smaller: e.g. Cambodians (some 300,000), Nicaraguans (70,000), Salvadorians (40,000), Namibians (41,000), Laotians (30,000), South Africans (15,000).

➤ Are they of rural or urban origin?

Most large returnee groups have been of rural origin. The most significant recent repatriation of urban refugees concerned South Africans. An added factor here is the "urbanization" of rural refugees as a result of long-term residence in refugee camps.

Despite the “urban” life style of the camps, most Cambodian returnees preferred to settle in rural areas where families were better able to support the newcomers.

➤ *What is the age and gender profile of the population? Are there special groups?*

Women and children usually form the bulk of refugee/returnee populations. For this reason it is important that refugee women be involved in any decision-making process. Special groups may include vulnerable individuals (women heads of household, unaccompanied minors, disabled persons, AIDS victims, etc.) or other persons with particular problems (e.g. ex-combatants, draft evaders or detainees).

➤ *What is the legal status of the refugees in the country of asylum?*

This is one of the most important elements in the verification of voluntariness. If refugees are legally recognized as such, their rights are protected and they have the opportunity of local integration in the country of asylum or, failing that resettlement to another country their choice to repatriate is likely to be truly free and voluntary. If, however, their rights are not recognized, they are subjected to pressures and restrictions or confined to closed camps; the decision to return may be “voluntary” but it is certainly not free.

The situation of Haitian refugees in the early 1990's is a good illustration: it ranged from imprisonment as illegal aliens (Bahamas), to camp confinement (Jamaica), or virtual immigrant status (Venezuela). The “voluntariness” of a decision to repatriate inevitably changed in character according to the refugees' status in each of these asylum countries.

➤ *What is their ethnic, cultural and religious affiliation?*

Ethnic, cultural and religious factors have an important bearing upon the decision-making process in refugee communities. Among Afghan refugees in Pakistan where traditional authority structures have remained largely intact, it is the tribal or village elder who takes the decision to return on behalf of his clan. In some cases this may entail an element of coercion since family or clan members are expected to accept the decision of their elders.

➤ *Have refugees been relocated in the country of asylum?*

Host governments usually round up refugees and move them to camps. Those who try to elude government control and settle outside the camps are more likely to repatriate. In some cases, refugees are relocated again at a later stage which may result in further repatriation to avoid relocation (see study by F. C. Cuny and B. N. Stein in Annex 2).

➤ *Have the refugees organized themselves as new communities?*

Uprooted people in camps tend to organize themselves under a political leadership (see Annex 2). Some refugees will be unwilling or unable to fit into the group and repatriate. With the passage of time, security conditions in the country of origin may improve and repatriations gather momentum, sometimes in defiance of the refugee leadership.

Organization of the Movement

➤ *Are movements spontaneous, partially organized or fully organized?*

A distinction is often made between spontaneous and organized repatriation. The latter

normally refers to repatriations organized by the international community whereas the former refers to a repatriation undertaken at the initiative of the refugees; such repatriations are also called “self-organized”.

❑ **Organized repatriations** are usually characterised by:

- resolution of the conflict which has given rise to the refugee situation;
- repatriation agreements concluded between the countries of asylum and origin and UNHCR;
- encouragement of repatriation by UNHCR;
- registration of the returnees by UNHCR;
- transportation of the returnees by UNHCR.

An example among many is the organized return of 41,000 Namibian refugees in 1989 following the internationally agreed independence of Namibia.

❑ The **second type, *spontaneous repatriation***, is altogether different. In this case, return often takes place:

- without formal agreement;
- before the cessation of hostilities;
- without registration;
- without international assistance.

The most widely cited example of this is the return in 1984 of 54,000 Tigrayan refugees from the Sudan in the midst of famine and air bombardments, and despite the opposition of governments and aid agencies including UNHCR.³⁽³⁾

The distinction between organized and spontaneous movements is often, however, unclear.

Repatriations usually go **through different phases in which the two types of return are combined**.

The Salvadorean case provides a good example. Until 1987 some refugees returned to El Salvador “spontaneously” in the strict sense as defined above, whereas other returnees were:

- registered by UNHCR;
- provided by UNHCR with some form of help (transport, accompaniment to the border).

This type of assistance, provided without formal agreement with the country of origin and before the cessation of hostilities, amounts to **facilitation of spontaneous return**, an important concept which is discussed in more detail in chapters two and five of this module.

Following the tripartite negotiation process in 1986-87, repatriations to El Salvador took on a very different character and could be described as “organized”; even though:

- hostilities continued in the country of origin;
- the “organization” was chiefly undertaken by the refugees themselves, with UNHCR in a facilitatory role.

This example shows the extent to which “spontaneous” and “organized” are relative terms which have to be used with care.

➤ *Who is in charge of organization?*

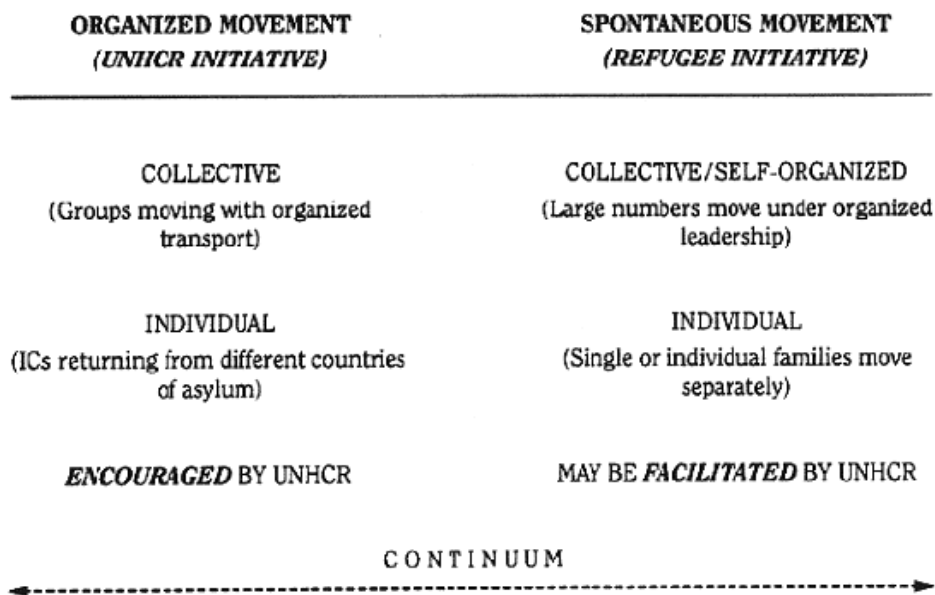
Most organized movements take place with UNHCR as lead agency; other agencies such as churches and NGOs may also play a key role. “Spontaneous” movements,

despite what their name suggests, can also be highly organized if the returnees are a closely knit community under effective leadership, (see Case Study A at the end of Chapter 3).

➤ *Are they moving as individuals or in groups?*

Repatriations can be either individual or collective. This depends on numerous factors, including geography, security and the degree of dispersal of the refugees. In some cases heads of household return first to prepare the ground for their families; in other cases refugees move as tribal, village or organized political groups.

The following, much simplified graph is intended to clarify the different terms introduced in this section and illustrate how they interrelate:



The conditions under which repatriations may be **encouraged** or **facilitated** by UNHCR are discussed in Chapter two of this module.

Mode and destination of movement

➤ *How are the refugees returning?*

Movements may be by foot, road, rail, air or sea and involve many different kinds of locomotion (e.g. pack animals, buses, trucks, taxis, etc.). In organized repatriations finding the best way of transport may not always be straightforward. In the South African case, UNHCR closely investigated the possibility of bringing the returnees from Tanzania by sea before opting for the airlift.

➤ *Is return effected from one country or several?*

The complexity of repatriation operations is much increased by the fact that returnee movements often take place from several countries of asylum at the same time. Namibians returned from Angola, Zaire, Zambia and overseas; Afghans returned mainly from Pakistan and Iran; Nicaraguans from Honduras and Costa Rica, etc. This requires careful coordination and planning.

➤ *Is return effected in one movement?*

Repatriations may involve multiple crossborder movements as families are preceded by advance parties. Some Afghans have taken up to three years to reconstruct their homes and replant their fields before finally moving their families out of the refugee camps. Such pendular movements are usually determined by the distance refugees have to travel from the border.

➤ *Are returnees moving to their original places of residence or to other areas?*

Refugees should have the right to return to their places of origin or choice although sometimes this may not be possible for economic or security reasons.

Political factors

➤ *Has there been a political solution (negotiated or otherwise) to the problem which has caused the refugees to flee their country?*

Most organized repatriations, in particular those following wars of decolonization have taken place after political settlements (e.g. Algeria, Zimbabwe, Namibia or Cambodia). In many cases, however, refugees return spontaneously while armed conflict is still continuing or before a political settlement has been reached. In other cases, political change, however significant, may not be enough to encourage refugees to return. After the Soviet withdrawal from Afghanistan in 1988, the expected mass repatriation of Afghans did not happen, and refugees only began returning in large numbers once there was a change of government in Kabul in 1992.

➤ *What political pressures are being brought to bear upon the refugees or returnees by Governments, National Liberation Movements, the international community or other groups?*

Such pressures are almost always in evidence. NLMs often see refugees as their constituents and discourage return unless it suits their strategy, while governments of asylum countries and donors usually favour rapid return as a solution to the refugee problem. In some cases such pressures may result in reduced care and maintenance rations as has been the case in Pakistan.

➤ *Who is in control of the returnee areas?*

There have been many examples of refugees returning to areas outside central government control. Between 1988 and 1992, most Afghans returned to villages under the control of NLMs. A very special case was the Allied Forces' creation of a "safe haven" for Kurdish returnees in Northern Iraq under Security Council Resolution 688; it led to the return of over two million refugees from Turkey and Iran (1991) to an area practically removed from the control of the Government in Baghdad. Also to be considered under this heading are returns to newly independent states such as Eritrea, Northern Somalia, Croatia, the Baltic States, etc.

➤ *Does UNHCR have access to the refugees/returnees?*

In the Afghan case, UNHCR had free access to the refugees in Pakistan, whereas on the Afghan side, access until 1992 was very restricted due to political and security problems. In the Sri Lankan case, on the other hand, UNHCR has no access to the refugees in India but has freedom of movement in the country of origin.

Constraints

- *What security problems are there?*

Repatriants, even those who return after a political settlement, may encounter numerous security problems ranging from mines to virtual anarchy as has been the case in some areas of Afghanistan. In spontaneous repatriations, refugees often have to make a difficult decision considering the benefits of return (e.g. leaving camp life!) and the risks involved.
- *Is the infrastructure of returnee areas destroyed or seriously impaired?*

This is a major problem in many countries, particularly those affected by civil war such as Afghanistan, Cambodia, Mozambique and Nicaragua to name but a few.
- *Do returnees have access to land?*

For rural communities this is the most important issue. Serious difficulties often arise because land and property left behind is taken over by internally displaced persons. In El Salvador, returnees managed, despite initial government opposition, to settle as groups in areas of their choice, usually near zones of conflict. In Laos, on the other hand, the Government made land available for returnees in areas close to their former habitat. In Cambodia, returnees had the choice between land allocated in a given (not necessarily attractive) location and a cash grant; 95% of them chose cash and settled with relatives in other (rural) areas.
- *Are there internally displaced persons in the returnee areas?*

In many civil war situations, internally displaced persons may be more numerous than the refugees and have similar problems and needs.
- *Are there economic factors or natural disasters likely to hinder the rehabilitation or reintegration of the returnees?*

South African returnees faced difficult prospects due to very high levels of unemployment in black townships; similar difficulties exist in most developing countries. In several African countries the effects of drought and famine have presented additional problems.
- *Are time pressures or deadlines involved?*

Repatriations may take place over many years as circumstances gradually change. On the other hand, a drastic development such as the outbreak of war in the country of asylum may lead to repatriation in emergency conditions as was the case with Ugandan refugees in Southern Sudan in 1987. Other time constraints include election dates, registration deadlines, planting seasons or school cycles; in organized repatriations, meeting such deadlines may become a major challenge. This was the case in Namibia where returnees had to be back home before the election in order to vote.

Incentives

- *Has the security situation in the country of origin improved?*

The International Study of Spontaneous Repatriation describes refugee decision-making as oriented towards two principle goals: **security** and **control**. The most important incentive for repatriation is an improvement of the security situation in the country of origin, combined with economic opportunities that will enable the returnees to regain some measure of control over their lives. Improved security may be the result of peace agreements or amnesties but mere localisation or attenuation of conflicts may be enough to encourage many refugees to return. The presence of international organizations and NGOs may contribute much to bolster the confidence of returnees.

➤ *Have measures been taken to strengthen the economic base in areas of return?*

Assistance programmes in returnee areas such as the Cross Border Projects in Afghanistan or the Quick Impact Projects in Nicaragua may encourage repatriation. For rural refugees the single most important issue is the reacquisition of land and with it the rehabilitation of housing and irrigation facilities.

➤ *How strong are the refugees' ties to their homeland?*

While security and control are important factors in determining whether or not to return, the strength of the refugees' ties to their country of origin, their attachment to the land, their links with family members left behind can be equally important and may override worries about security and material welfare. As stated by a South African returnee: "There is a lot of unemployment, there is also violence spreading throughout the country. But just because it's home, we have to go."⁴⁽⁴⁾

3. Typical phases of a return movement

Over a period of time, repatriations may go through a number of phases and exhibit different combinations of the variables outlined above. However, despite the great variety of scenarios there is a **typical sequence of events** which you will encounter in most situations.

The diagram that follows gives a schematic overview of the stages involved and what they mean for the activities of UNHCR. Not **all** stages identified apply to **every** situation; some of the stages listed, particularly stages 2-5, may occur **simultaneously**. This diagram also serves as a guide to the remaining chapters of this module.

Phase	Country of Origin	Countries of Asylum
<p>1. Emergency</p>	<p>Conflict/persecution erupt on major scale.</p> <p>Refugees flee</p> <p>International/regional political response activated, attempting to prevent further refugee flow.</p>	<p>Emergency preparedness measures activated.</p> <p>Refugee influx begins.</p> <p>Emergency protection and assistance measures initiated and UNHCR presence established.</p>
<p>2. Consolidation</p>	<p>Conflict/persecution begin to abate or localize.</p> <p>Refugee flow diminishes.</p> <p>UNHCR monitors situation closely and maintains contact with Governments.</p>	<p>Refugees moved to camps, care and maintenance begins.</p> <p>Influx absorbed in camps.</p> <p>Local settlement projects initiated.</p> <p>"Relocation-stimulated repatriation".</p>
<p>3. Negotiation</p> <p>[See chapter 3]</p>	<p>Negotiations gather momentum, aiming to create conditions conducive to return.</p> <p>UNHCR aims to establish presence, identifies implementing partners, consults donors, NGO's, UN agencies on possible return.</p>	<p>Refugees consulted on conditions for return.</p> <p>Negotiations with Governments to agree on conditions for return.</p>

Tripartite Commission Established

Phase	Country of Origin	Countries of Asylum
<p>4. Needs assessment and operations planning</p> <p>[See chapter 4]</p>	<p>Assessment missions to potential areas of return.</p> <p>Missions include donors, NGOs, UN development agencies and other implementing partners.</p>	<p>Refugee population surveyed to determine repatriation needs.</p> <p>Regional planning meetings convened.</p>
<div style="border: 1px solid black; padding: 5px; background-color: #e0e0e0;"> Regional plan of operations established fund raising appeal issued </div>		
<p>5. Spontaneous Voluntary Repatriation</p> <p>[See chapter 5]</p>	<p>Conditions stabilize further in certain areas.</p> <p>Assistance measures targetted to these areas.</p> <p>Monitoring framework set up by UNHCR with help of NGOs, human rights group, etc.</p>	<p>Larger numbers of refugees return spontaneously.</p> <p>UNHCR facilitates their departure through repatriation grants and protection measures.</p>
<p>6. Political break-through</p>	<p>Conflict abates or terminates, Government issues amnesty and guarantees to returnees. Conditions of relative safety established.</p>	<p>Refugees and Governments consulted on organizing major voluntary repatriation in light of developments.</p>
<div style="border: 1px solid black; padding: 5px; background-color: #e0e0e0;"> Tripartite Agreement signed Plan of operations updated and finalized </div>		

Phase	Country of Origin	Countries of Asylum
<p>7. Organized voluntary repatriation</p> <p>[See chapter 5]</p>	<p>Projects initiated to protect and assist communities in areas of return (UNHCR, UN development agencies, NGOs).</p> <p>Reception centres prepared.</p>	<p>UNHCR encourages voluntary return among refugees.</p> <p>Information campaign launched.</p> <p>Returnees registered.</p>
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>Team building workshop Logistics chain established Movement phases</p> </div> <p>←————→</p>		
<p>8. Rehabilitation and Reintegration</p> <p>[See chapter 6]</p>	<ul style="list-style-type: none"> – Immediate relief upon arrival. eg. food, clothing, seeds, household goods, cash grant, etc. – Quick Impact Projects to help communities in returnee areas resume economic activities. – Protection measures to monitor security situation of returnees and verify observation of amnesties and security guarantees. 	<p>Predeparture assistance provided, with focus on vulnerable groups.</p> <p>Special protection and assistance measures undertaken for those refugees who do not wish to return (as long as cessation clauses have not been invoked).</p>

Self-Study Questions

- 1 State the main differences between spontaneous and organized voluntary repatriation.

✎
- 2 Why did some Afghan families repatriate over several years?

✎
- 3 Give examples of constraints in the country of origin which have a bearing on repatriations.

✎
- 4 What do you think are the main reasons why some refugees return home before the end of armed conflict in their home countries?

5 Describe a returnee situation of your choice with the help of the analytical framework introduced in this Chapter.

Chapter 2

Understanding the Legal Framework of Voluntary Repatriation

While returning home is in most situations the solution which the refugees themselves prefer, their return must be subject to principles and conditions which protect their safety and dignity. These can be found in a number of texts and documents which set international standards and outline the roles and responsibilities of the main actors including UNHCR.

1. *How the legal framework developed*

The texts which constitute the legal framework of voluntary repatriation were worked out over a long period of time starting in 1948 with the Universal Declaration of Human Rights. A number of these instruments, such as the 1951 United Nations Convention relating to the Status of Refugees, and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa have force of law and are binding on states that sign and ratify them. Others, such as the relevant General Assembly resolutions and Executive Committee conclusions, belong to the category of “soft law”. While not legally binding, they nonetheless express an international consensus. Viewing these texts in chronological order conveys a picture of the origin and evolution of the principles involved. We can distinguish **three stages** as shown in the following table:

Stage One (1948-51)

This was the period when, in the wake of the disasters of the Second World War, a fresh attempt was made to establish an international legal system in order to define and protect the rights of citizens on a global level. This included the rights of refugees and returnees.

The Universal Declaration of Human Rights (1948)

From a general perspective, this is perhaps the most important text of all because it establishes that the right to repatriation is **one of the fundamental human rights**. Article 13 (2) states:

Everyone has the right to leave any country, including his own, and **to return to his country**.

While the Declaration of Human Rights is a declaration of intent with no binding effect, the code of conduct it sets has remained a point of reference for all universal and regional human rights instruments subsequently adopted. The most important of these are the **1966 Covenant on Civil and Political Rights** which mentions the right of return in Article 12 and the **1966 Covenant on Economic, Social and Cultural Rights**. These instruments are obligatory for states parties.

The Universal Declaration and other human rights instruments are fully applicable to refugees and returnees and hence set minimum standards for their treatment. The human rights instruments may therefore be invoked in order to promote voluntary repatriation and protect the interests of returnees in their country of origin.

The 1949 Geneva Conventions

The Geneva Conventions are part of International Humanitarian Law and have the purpose of containing the effects of war. The Fourth Convention Relative to the Protection of Civilians in Times of War is relevant here because voluntary repatriations have frequently taken place in situations of armed conflict. In such cases, the Fourth Convention may be invoked to protect refugees, returnees, internally displaced persons and other civilians. This task may be undertaken by ICRC under its mandate to monitor the observance of the Geneva Conventions.

The UNHCR Statute (1950)

This is the constitution of UNHCR which was adopted by the General Assembly in December 1950 (Annex to Resolution 428 (V)).

It states that UNHCR should:

assist “governments and... private organisations to facilitate the voluntary repatriation of... refugees or their assimilation within new national communities”.

The Statute also calls on the High Commissioner “to assist governmental and private efforts to promote voluntary repatriation” (par. 8 (c)).

These statements, however brief, are of great significance because they introduce three principal topics which later conclusions and recommendations on the subject have elaborated upon in detail:

- repatriation should be **voluntary**;
- UNHCR, Governments and private organisations (NGOs) have a **joint role** to play in voluntary repatriations;
- voluntary repatriations should both be **facilitated** and **promoted**.

The 1951 Convention on the Status of Refugees

The 1951 Convention, now ratified by over 100 countries, remains to this day the cornerstone of refugee law. It contains a general definition of the term “*refugee*”, sets minimum standards for the treatment of refugees and makes provisions concerning their juridical status, gainful employment and welfare. The Convention relates to persons who became refugees before 1951 but its provisions have since been given universal applicability by the **1967 Protocol**.

While it does not address the topic of voluntary repatriation as such, the 1951 Convention is relevant for several reasons. In particular, the emphasis on the **voluntary character** of repatriation cannot be fully understood unless it is seen in the light of the following concepts introduced by the 1951 Convention:

- *non-refoulement*: according to this principle no person may be returned to a territory where he may be exposed to persecution. Forcible repatriation of refugees in practice amounts to *refoulement* – hence repatriation **must be voluntary**;
- *well-founded fear of persecution*: such fear is central to the refugee definition of the Convention. The fact that repatriation must be voluntary implies that this subjective fear should have ceased.

One of the clauses of the Convention declares that a person ceases to be a refugee when he voluntarily avails himself of the protection of his country of origin. In practice, however, this cessation clause is not automatically invoked upon repatriation because the circumstances which provoked the original flight often still subsist. Conversely, the fact that a cessation clause has come into operation does not preclude UNHCR from assisting returnees.

Stage Two (1951-79)

This was the period of decolonization when many refugees returned to their home countries after the end of liberation wars and the granting of national independence.

In the African context, this brought about some significant legal developments:

General Assembly Resolution 1672 (XVI) of 1961

During the Algerian repatriation in 1961 it became apparent that UNHCR could only effectively assist in voluntary repatriation operations as required by its Statute if it was assigned an active role in the country of origin. Recognizing this, the General Assembly, in Resolution 1672 (XVI), requested UNHCR to assist in the rehabilitation of Algerian refugees following their return to their homeland. This principle, which effectively broadened UNHCR's competence, has been reiterated in numerous subsequent Resolutions, both in general terms and with reference to specific returnee situations.

The OAU Convention (1969)

The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa gives a wider definition of the term "refugee" than the one which appears in the 1951 Convention. It is also the **only international legal instrument which establishes norms concerning voluntary repatriation**.

Article V affirms the voluntary character of repatriation and clarifies the responsibilities of Governments in this process (for full text see Annexes):

- the country of asylum "*shall make adequate arrangements for the safe return*", including providing refugees with information on conditions in their country of origin;
- the country of origin shall facilitate the returnees' settlement and "*grant them the full rights and privileges of nationals of the country*", without penalizing them for having fled.

While the application of the OAU Convention is limited to Africa, it represents a landmark in the development of refugee law and its principles are of much wider significance.

Stage Three (1980-90)

The massive refugee flows of the seventies and eighties and the consequent search for durable solutions brought about a more detailed elaboration of the principles of voluntary repatriation on the part of the UNHCR Executive Committee. In Central America, the evolving refugee situation led to a reaffirmation of these principles in the Cartagena Declaration of 1984. Moreover, major challenges arose which required the adoption of special measures by the General Assembly and the Secretary General.

Conclusions of the UNHCR Executive Committee (1980 and 1985)

The conclusions of the Executive Committee express an international consensus but are not legally binding. However, in the absence of a universal legal instrument concerning voluntary repatriation, the conclusions of the Executive Committee on this subject reflect internationally recognized standards and practices which should be applied in such situations.

Conclusion 18 (thirty-first Session) of 1980

This conclusion is closely modelled on the provisions of the OAU Convention. However, while the latter does not mention UNHCR and only refers to the work of "*international and intergovernmental organizations*" in general terms, the EXCOM conclusion foresees a specific role for UNHCR, albeit "*whenever necessary*" and "*in certain situations*". In particular, UNHCR could be involved in:

- establishing the voluntary character of repatriation;
- cooperating with governments to assist returnees;

- arranging for guarantees to be provided by the country of origin;
- receiving returnees in their country of origin;
- monitoring the situation of returnees in the country of origin and assisting in their reintegration.

Perhaps the most significant element of these conclusions is that UNHCR's special competence concerning **returnees** – which had been recognized in principle by the General Assembly – is here for the first time codified in greater detail.

Conclusion 40 (thirty-sixth Session) of 1985

The 1985 Conclusion focuses upon the promotional aspects of voluntary repatriation and its consequences for the actions of UNHCR and Governments. In particular:

- States should address the causes of refugee movements: they have a responsibility to create conditions conducive to voluntary repatriation;
- UNHCR should keep the possibility of repatriation "*under active review*" from the outset of a refugee situation;
- UNHCR should act as an intermediary and promote dialogue between all main parties; tripartite commissions between UNHCR, the country of origin and the country of asylum should be established;
- UNHCR and other UN Agencies should assist returnees in their reintegration and rehabilitation;
- UNHCR has a "*legitimate concern for the consequences of return*" and should be allowed unhindered access to returnees.

The Cartagena Declaration on Refugees (1984)

Following the emergence of major refugee flows in Central America, UNHCR organized a colloquium of government representatives and legal experts in Cartagena de Indias (Colombia) in order to obtain agreement on a set of principles and recommendations concerning the status of refugees in the region. The resulting Cartagena Declaration has since been widely recognized as a document of fundamental importance for the protection of refugees. Like the OAU Convention it contains a wider definition of the term "refugee". The voluntary and individual character of repatriation is reiterated in conclusion 12.

Related to the Cartagena Declaration is the document entitled "Principles and Criteria for the Protection of and Assistance to Central American Refugees, Returnees and Displaced Persons in Latin America" which was prepared for CIREFCA in April 1989 "as a framework for reference and guidance to States". It confirms the legitimacy of the Cartagena Declaration and contains a succinct summary of voluntary repatriation principles and their legal applicability in Latin America.

Recent Initiatives by the Secretary General

On repeated occasions, UNHCR's responsibilities in major repatriation situations has been spelled out in specific terms by instructions from the Secretary General.

Some examples:

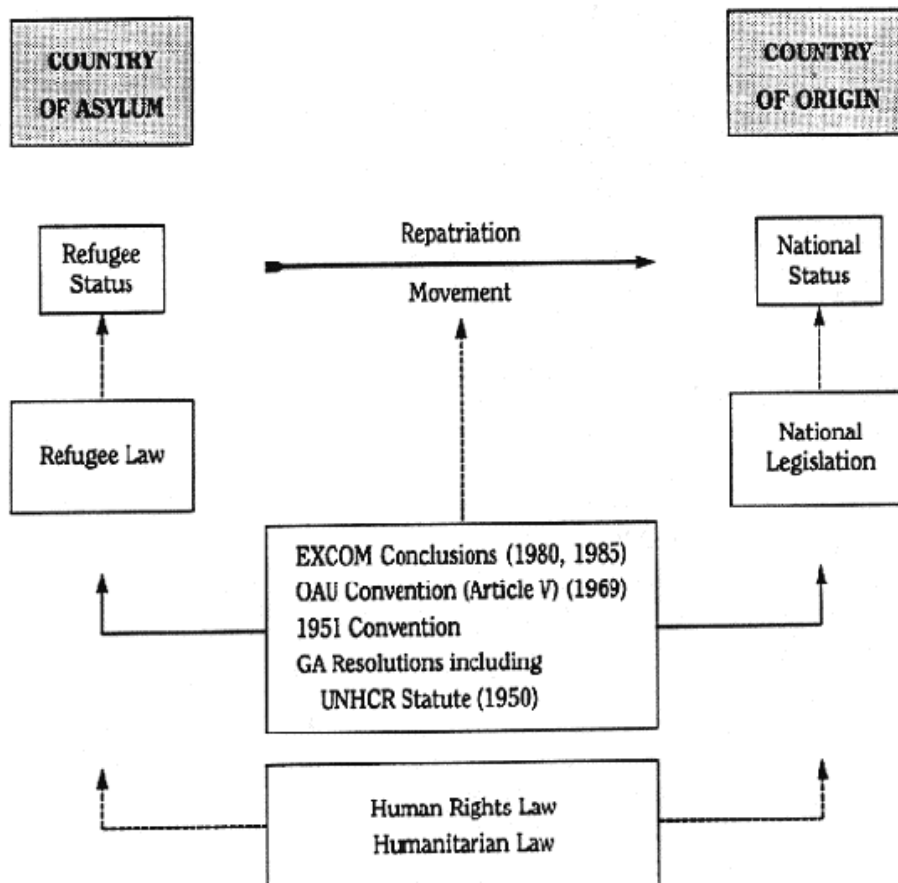
- In 1990, the Secretary General requested UNHCR to be his Special Representative in order to coordinate and monitor the returnee programme to **Vietnam**.

- In the context of the United Nations Inter-Agency Humanitarian Programme following the effects of the **Gulf** crisis in 1991, the Secretary General requested UNHCR to assist returnees and displaced persons in Iraq.
- Similarly, the Secretary General entrusted UNHCR with the role of lead agency in the **Cambodian** repatriation (1991).

2. *From theory to practice*

Now that we have identified the most important texts approved by the international community that relate to repatriation, we can sketch an outline of the legal framework that operates when such movements take place. This in turn will help us to understand the functions of the various actors involved, and in particular the role of UNHCR as discussed below.

As illustrated in the diagram below, voluntary repatriation in legal terms amounts to a movement from **refugee** status in the country of asylum to **national** status in the country of origin. Both refugee status and national status as well as the movement from one to the other are conditioned by a number of specific legal directives. Underlying these are the general directives of international human rights and humanitarian law. **The Structure of the Legal Framework**



3. *The implications for UNHCR*

The legal framework provides the only internationally agreed basis for UNHCR's action in the field of voluntary repatriation. In the light of current practice, UNHCR's roles and responsibilities can be broadly summarized as follows:

➤ **to promote the creation of conditions** that are conducive to voluntary return. This includes:

- interventions with the States concerned in order to draw attention to their obligation to create such conditions (this may require the early establishment of a UNHCR presence in the country of origin);
- interventions in international forums and support for regional initiatives (e.g. CIREFCA);
- negotiations with the countries of asylum and origin, and the refugees themselves, to secure agreements and guarantees so that the eventual repatriation can take place in accordance with international standards;

➤ **to encourage** the voluntary repatriation of refugees once conditions are conducive to return provided that:

- minimum standards of security prevail;
- all parties respect the voluntary character of repatriation;
- UNHCR has full access to the returnees;
- a formal repatriation agreement has been concluded between UNHCR and all major parties concerned.

Encouragement of voluntary return may entail the organization of information campaigns as well as the registration, transportation and reception of the returnees.

➤ **to facilitate** the voluntary return of refugees when it is taking place spontaneously, even if conditions are not conducive to return (in cases of armed conflict, for example) on condition that:

- the refugees are not leaving as a result of coercion;
- they are fully informed of prevailing conditions;
- the country of origin is willing to readmit them;
- the operation is carried out in accordance with UNHCR's strictly humanitarian and non-political mandate;

➤ to **verify** the voluntary character of refugee repatriation in all instances;

➤ to **organize** in cooperation with NGO, and other aid agencies, the transportation and reception of returnees, provided that such arrangements are necessary to protect their interests and well-being;

➤ to **monitor** the status of returnees in their country of origin and intervene on their behalf if necessary. It is UNHCR's duty to ensure that returnees are granted the full status of nationals in their country of origin, and that the Government of that country respects the guarantees, amnesties or assurances it has given to them;

➤ to **raise funds** from the donor community in order to assist governments by providing active support particularly during the movement phase;

➤ to **act as catalyst** for medium and long term rehabilitation assistance provided by

NGOs, specialized development agencies and bilateral donors.

Having gained a general understanding of the principles underlying UNHCR's role we must now turn to a number of **specific issues** where additional comments are required. You will also need to refer to the "Guidelines on Voluntary Repatriation" issued by the Protection Division which cover some of these issues in greater depth.

Spontaneous repatriation in armed conflict situations

In recent years this has become increasingly widespread in many parts of the world⁵⁽⁵⁾ and raises many fundamental issues in terms of human rights and humanitarian work. EXCOM Conclusion 40 (h) recognizes the importance of spontaneous return and states that:

- "action to promote organized voluntary repatriation should not create obstacles to the spontaneous return of refugees";
- "interested States should make all efforts, including provision of assistance in the country of origin, to encourage this movement whenever it is deemed to be in the interest of the refugees concerned".

The conclusions do not, however, address the complex problems that may arise when spontaneous return takes place in situations of armed conflict. The following are **three examples** of the types of difficulties and dilemmas faced by UNHCR staff, with some suggestions as to appropriate action to take.

a) Security risks

As stated above, UNHCR may facilitate the spontaneous return of refugees in situations of conflict **provided certain basic conditions are met**. The question whether to suspend such facilitation when **major security problems** arise can be difficult to resolve. Experience has shown that security problems need not be a deterrent to successful voluntary return. In Central America outbreaks of fighting and acts of assassination were not enough to disrupt the repatriation of Salvadorean refugees to safe areas. Similarly, Afghan refugees have returned in large numbers despite continued fighting in many parts of the country. On the other hand, it is clear, in retrospect, that some of the measures introduced to facilitate the return of Afghan refugees, i.e. identification of "zones of tranquillity" and *ad hoc* arrangements with local commanders were over-optimistic and positively dangerous; fighting broke out in almost all of these zones and the said arrangements proved to be very short-lived. Clearly there is a need for maximum caution.

The problem remains as to what should be done when refugees who are fully informed of potential security problems insist on returning voluntarily and require support from UNHCR. As a rule it may be said that in such cases UNHCR should counsel against spontaneous return and suspend facilitatory measures **only** when the security situation in the country of origin presents a **massive and direct threat to the returnees themselves** (eg. likelihood of massacres or aerial bombardments). At all times UNHCR should, to the extent possible, and with the help of appropriate intermediaries:

- maintain, if at all feasible, **an international presence** in areas of return to provide early warning, monitor the situation and dissuade human rights abuses;
- **promote dialogue** between the conflicting parties in order to minimize the security risks.

Further action that may be taken to protect the physical safety of returnees in their country of origin are discussed in Chapter six.

b) Wrong signals

There is a risk that visible UNHCR support for spontaneous repatriations to a country of origin in turmoil might give some refugees a false sense of security, or encourage the authorities of the country of asylum to pressurize the refugee population as a whole into leaving prematurely. In order to prevent this, it is essential to:

- establish, as a matter of policy, a **balance** between measures undertaken to **facilitate spontaneous return** and measures undertaken to protect the status and well-being of those refugees who **wish to remain in the country of asylum**;
- ensure that refugees are **fully aware of conditions** in the country of origin and help them obtain accurate information;
- clarify to the authorities of the country of asylum that any help provided by UNHCR to facilitate the spontaneous return of refugees does not mean that UNHCR is **encouraging** voluntary repatriation in general;
- maintain **ongoing refugee assistance programmes**, making allowances only for the numbers who are presumed to have returned (when repatriations begin there is often pressure for a disproportionate reduction in such programmes).

c) **Spontaneous return as a political act**

Sometimes repatriation is an act of political defiance, a continuation of an unresolved struggle between the refugee leadership and the authorities of the country of origin. As shown by the Central American experience this can become a very severe test for UNHCR staff who find themselves in the middle with both parties trying to manipulate the Office for their political ends. In this context it is well to recall that

"The High Commissioner must be neutral and not a partisan to any conflict, political or otherwise, which is a root cause of the refugee problem. The only legitimate bias for the High Commissioner is one in favour of the refugees themselves. This bias is inherent in the humanitarian character of UNHCR's work. To be humanitarian does not mean, however, to be passive and reactive as may have been the case too often in the past".6(6)

While maintaining a "legitimate bias in favour of the refugees", it is important that UNHCR should always **seek concerted solutions and not aggravate problems**. The advice is based on the Central American experience:7(7)

- clearly explain UNHCR's role to build credibility and confidence;
- be attentive to the needs of **all** refugees, not just the leadership;
- devise a coherent policy and stick to it;
- do not be afraid to disagree with a government or with the refugees if your policy principles are at stake;
- seek to negotiate common ground between the parties;
- provide practical and concrete solutions.

Non-state entities (NSEs)

In numerous cases refugees return home to territories under the control of political or liberation movements not recognized by the international community. The question then arises as to whether and to what extent UNHCR should enter into official contacts with such movements in order to provide

assistance and protection for the returnees.

As a matter of principle it may be argued that UNHCR is entitled to engage in such contacts on account of:

- **the UNHCR Statute** which declares that “the work of the High Commissioner shall be of an entirely non-political character” (Article 2); it follows that contacts established by UNHCR with NSEs for humanitarian purposes should not be taken to imply any form of recognition or political partisanship.
- **EXCOM Conclusion 1985 (e)** which states that “it is important that [the High Commissioner] establishes, whenever possible, contact with **all the main parties** and acquaints him/herself with their points of view”; this may be taken to include NSEs if they play a major role in the repatriation process.

In practice, contacts with NSEs have to be managed with prudence and on a case-by-case basis in view of the reactions this may arouse in a tense and conflictive political environment. The following issues may be involved:

- contacts with NSEs may be perceived by some parties as interference in affairs of a sovereign state;
- UNHCR may, rightly or wrongly, be perceived as representing the United Nations as whole;
- NSEs vary greatly in character ranging from loose groups of bandits (with which no contacts can be envisaged).

The most important precondition for such contacts is that UNHCR's non-political and exclusively humanitarian role should be recognized and respected by all parties involved.

A related problem concerns **UNHCR's contacts with a non-recognized or ostracised government**. Such a case arose following the embargo imposed upon Haiti by member states of the OAS in November 1991. When refugees started returning voluntarily to Haiti the question arose as to what extent UNHCR should become active in that country. In the light of UNHCR' humanitarian mandate it was decided that the Office should **maintain a presence** there in order to receive and monitor returnees, but that it should **not engage** in any assistance programmes involving government entities.

The return of non-registered refugees

In asylum countries with large refugee populations there is often a substantial number of refugees who fail to register with the authorities because they do not wish to be identified, or involuntarily (e.g. registration deadlines). They normally live outside refugee camps and often do not benefit from refugee assistance programmes in the country of asylum. *Examples* include some Afghan refugees in Pakistan and Iran, as well as Guatemalans in Mexico.

The inclusion of non-registered refugees in UNHCR returnee programmes may be problematic, particularly if they are entirely undocumented as in the case of Pakistan. Assistance to undocumented groups may be impossible to control, and can invite a “revolving door” effect.

However, it is a fact that registered and unregistered refugees are **equally entitled** to UNHCR protection and assistance provided they fall under the mandate of the High Commissioner. Moreover, the unregistered are often in a more precarious and disadvantaged position than the registered and thus in greater need of help. You should, therefore, try:

- to devise, and promote the adoption of procedures which will **enable unregistered**

refugees to benefit from repatriation assistance.

Examples:

In **Mexico**, the identification of unregistered refugees who wished to return was facilitated by the fact that most of them were members of ARDIGUA, an organization of Guatemalan exiles. An agreement was made with all parties concerned whereby these refugees were able to regularize their status with the Mexican authorities for the purposes of repatriation and thus to participate in the repatriation process.

In **Pakistan** unregistered refugees could not benefit from the “encashment programme” because of the lack of documentation; transportation was, however, provided by IOM to those returning to remote areas inside Afghanistan.

Internally displaced persons (IDPs)

UNHCR's Statute limits UNHCR's competence to refugees who are outside their former home country. It is not, therefore, responsible for IDPs.

Yet IDPs are a factor in virtually all repatriations. Often refugees return to countries where there are many displaced persons who left their homes for the same reasons as the refugees, and have similar security and reintegration problems. In some cases, returnees become internally displaced once back in their own countries.

The General Assembly has, on the basis of Resolution 2956 (XXVII) of 1972, repeatedly requested UNHCR to act on behalf of IDPs under its “**good-offices**” function. Such special operations, usually aimed at internal settlement, have been carried out in many countries, most recently in the former Yugoslavia. In the case of large-scale repatriation operations, General Assembly Resolutions have likewise called for UNHCR to extend assistance to include IDPs. In practice, it is often neither appropriate nor feasible to distinguish between returnees and IDPs. It follows that UNHCR should whenever possible:

- provide **rehabilitation assistance** under returnee programmes to entire communities in a given area; this is the best way to help returnees reintegrate;
- take measures to promote **respect for the security and basic human rights** of both returnees and IDPs.

However, this is a rapidly evolving issue and UNHCR Field Offices are requested **to submit to Headquarters for approval any request or recommendation for UNHCR's involvement with IDPs**. Further details on relevant legal and practical parameters are found in UNHCR/IOM/33/93 which is included in the Annexes to this module.

Examples:

When fighting resumed in **Sri Lanka** on a massive scale in 1990, many returnees assisted by UNHCR had to flee a second time. UNHCR, in cooperation with ICRC, established so-called Open Relief Centres in the conflict zone, where displaced families could find protection and remain until it was safe to return to their homes.

Rehabilitation assistance to returnees in **Northern Iraq** which began in 1991, benefited persons who had been refugees, those who had been displaced internally in March 1991, and those displaced at a later date, either as a result of additional flare-ups of violence or because they had chosen to return to destroyed villages. Eligibility for assistance was determined more by physical presence of beneficiaries in a given geographical area than by the status of such persons. This approach was in keeping with the instructions of the Secretary General who had requested UNHCR to provide

assistance both to returnees and displaced persons in northern Iraq.

The repatriation of ex-conscripts, ex-combatants and detainees

This may present very difficult protection problems. In organized repatriations it is essential:

- to investigate such cases **before** the start of the operation;
- to establish **clear policies** as part of official agreements and procedures.

Example:

In **Honduras**, Nicaraguan contra combatants who deserted from the resistance were helped to repatriate voluntarily provided they agreed to sign a **written commitment not to participate in the armed conflict** in the country of origin.

After the end of the war the Secretary-General established a commission to supervise the demobilization of the ex-contra combatants and requested UNHCR to assist in organizing the return of this group and their families (some 20,000 persons). Being combatants these persons could not be considered refugees and UNHCR agreed to the Secretary-General's request on an exceptional basis only. They had to **surrender their weapons** to ONUCA and were provided with basic assistance and transportation home. The OAS assumed responsibility for assisting them after their arrival in Nicaragua while UNHCR was to provide rehabilitation assistance for civilian returnees only. The ex-contras received less help than the civilians, a fact which led to friction as some of them took up arms again.

This example shows the importance of an even-handed approach to different categories of returnees and displaced persons.

The return of non-refugees

The return of asylum seekers whose applications have been rejected after a proper determination of their claim **should normally be of no concern to UNHCR**. However, problems in effecting their deportation have occasionally led governments to ask for UNHCR's assistance. In exceptional cases such requests may be considered, provided that UNHCR's involvement is beneficial to the institution of asylum, and that the measures taken are not in conflict with its humanitarian mandate.⁸⁽⁸⁾

Example:

In South-East Asia, UNHCR was expected to play a leading role in implementing the Comprehensive Plan of Action (CPA) to find a durable solution for refugees in camps. However, it did not wish to become involved in the forcible repatriation of rejected asylum seekers. Faced with this dilemma in **Hong Kong**, a procedure was devised to ensure that UNHCR would stay out of the deportation process, while at the same time providing optimal protection coverage for the persons concerned. The main elements were that:

- UNHCR had the possibility to ensure that no refugees were among the persons forcefully returned;
- prior to departure UNHCR could make a last attempt to counsel these persons to return voluntarily; if they agreed, they departed on a later flight with other voluntary repatriants and under better conditions;
- UNHCR presence in the camps attempted to ensure that the deportees' departure took

place without violence;

- in Vietnam, UNHCR monitored (at the request of the Secretary General) the situation of **all** returnees, regardless of whether they returned voluntarily or not;
- the Government of Vietnam undertook not to persecute the returnees (voluntary or involuntary) and granted UNHCR full access to them.

This was a unique arrangement. It is worth noting since it may yet set a precedent for other operations.

The non-voluntary return of refugees

This can occur when:

- refugees are expelled in violation of the principle of non-refoulement;
- they have no real choice;
- they are compelled by *force majeure* or unsatisfactory conditions in the country of asylum.

In such cases it is essential to declare clearly to the authorities concerned that UNHCR **is opposed to such action**. This should be done both in the field and at Headquarters and, if necessary, **at the highest level** through the intervention of the High Commissioner. If successful, UNHCR must:

- seek to ensure the **safe reception and reintegration** of the refugees in the country of origin on the basis of UNHCR's "legitimate concern for the consequences of return";
- negotiate for **guarantees of safe passage** out of the country of origin and arrange for asylum and/or resettlement elsewhere.

Warning!

Such intervention in the country of origin may induce further refoulement and "encourage States to abrogate their responsibility towards those seeking asylum".⁹⁽⁹⁾ If such consequences seem likely, avoid this course of action since UNHCR's **primary duty** is to promote respect for, and prevent the erosion of, the principle of non-refoulement.

The deportation of Haitian asylum-seekers by the United States is a clear example.¹⁰⁽¹⁰⁾ This situation was complicated further by the fact that voluntary repatriations of Haitians from other countries were going on at the same time. UNHCR thus decided:

- to differentiate clearly between action in the country of origin on behalf of voluntary returnees and deportees;
- to receive voluntary returnees at the airport but not to be present when deportees were handed over to the Haitian authorities (they were met and assisted by the Red Cross);
- to investigate the fate of returnees in general but not to engage in any case-by-case monitoring of deportees.

Refugees who wish to stay in the country of asylum

It is the refugee's right to choose not to repatriate. Arrangements for voluntary return must always be accompanied by contingency plans for those refugees who may not be willing to repatriate. Unless the

cessation clauses are invoked, their refugee status remains unchanged. Problems arise when, as often happens, host governments are eager to use the opportunity for repatriation in order to rid themselves of the presence of refugees.

Alternative options include:

- Gathering refugees in a **holding camp** as an emergency measure.
UNHCR was able to make last minute arrangements in **Turkey** in summer 1991, so that Kurdish refugees unwilling to return to Iraq could be transferred from their camps to a holding centre inside Turkey instead of being compelled to cross into Iraqi territory; this required difficult negotiations with Turkish and American military officers, provincial governors and the authorities in Ankara.
- **Agreement to defer** a solution (i.e. buying time while ensuring the problem is not ignored).

The tripartite agreement on the **Cambodian** repatriation stipulates that a comprehensive plan of action to deal with “residual caseloads” should be drawn up “as soon as the Cambodian government elected under UN auspices is established”.

- **Local settlement** in the country of asylum.

As part of the CIREFCA Plan of Action, the Government of **Mexico** agreed to support the local integration of those refugees who wished to remain in Mexico in the medium term. As a result, a multi-year programme has been successfully implemented to help some 18,500 refugees to achieve self sufficiency in Campeche and Quitana Roo; during the same period 7,000 other refugees returned voluntarily to their country of origin.

- **Naturalization** by the country of asylum.

This constitutes the ultimate form of local integration. Naturalization of large groups of refugees has been rare as it is a highly political issue in many societies. Experience in Central America, specifically **Costa Rica**, shows that naturalization can take place without raising political and nationalistic passions if it is carried out discreetly and on a case by case basis.

4. Minimum standards to observe in any operation

The legal framework within which UNHCR operates sets a basic level of responsibility which extends to **all** repatriation situations, whether spontaneous or organized. There are standards which UNHCR must monitor in every case, and which will determine its action and the degree of its intervention.

- Are the returnees returning voluntarily?
- Do they have adequate information to make an informed decision?
- Do they have the means to repatriate?
- Are vulnerable groups adequately provided for?
- Are the routes of return safe and practicable?
- Will the returnees be granted the full status of nationals upon repatriation and will they be provided with the necessary documentation?
- Will amnesties and other governmental undertakings be respected?
- Is immediate or long-term help required to facilitate the rehabilitation and reintegration of the

returnees?

If the answer to any of these questions is NO, it is our responsibility to intervene. The forms such intervention may take are discussed in the remainder of this module.

Self-study questions

1 What is the relevance of the Universal Declaration of Human Rights for voluntary repatriation?

~~✗~~

2 Which principal issues on voluntary repatriation does the UNHCR Statute introduce?

~~✗~~

3 Why is “voluntary return” a corollary of “non-refoulement”?

~~✗~~

4 The OAU Convention

- a) requests UNHCR to assist in the rehabilitation of refugees in Africa;
- b) requests African states to address the root causes of refugee movements;
- c) is the only international legal instrument which establishes norms on voluntary repatriation.

Which is correct?

~~✗~~

5 Supply the missing words:

- a) “UNHCR has a legitimate for the of return”.
- b) “States have a responsibility to to voluntary repatriation”.
- c) “UNHCR should keep the possibility of repatriation under from of a refugee situation”.

Where are these quotes from?

~~✗~~

6 UNHCR should facilitate spontaneous repatriations:

- a) unless armed conflict in returnee areas persists;
- b) whenever it occurs;
- c) provided that refugees are fully informed of conditions;

- d) provided they are not leaving as a result of coercion or economic hardship;
- e) provided that the government of the country of origin is willing to receive them.

Which conditions are relevant?

✎

7

On what basis does UNHCR provide help to internally displaced persons?

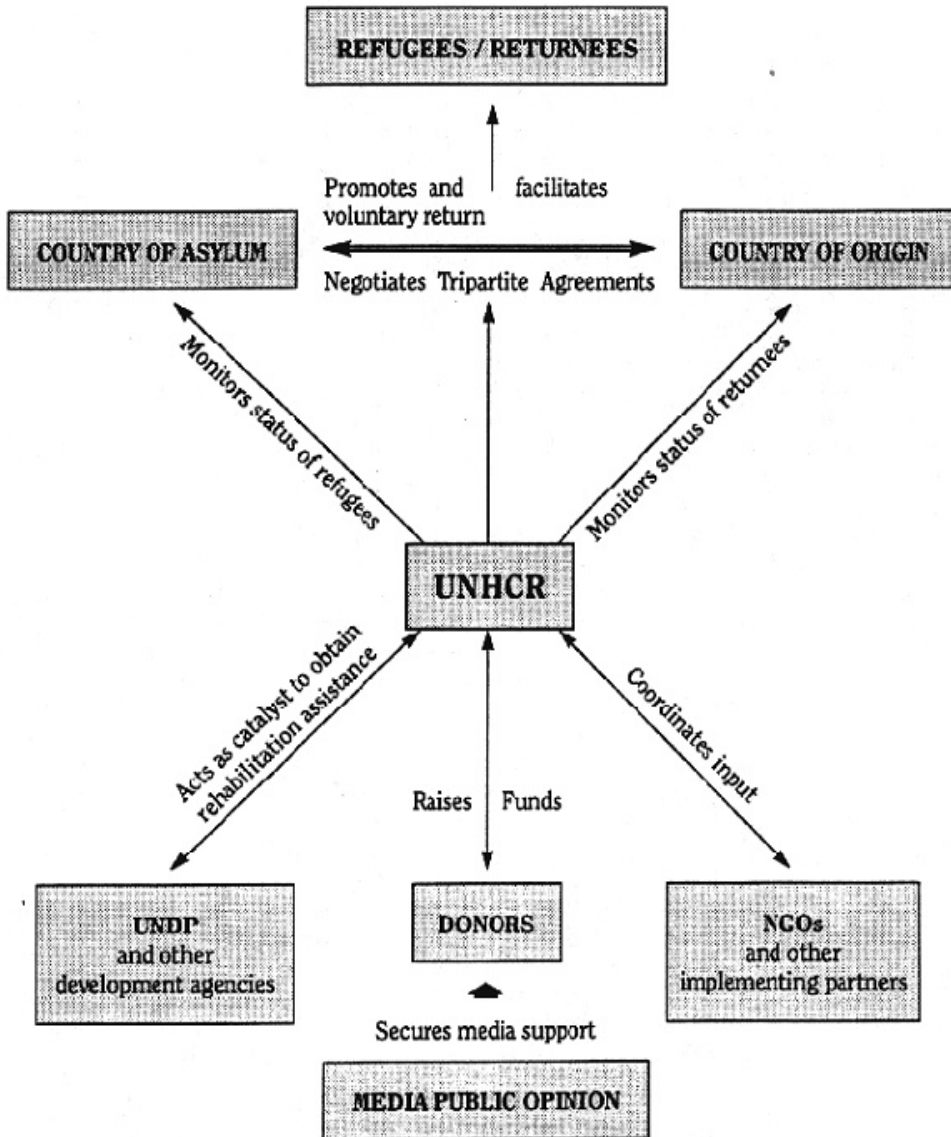
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Chapter 3

Preparing for Repatriation:

The Importance of Dialogue and Communication

UNHCR's task, as identified in its Statute, is to facilitate and promote voluntary repatriation. Alone, however, it can do little or nothing. Our task depends on the cooperation and support of a number of other inter-relating actors, as illustrated in the graphic below:



In order to secure the support of these actors, we must at all times promote and maintain an effective dialogue with them. This is particularly important when UNHCR is assigned the role of lead agency for a major movement.

In this Chapter we shall be looking in some detail at our relations with:

- the refugees/returnees;
- the authorities of the country of asylum and of origin;
- other UN agencies, or other international organizations;
- NGOs;
- donors and the media.

1. **Communicating with the refugees**

Working on a refugee programme does not necessarily mean getting to know the refugees. Due to the nature of your assignment, you may spend more time with colleagues or government officials than with the refugees. There may be a number of reasons for failing to communicate:

- differences of language and life style may create a gap;
- being suspicious of outsiders and sometimes uncertain about aid agencies, the refugees themselves may be reluctant to open up;
- access may be restricted to leaders or spokesmen, to the detriment of women and minority groups;
- the refugees may be intimidated by political factions or government forces operating in the camps and be afraid to talk.

It is up to you to take steps to overcome these barriers, as communication is especially vital when repatriation is involved. As stated in a report by the UNHCR Office in Mexico:

"Daily contact with the refugee community are the only way in which UNHCR can truly ensure the voluntariness of the decision to repatriate. Such contacts are essential in building confidence, and unless fully trusted by the refugees, UNHCR cannot perform its role".

Close contacts with the refugees are also necessary:

- to enlist their participation in planning and implementing the voluntary return. This is not only of great help to you: it ensures that the refugees have a chance to control their own lives and avoid depending on outside help;
- to obtain a real picture of conditions affecting return. Refugees usually have substantial information networks of their own and are often better informed about conditions in the country of origin than aid agency staff.

Here are a number of measures that will encourage communication, build confidence and ensure refugee participation.

Get to know the refugees' cultural and socio-economic background

Establish, in cooperation with the Centre for Documentation on Refugees at Head-quarters, a refugee profile including socio-economic data and full details on the refugees' provenance in the country of origin as from the beginning of an emergency. This is an important source of information, which must be updated regularly.

Take an interest in the history, customs and traditions of the refugees' country of origin.

Make an effort to learn the refugees' language; in some cases the knowledge of even a few words may open many doors.

Talk to all factions

Consult with organized groups (e.g. liberation movements) if credible and well run, but do not appear to take sides if several groups are involved.

Encourage the formation of refugee committees endowed with particular tasks, but take care to ensure they are truly representative.

Hold regular meetings with refugee elders including religious leaders if appropriate.

Make sure you stay in touch with marginalized groups or minorities, particularly if they are subject to

pressure from the majority.

Consult refugee women

While women and their dependents form up to 80% of the refugees, it is often difficult to gain access to them. Sometimes they are virtual captives of resistance groups or male heads of household. For the tasks listed below, **female field staff** stand a better chance of success:

- provide information to refugee women as well as to men to help them make an informed choice about repatriation options and involve them in the planning process. A good example of this approach was given in SEAsia, where information videos on conditions at home were shown to Khmer, Vietnamese and Lao refugee women;
- institute programmes to ensure that women have equal access to the procedures for voluntary repatriation so that those who want to return are able to do so and that those fearing return are provided protection against refoulement;
- ensure that women are represented in negotiating committees for collective repatriation, and in refugee delegations visiting areas in the country of origin to evaluate conditions for return.

Recruit refugees when planning or organizing repatriations

Refugees are usually best informed about conditions at home, and competent and trustworthy refugee staff can provide an invaluable resource. This has been shown by the remarkable work of the Afghan repatriation monitoring teams recruited in Pakistan.

Facilitate contacts and consultations between refugee representatives, the authorities of the country of origin and the communities of return

This may take the form of:

- enabling refugees to participate in negotiations concerning their return;
- facilitating the visits of delegations from the country of origin to refugee camps;
- helping refugee representatives to the country of origin to familiarise themselves with the situation; such visits should, however, be of **strictly non-political character**.

The timing of such contacts is a sensitive issue and will depend on prevailing conditions in the country of origin and the wishes of the refugees themselves.

Assist refugees in tracing and contacting relatives in the country of origin before their departure

Often, the returnees' first priority is to return to relatives or attempt to trace them if links have been severed. Establish a tracing service (e.g. with help of ICRC) to assist them in this vital step towards reintegration.

Do not impose a UNHCR repatriation model on everyone

You must be flexible and make allowances for refugees who do not wish to repatriate through official channels.

Monitor the information supplied to refugees by political groups and government representatives

In an attempt to influence refugee opinion on repatriation, representatives of governments and political interest groups have been known to spread misleading information about topics such as conditions in

the country of origin. In such cases it has been necessary for UNHCR to intervene with the authorities concerned. As a matter of principle, information campaigns dealing with repatriation should be organized by UNHCR since this is an important protection concern.

□ **Inform refugees in a timely, detailed and accurate manner on all matters concerning the repatriation programme**

A sample checklist of information is provided as part of the annexes. In order to maintain your credibility never make promises or enter into commitments which you may not be able to fulfil, especially with regard to land or other development-oriented measures.

□ **Use multiple means of communication to obtain and disseminate information on repatriation-related issues, such as:**

- NGO networks;
- religious networks;
- local and refugee staff with language knowledge;
- members of overseas communities from the country of origin who are fluent in the refugees' language;
- commercial networks (e.g. purchase hourly programme on local radio);
- newspapers (if applicable);
- video parlours (show UNHCR information films);
- cassettes.

In certain situations **Mass Information campaigns** may be required which should be negotiated with all parties concerned at the highest level. These may include:

- special TV and Radio features;
- coverage by local newspapers;
- production of repatriation handbooks in local languages.

A Coordinator for Mass Information has recently been appointed in the Division of External Relations, with the task of helping to organize such campaigns.¹¹⁽¹¹⁾

Mass Information played an important role during the Cambodian repatriation. Regular Khmer radio programmes on VOA and VOV (Voice of Vietnam) were broadcast with the purpose of:

- informing returnees of repatriation modalities;
- encouraging the local population in areas of return to welcome the returnees in a spirit of national reconciliation;
- promoting support for the programme on the part of government officials and decision-makers.

2. *Negotiating with governments*

UNHCR's negotiations with governments have as their primary aim to create conditions favourable for the voluntary return of the refugees. They are often part of a wider international attempt at seeking a peaceful

solution to a conflict situation. Depending on the particular circumstances, such negotiations may take place at different levels:

International level

This usually involves the Secretary General or the Security Council who may appoint a special UN representative to help in negotiating a solution or deal with humanitarian emergencies arising from a conflict. A recent example was the appointment in 1991 of a **Humanitarian Coordinator for the victims of the Gulf crisis**, who negotiated a Memorandum of Understanding with the Government of Iraq concerning UN assistance to returnees.

In some cases, an international conference is convened such as the **Paris International Conference on Cambodia** in 1989 which agreed on a Comprehensive Political Settlement of the Cambodia Conflict.

Another example is the **Second International Conference on Indochinese Refugees** (Geneva 1989) which adopted the Comprehensive Plan of Action to seek durable solutions for refugees in camps in South East Asia.

Regional level

Recent developments in Central America provide an impressive example of the success of regional initiatives. The two Esquipulas summits of 1986 and 1987 prepared the way for a peaceful settlement of conflicts in Central America. The resulting dialogue surrounding the refugee issue which had already begun with the Cartagena Conference of Experts in 1984 *“contributed significantly to the impetus for the peace process”* in the region as a whole and led in 1989 to the establishment of the **International Conference on Central American Refugees** (CIREFCA).¹²⁽¹²⁾

Another important example was the meeting in Dar es Salam in 1991 of several African leaders under OAU and UNHCR auspices to seek a solution to the problem of some 500,000 Rwandese refugees in the region. In the resulting **Dar-es-Salaam Declaration**, the Rwandese Government undertook to establish conditions favourable to the return of refugees, including the proclamation of a general amnesty, while governments of asylum countries agreed to facilitate the naturalization of those Rwandese refugees *“who have expressed the wish to become nationals of their country of residence”*. The Conference requested the OAU and UNHCR to formulate and subsequently implement a Plan of Action which may yet resolve this long-standing problem.

Tripartite level

Tripartite negotiations between UNHCR, the country of origin and the country of asylum have taken place on numerous occasions, sometimes as part of a regional or global framework. An example among many is the 1991 **Tripartite Memorandum of Understanding between Thailand, Cambodia and UNHCR** which was drafted in accordance with the terms of the Comprehensive Settlement agreed at the Paris Conference.

Often, tripartite commissions established before the start of the repatriation are convened on a regular basis during the movement phase to supervise the operation and resolve difficulties as they arise.

Bipartite level

In some cases agreements are negotiated directly between UNHCR and the country of origin. Recent examples are the **Memoranda of Understanding** on voluntary repatriation concluded with **South Africa** and with **Guatemala**.

A CHECKLIST FOR NEGOTIATED AGREEMENTS

Negotiations with governments must aim to secure agreements which uphold the principles and standards of voluntary repatriation as laid down in the international legal framework. A sample tripartite

agreement is found in the Annexes. The following outline can serve as a basis, to be adapted to individual circumstances.

General conditions

- ✓ Repatriation shall be voluntary and take place in conditions of safety and dignity.
- ✓ Alternative provisions must be made for persons who may not wish to return.
- ✓ UNHCR, other UN agencies and NGOs shall be involved in the repatriation process, given permission to operate and granted full access to the returnees.
- ✓ UNHCR will be represented in the countries of asylum and origin (this is of vital importance).

Rights and juridical status of returnees

- ✓ No punitive or discriminatory measure shall be taken against the returnees on account of their having fled the country; an amnesty or other official declaration shall be promulgated to this effect.
- ✓ Returnees shall regain their full citizenship rights and have access to official documentation (identity cards, travel documents).
- ✓ Returnees shall be allowed to import their assets and personal belongings customs free.
- ✓ Returnees shall have the right to freedom of movement and choice of domicile in the country of origin; the modalities of their access to land and property left behind shall be clarified.
- ✓ Registers of births, deaths and marriages while in exile as well as school and training certificates from the country of asylum shall be recognized in the country of origin; foreign nationals married to returnees shall be allowed entry and residence.

Operational matters

- ✓ A coordinating mechanism covering all parties involved shall be set up to deal with ongoing issues.
- ✓ Responsibilities for the security of the operation shall be clarified.
- ✓ Information campaigns shall be agreed upon for the returnees and the local population in areas of return; advance parties of returnees may also be organised for information, confidence building and fact-finding purposes.
- ✓ Logistical matters concerning transportation of returnees and relief supplies, border crossing formalities, etc. shall be settled.
- ✓ The status of aid agencies, their staff and their property shall be clarified, including the ownership of non-expendable UNHCR property after the end of the operation.
- ✓ The contents and document status of the Voluntary Repatriation Registration Form shall be agreed.
- ✓ Aid agencies shall have permission to operate radio communication systems and procure relief supplies both locally and internationally; such supplies shall be imported tax free.

Seeking agreement on many of these points can entail arduous negotiations. Their implementation will also depend very largely on the good-will of the parties involved. Experience has shown that problems are likely to arise as follows:

- late signing of agreements (repatriations often start before this is achieved);
- lack of involvement of the refugees;

- non-compliance with key provisions (some countries do not consider tripartite agreements to be legally binding; claims may also be made that the standards aimed at are unrealistically high);
- decisions made at senior level meetings are not shared with the departments concerned, and therefore not put into effect;
- in spontaneous repatriations the modalities of return are *de facto* decided by the refugees and the agreement is irrelevant.

In the face of these real-life constraints it is important to remember that:

- the standards are based upon internationally accepted legal norms, and, as such, are non-negotiable;
- tripartite negotiations are often a vital forum in which governments are made aware of UNHCR's mandate, and committed to allowing UNHCR and its implementing partners access to the refugees.

A CHECKLIST FOR TRIPARTITE PROCESS

The following guide can help make this process as effective as possible. The points it includes apply also to bilateral negotiations and agreements:

- ✓ Hold **regular meetings** throughout the operation.
- ✓ Ensure that the interests of the refugees are fully represented; in some cases it may be possible to hold **quadripartite** meetings involving refugee representatives.
- ✓ Encourage the early formation of **sub-committees at technical level** to work out agreements in detail and follow up on implementation.
- ✓ Keep the country of asylum involved in the tripartite process **for some time after** the completion of the repatriation. (Example: **France** continued to be involved as former country of asylum, following the repatriation to Surinam; this was a valuable stimulus to ensure the agreements were respected).
- ✓ Involve **other partners** such as donors, fellow UN agencies and support groups in the negotiation and monitoring of agreements.
- ✓ Ensure agreements include a **verification mechanism**. (Example: verification by a representative of the episcopal church, the Human Rights Ombudsman and UNHCR, was included in the repatriation agreement with the Government of **Guatemala**.)

Always remember that the very existence of such negotiations may act as a restraining factor in human rights abuses and hence contribute to establishing a climate favourable to voluntary return. In **Central America**, for instance, the negotiating process led to the presence of UN agencies and NGOs in countries of origin and significantly improved the protection situation of returnees and displaced persons. As stated by the UNHCR Office in Costa Rica:

UNHCR's activities in voluntary repatriation have brought together all parties concerned and contributed to a dialogue between them. UNHCR has been a catalyst, building bridges between the parties and contributing to the detente of the region".

Examples such as these show that UNHCR's negotiating role in voluntary repatriations is an integral part of the conflict-solving and peace-building role of the United Nations.

3. Mobilizing fellow UN agencies

Many repatriation operations, particularly the larger ones, involve other UN agencies according to their field of expertise. As lead agency, UNHCR is responsible for coordinating their input. This is done both at Headquarters level (where agreements are negotiated) and in the field through team-building workshops such as have taken in Namibia, Cambodia and South Africa.

Returnee aid and development

Millions of refugees in many parts of the world face the prospect of returning home to countries utterly devastated by years of warfare. In order to sustain the process of national reconciliation in these countries and help returnees, displaced persons and local people to resume a normal way of life, major reconstruction projects are needed.

Such long-term development efforts, however, go well beyond the mandate of UNHCR and require the involvement of other specialised agencies, in particular UNDP, as well as the overall coordinating function of the DHA. Since January 1992, regular inter-agency meetings have been taking place to establish a new framework of inter-agency cooperation so as to link humanitarian aid and development aid more effectively. These discussions have resulted in defining a number of key guidelines as follows:

- UNHCR is the **lead-agency for repatriation**; it takes responsibility for moving refugees back to their home areas and providing initial basic assistance.
- UNDP should be the overall UN coordinating agency responsible for **rehabilitation and longer term integration** with UNHCR acting as a catalyst. Such assistance includes quick impact projects for immediate impact (known as QIPs) and medium term development projects. QIPs discussed in more detail in Chapter six.
- UN development agencies, in particular UNDP, should be involved from the beginning in the **planning** of reintegration efforts. This is particularly important because the multi-year cycle of development agencies requires long term strategies to ensure that reintegration needs are covered.
- Joint inter-agency **needs assessments** should be carried out in locations where returnees are expected to settle; donors and NGOs should also already be involved at this stage.
- Consolidated inter-agency **funding appeals** should be formulated. This is already becoming current practice; such appeals have in the recent past been issued for Afghanistan, the Gulf crisis, Central America and the Horn of Africa.
- Rehabilitation and reconstruction efforts should not single out the returnees as a distinct group but should be **community oriented** so as to include internally displaced persons and the local population as target beneficiaries.

A summary view of the different stages involved in the implementation of the returnee aid and development approach through inter-agency cooperation is given in the Annexes.

4. Cooperating with other international organizations

Other intergovernmental organizations, outside the UN system, whose cooperation is important to UNHCR within the context of voluntary repatriations mainly include the International Organization for Migration (IOM), and the International Committee of the Red Cross (ICRC). What follows is a brief

explanation why, and a few guidelines on making this cooperation as effective as possible.

IOM

The International Organisation for Migration (IOM) has long-standing expertise in handling the transportation and logistics of refugees and displaced persons. Its activities are usually contracted by UNHCR or included in inter-agency consolidated plans of action or appeals. As a major UNHCR implementing partner, IOM has been very active in voluntary repatriation transportation arrangements worldwide. The most recent example was South Africa, where IOM played an important role organizing flights for the returning exiles.

To make this cooperation as effective as possible:

- IOM should be invited to attend inter-agency meetings to coordinate humanitarian relief efforts;
- when planning an operation, you should also approach IOM on site to determine their current and expected level of involvement in the project;
- in order to make the best use of available resources and establish a clear delineation of responsibilities, UN and IOM operational roles in logistics and transportation should be clearly defined within the framework of a negotiated agreement. Experience has shown that such agreements are best concluded at Field level to allow for maximum flexibility in implementation.

ICRC

ICRC works on behalf of prisoners of war, war wounded, security detainees, deportees, separated families and civilian populations affected by war-fare, famine and all forms of armed repression. All these categories may include refugees, and the activities of ICRC and UNHCR often converge. The difference of responsibility is normally as follows:

- ICRC assumes primary responsibility for **persons displaced within a country as a result of a conflict**; whereas
- UNHCR has exclusive responsibility for **refugees in countries of temporary and first asylum**.

When repatriations take place in situations of armed conflict, UNHCR and ICRC may find themselves working together on behalf of returnees and displaced persons in the country of origin. Under its mandate, ICRC may provide:

- active protection as part of its task to monitor the observance of the Fourth Geneva Convention;
- medical, food and material assistance;
- assistance in tracing and family reunification.

It is essential to maintain close contacts with ICRC and seek their active involvement, particularly in areas where they have long experience such as tracing and family reunification. By helping returnees establish contacts with their relatives, ICRC can make a vital contribution to their reintegration.

5. Coordinating NGO input

Effective cooperation with NGOs is vital to the success of so many of UNHCR's operations in the field. Repatriation is no exception. Their presence and participation as operational partners makes a vital contribution.

"UNHCR/NGO partnership" (IOM/18/FOM/19/92) provides basic guidelines for cooperation. It is the result of close consultations involving UNHCR and many of its major NGO partners. It also includes criteria for the selection of the most appropriate NGO for a given project or assignment.

You may also wish to consult “NGOs and Repatriation during Conflict” published by F. C. Cuny and B. N. Stein (1992), which contains valuable observations that are also of interest to UNHCR Staff.

The following checklist is designed to provide you with basic principles to observe in your dealings with NGOs as part of a repatriation operation.

- ✓ seek government clearance for NGO operations and their access to returnees. Make sure this is included in tripartite agreements and memoranda of understanding;
- ✓ involve NGOs at all stages of the operation, beginning with the needs assessment and planning stage. Make sure they are invited to any team building or training workshops that take place;
- ✓ establish a mechanism for regular consultations, or better still adapt one that is already in place. *Example:* the Committee for the Coordination of Services to Displaced Persons in Thailand (CCSDPT), first set up in 1975 to coordinate refugee relief, was used to help coordinate activities when it came to repatriation from Thailand to Cambodia;
- ✓ respect the independence of NGOs as implementing partners, and delegate authority accordingly; give a positive lead, but maintain a democratic and interactive process and do not simply impose agreements;
- ✓ in difficult security situations which commonly occur in repatriations, assist NGO implementing partners as far as possible with clearances, permits, radio communications, transportation, etc.;
- ✓ carefully plan the phase-out in the country of origin together with NGOs particularly if they are to provide reinstallation assistance after UNHCR has left;
- ✓ whenever possible, make use of the services and expertise of local NGOs; their knowledge of local conditions can provide invaluable help.

6. Donor and media relations

Donor relations

UNHCR relies on voluntary contributions from governments to fund the near-totality of its activities, including of course assistance towards voluntary repatriation. Maintaining credibility with donors is thus essential.

The following explanations are designed to clarify the sources of funding for most repatriation operations.

- **General programmes** (annual RP projects) cover the costs incurred in the movement phase (transportation, food, water and shelter for the journey, etc.) as well as basic assistance to satisfy the immediate and individual needs of returnees (blankets, tools, seeds). This is notably the case of small-scale operations.
- **Special programmes** requiring special fund raising appeals cover the costs of large-scale movements when these costs cannot readily be absorbed within the General Programmes. Special programmes are usually also required for any short-term rehabilitation costs aimed at infrastructural improvements to the regions of return. Increasingly, such appeals are part of a consolidated inter-agency approach to donors within the framework of the returnee aid and development strategy.

In 1991 arrangements were approved by the Executive Committee to increase funds available under **General Programmes** by reallocating savings to the budget line “**Overall Allocations – Voluntary Repatriation**”. The purpose of this increase was to allow greater rapidity of response to repatriation needs which had not been foreseen when fixing annual targets. While these arrangements may help towards greater flexibility, the fact remains that donors continue to be solicited for major repatriation

operations. Obtaining and maintaining their support is thus essential for success. The checklist that follows can help achieve this.

- ✓ try and involve donors at the planning stage, in order that they are fully aware of the needs;
- ✓ keep them fully informed through regular briefings at field level and, if appropriate, invite them to participate at key events (convoy escort, reception of returnees in country of origin, etc.);
- ✓ always make sure the reports you send in to Headquarters are as factual and detailed as possible (this will facilitate the task of Fund Raising Section in conforming to reporting requirements);
- ✓ if approached by a donor with an offer of a contribution in the field, always coordinate with Headquarters before accepting (this is especially important when it comes to offers of contributions in kind).

Media relations

Repatriation operations, particularly those on a large-scale, are likely to attract widespread public interest. Maintaining good relations with the media is therefore an important aspect of generating confidence in UNHCR's effectiveness as a channel for international support. As we have seen earlier, the media may also have an invaluable role to play in conducting mass information campaigns.

An interesting example of direct involvement by the media is that of the BBC World Service and the Afghan repatriation operation. Its Pashto Service broadcast a play in several episodes which portrayed the family tensions between Afghan returnees and their relations who had stayed in the country.

It must also be recalled, however, that many repatriation operations take place in a delicate political and security context (see case studies A and H as illustrations). Media coverage can have a decisive impact – for better or for worse.

General advice which can help ensure good relations with the media include the following:

- establish a public information policy as part of the planning process. This should include arrangements for periodic press briefings and the issue of information papers;
- make sure that all staff are fully briefed on this policy, and that it is clear **who** can relate with the media on behalf of the operation. For staff who are called upon to have such direct contacts, the following guidelines should be useful:
- get to know your media contacts;
- pay special attention to local media, which may have an important influence on the way in which returnees and their problems are perceived in the country of origin;
- coordinate closely with colleagues in applying the agreed policy, and in clearing information with them;
- always specify in what capacity you are providing information and the manner in which you will be quoted;
- give information that is accurate and as specific as possible. Honesty is the best policy when it comes to dealings with the media.

When to keep a low profile

In the case of limited or sporadic, voluntary return, undue publicity may pose a threat to the returnees. The media should only be informed if the refugees themselves agree.

Self-study questions

- 1 Examine Case Study A which illustrates UNHCR's negotiating role.
- 2 List at least four ways of improving communication with refugees.
✎
- 3 Negotiations with governments to facilitate voluntary return aim at :
✎
- 4 How can the effectiveness of tripartite agreements be strengthened?
✎
- 5 As part of the "Returnee Aid and Development" strategy, UNHCR should:
 - wrong* a) be lead agency for repatriation; *right or*
 - wrong* b) coordinate rehabilitation projects in the transitional phase; *right or*
 - wrong* c) issue funding appeals; *right or*
 - wrong* d) act as a catalyst for reintegration assistance. *right or*
- 6 Maintaining good relations with local media is particularly important. Why?
✎

Case Study A
UNHCR's negotiating role put to the test

3,000 refugees in a camp request voluntary repatriation under the leadership of their Repatriation Committee, despite continued armed conflict in their country of origin. They demand to be repatriated with international assistance on a day specified by them, but refuse to be documented by the authorities of their country of origin. Tripartite negotiations are in progress, but rather than wait for their conclusion the Committee directs a group of 500 refugees, mostly women and children, to walk to the border in order to exert pressure on the Governments and UNHCR.

When the group reaches a border village where UNHCR has a Field Office, the refugees carry out demonstrations, incite the local population and decide to stay there. Despite the lack of amenities they have to be installed in the village since the authorities of the country of asylum refuse to readmit them in the camp.

A tense and complex situation ensues...

- The military of the country of asylum issues UNHCR with an ultimatum: either the refugees repatriate immediately or they will be expelled.
- The Government of the country of origin refuses to allow repatriation without documentation.

- The refugees start a hunger strike.
- International NGO representatives stay with the refugees and support them.
- The media are insufficiently briefed, and publish reports denouncing the violation of voluntary repatriation rights.
- Groups in the country of origin who support the refugees try to exert pressure on the Government.
- The weather turns cold and begins to affect the refugees in their makeshift shelters.

UNHCR finds itself in the middle, subjected to pressure from all sides.

Question:

What approach would you use to try and solve this situation?

Chapter 4

Assessing Needs and Preparing an Operation's Plan

When preparing a repatriation operation, the process of negotiation and dialogue described in the previous Chapter must go hand in hand with:

- assessing needs and resources;
- developing a plan of operations.

This chapter contains some key guidelines on both these tasks. An essential precondition to either is...

1. A sound management approach

Experience has shown that serious problems in voluntary repatriation operations have recurred through:

Lack of regional approach to coordination and planning

Repatriation programmes often involve UNHCR Offices in several countries. The **Haitian** operation, for example, concerned two Regional Bureaux at Headquarters, three Regional Offices, one Branch Office and several Sub-Offices in the field. Not surprisingly, there were difficulties with the flow of information, feedback and regional planning. Less complex operations have also reported the same problems; separate operational plans have even been prepared simultaneously in different locations!

Lack of common understanding among staff

Staff perceptions of the operation are inevitably influenced by the circumstances in which they work. The result may be a lack of common understanding leading to an "us" and "them" attitude, with a negative impact on the programme as a whole. Typical fault lines develop between staff in:

Headquarters / Field

Country of asylum / Country of origin

Regional / Branch / Sub-Offices

Inadequate staff resources

Problems frequently experienced have included: late assignment of staff; lack of briefing; inadequate skills (including language skills); rapid staff turn-over, etc.

Late arrival of equipment

Slow processing of requests at Headquarters can result in the late arrival of essential equipment such as telecommunications equipment and vehicles. This can paralyse progress on the ground. Some of these problems may result from conflicting demands on limited resources. However, **a sound management approach at Headquarters** can assure better coordination and a faster response to the needs of the field.

Use the following **checklist of measures** from the outset of a major repatriation operation:

- **establish** a task force at Headquarters comprising designated focal points from all concerned units; decision-making and response to field requirements can be greatly speeded up;
- **delegate** authority from Headquarters to the Field Offices, from Regional and Branch Offices to Sub-Offices;
- **assign** staff to the operation rather than to specific countries or branch offices;
- **give priority attention** to telecommunications; assess needs and have equipment installed within the first month of the operation;
- **convene** team-building and training workshops and regular coordination meetings involving staff from all concerned duty stations;
- **encourage regular visits** especially between staff in the country of origin and the country of asylum.

Further guidelines on management and administrative assistance are provided at the end of this Chapter.

2. Formulating a long-term strategy

As stated in successive EXCOM Conclusions, the possibility of voluntary repatriation must be kept under active review *“from the outset of a refugee situation”*. In practice, this means that the refugees' eventual return home must be taken into account already when planning assistance measures beyond the emergency stage.

This requires:

- maintaining a database from the outset, containing details of the refugees' age, gender, provenance and socio-economic and educational background (The Centre for Documentation on Refugees at Headquarters can provide a valuable input in the establishment of such a database);
- planning educational, training and local settlement programmes to encourage skills that are likely to be required in the home country;
- facilitating as far as possible the refugees' retention of their cultural and linguistic

identity;

- monitoring the changing conditions in the country of origin and the likely consequences for the refugees' ability to reintegrate.

It follows that needs assessment and planning with a view to voluntary repatriation should begin from the moment a refugee situation arises. The longer refugees are forced to stay in camps the more important it becomes to improve their chances of eventual reintegration through targeted assistance programmes. The wishes and aspirations of the refugees themselves are crucial in the design of such programmes.

3. Assessing needs and resources

Once repatriation becomes a real possibility, the next step is to conduct a detailed needs and resources assessment before developing the plan of operations. Technical teams for such missions should be fielded with the advice of Programme and Technical Support Section. The objectives of the needs and resources assessment are to identify:

- the political, socio-economic and security situation in the returnee areas;
- the needs of the returnees during the movement, reintegration and rehabilitation phases;
- the actual and potential resources available from the refugees themselves, the Government and people of the country of origin as well as aid agencies and donors.

A checklist for assessing needs and resources has been developed by UNHCR's Emergency Section (EPRS). It can be adapted for use in repatriation situations. Of particular help too are the guidelines on opening or expanding of UNHCR offices and the telecommunications questionnaire.

People oriented planning

To plan your operation effectively, you should also take account of the social and economic roles of men and women in the refugee community and understand how these will affect and be affected by repatriation. Differences in men's and women's roles should be recognized and incorporated into programme plans as failure to do so may not only reduce overall effectiveness, but may also result in the relative disadvantaging of women and girls compared to men and boys. The UNHCR training module on People-Oriented Planning in Refugee Situations provides a useful analytical tool to compare circumstances in the country of asylum and the country of origin which may have a direct bearing on assistance planning. Sample guidelines, based on the module, are included in the annexes.

Maps and country profiles

You will need to prepare a map showing refugee locations, staging camps, border crossings, areas of returnee settlement as well as political boundaries, zones of conflict and other information of relevance to the operation. A good map is of paramount importance when overland transportation is involved and will serve as an additional basis for planning. In major operations, detailed geographical and socio-economic profiles such as those prepared on the provinces of Afghanistan are also useful.

Key guidelines

- Always involve prospective operational and implementing partners as well as donors in the needs assessment stage; this will greatly facilitate implementing arrangements and fund raising efforts.
- As part of the returnee aid and development strategy, UN agencies should participate in

joint assessment missions, in programme design and joint appeals in order to ensure that short term rehabilitation and longer term assistance of a development nature are included from the outset, and the roles of the agencies involved are clarified.

- Assessment missions should also include staff from UNHCR Programme Coordination and Budget Section (PCBS) so as to ensure that administrative and programme support needs are professionally assessed and realistically budgeted from the outset; this is a vital precondition for a successful operation.
- In organized repatriations, assessment missions should make every attempt to visit the actual localities where returnees are expected to settle no matter how remote they may be; only in this manner can political, socio-economic and security conditions be reliably investigated.

4. Preparing the plan of operations

The needs and resources assessment, combined with the outcome of the negotiating process, provides the basis for the Plan of Operations. This is a key document which:

- provides a comprehensive plan of action covering **all aspects** of the operation;
- identifies all financial and material resources required;
- defines a managerial and staffing structure and identifies skills and training requirements;
- defines the roles and responsibilities of operational and implementing partners;
- specifies standard operating procedures covering all technical aspects of the operation.

Policy matters

The overall objectives of the Operation's Plan must be based upon policy decisions which will determine the type, extent and duration of UNHCR's involvement in the operation. This may vary according to the needs of the situation. As a rule, UNHCR's assistance commitments in the country of origin should not be open-ended; they should, however, be guided by the objective of achieving a durable solution through the reintegration of the returnees into the local community.

Detailed consideration must be given to the following questions:

how much assistance should be given?

where should it be distributed?

who should benefit?

should it be in **cash or kind**?

On occasion, assistance given in the country of asylum has created a pull factor attract-ing new refugees from the country of origin who hope to benefit from the returnee programme. To avoid this, a cut-off date for new arrivals may be agreed in certain cases.

More importantly, a balance must be maintained between assistance provided in the country of asylum and the country of origin, and special consideration be given to helping internally displaced persons and needy local people in areas of return. This will counter the perception that assistance is only available to those who have left the country, and ease possible tension between returnees and the local population.

Key guidelines

In order to ensure that the Operation's Plan is clearly understood by all concerned and remains a realistic and viable document throughout the operation, it is important to observe the following ground rules which have emerged through past experience:

- recent repatriations to Afghanistan, Cambodia and Guatemala all illustrate how circumstances can change radically in mid-operation; be prepared for all eventualities and arrange regional follow-up meetings to update and revise the Plan;
- it should be **budgeted** to take account of key items (vehicles, equipment, staff) while **maintaining maximum flexibility** so that revisions are not too cumbersome and time-consuming; the appropriate level of detail should be agreed with PCBS;
- it should be agreed by **all** parties concerned including implementing agencies;
- when several countries and UNHCR Offices are involved in a repatriation operation, a **regional planning meeting** should be convened to finalise the Plan;
- **one** duty station should be designated in each of the countries concerned as focal point for the establishment of the operations plan;
- in order to enhance cooperation between implementing partners and clarify points of detail, **national team building workshops** should be held for all staff involved in the operation; this may include **training courses** based on an analysis of tasks and skills required (a sample agenda of a Team Building Workshop is contained in the annexes);
- the Plan should, whenever possible, be drawn up by staff members who will also be in charge of its implementation.

Format of the plan

The Operation's Plan must be formatted according to the standard UNHCR project description. It can then be used as the basis for the implementing instrument and the fund raising appeal (see sample in annexes).

Guidelines for assistance by sector

The Operation's Plan format divides assistance activities according to FMIS sectors. The examples of sectoral activities given below cover the repatriation movement as well as longer term reintegration and rehabilitation needs. While these are normally under the purview of development agencies, UNHCR's role as a catalyst means that it should make every effort to promote coverage of such needs in the context of the Returnee Aid and Development approach.

A. Food

- provide returnees with food aid both during the movement and the initial reintegration phases. This usually requires an agreement with WFP (see sample in annexes) which covers:
 - food basket and rations;
 - duration of food assistance;

- basis of entitlement (ration cards, VRRF, bio-datasheet, etc.);
 - location and operation of food stores;
 - prepositioning of food;
 - modalities of distribution and reporting.
- prepare to discontinue entitlements to food rations under ongoing care and maintenance programmes (cancellation of rationing or registration cards).

B. Transport / Logistics

- move refugees and their belongings to their country of origin **(this sector is discussed in greater detail in the following Chapter)**;
- rehabilitate basic transportation infrastructure in returnee areas.

C. Domestic Needs / Household Support

- distribute household kits to families or provide them with cash grants to cover household needs.

D. – E. Water and Sanitation

- plan for adequate water supply and sanitary facilities during movement phase and in transit shelters;
- assist in initial rehabilitation of water supply and sanitation infrastructure in areas of return;
- plan to cover long-term needs through development agency or governmental development plan.

F. Health / Nutrition

- check requirements for medical screening, vaccination and health documentation prior to movement;
- ensure timely procurement of medical stocks;
- identify persons with medical conditions, pregnancies, etc. and arrange for their treatment, drug supply or delayed departure;
- organize health education campaign;
- identify and/or train health personnel among returnees;
- arrange for first-aid health care in case of prolonged overland travel in remote areas;
- establish health posts at reception centres;
- strengthen primary health care infrastructure in returnee settlement areas;
- ensure long-term needs are addressed through competent Ministry with support of

WHO;

- avoid providing services not normally available to nationals, in order that returnees do not become a privileged group within the population at large.

G. Shelter

- construct and maintain temporary shelters at assembly, transit or arrival points;
- provide input for construction of emergency shelters in returnee areas if housing is not available (e.g. was destroyed by combat);
- provide rental assistance for destitute urban returnees (duration up to 12 months?) and assist them in tracing relatives who may provide shelter;
- ensure long-term shelter reconstruction needs are addressed through development aid input.

H. Community Services

- conduct information campaign among the returnees (see annexes for guidelines);
- identify vulnerable groups and adopt special measures for their support and travel conditions;
- adopt family reunification procedures as part of the registration exercise;
- establish counselling for returnees in home country, particularly for those of urban origin.

I. Education

- plan for the education of returnee children;
- secure information on educational levels;
- ensure returnees obtain educational certificates prior to departure and arrange for their recognition in country of origin;
- prepare for return of teachers and students through the Ministry of Education of the country of origin; teachers should return ahead of students to help in arrangements;
- arrange transfer and distribution of educational materials and equipment from camps;
- provide returnee children with basic school kits (in certain cases one year scholarships have been provided)

.J. – M. Crop Production, Livestock, Fisheries, Forestry

- assist returnees of rural origin to resume their traditional occupation through distribution of seeds, fertilizers, agricultural kits, livestock, etc.;
- if required, plan development of new settlement sites for returnee populations unable to return to their former habitat;

- promote long-term development of rural returnee areas through involvement of competent ministries and specialised agencies, in particular UNDP and FAO.

N. Income Generation

- establish skills' profiles of returnees and seek to obtain information on manpower needs in country of origin;
- prior to departure, organize training in employment categories known to be needed in country of origin;
- establish referral mechanism to put returnees in touch with potential employers;
- through counselling service arrange for training of unemployed returnees;
- ensure assistance mechanism is in place **before** returnees arrive;
- ensure returnees qualify for bank loans to help them establish small farms or businesses.

O. Legal Assistance / Protection

- verify voluntary nature of decision to return;
- organize registration and documentation of returnees (**see Chapter 5**);
- monitor returnees' access to agreed rights in home country including observance of amnesties and other guarantees;
- deal with all security aspects of repatriation (**see Chapter 6**);
- ensure coverage of protection needs for refugees who do not wish to return;
- promote mine clearance and mine awareness programmes.

P. Agency Operational Support

- identify implementing partners for all sectors of the operation and budget UNHCR financial inputs;
- ensure agencies provide staff who are prepared to stay for the duration of the operation;
- make maximum use of local NGOs and refugee organizations (their knowledge of local conditions is often invaluable).

Technical appendices

These contain standard operating procedures for all aspects of the operation. These are usually the result of detailed negotiations with implementing partners and include aspects such as:

- convoy operation and movements;
- procedures at border crossings;

- organization of assembly, transit and arrival points;
- food and commodity distribution;
- radio communications.

These procedures may need to be revised periodically in the light of practical experience.

5. Management and administrative assistance

Too often in the past insufficient attention has been given to this aspect. Yet experience has shown that it is vital to the success of any large-scale operation. The following guidelines are based on lessons learned from past experience. You may also wish to consult the checklist of procedures for opening a Field Office, compiled by the Emergency Preparedness and Response Section.

Staffing

- establish and update regularly job descriptions, briefings, and organigrams (for samples see annexes);
- define training needs of UNHCR staff and operational partners;
- assign the management of key functions (logistics, telecommunication, information systems) to a single staff member with cross border responsibilities;
- ensure that the administrative staff of any Field Office dealing with increased workload and financial responsibility during major repatriation operations is properly strengthened; competent Administrative and Finance Officers should be identified for this purpose;
- staff hired for the operation should remain for its duration;
- consultants should be used as sectoral experts, not as substitute UNHCR staff;
- to the extent possible, staff/consultants in such operations should speak the local language or be given the opportunity to attend basic language classes.

Supplies, equipment and accommodation

- the early procurement of vehicles, if necessary delivered by air, is of fundamental importance;
- aircraft may be required in large operations. In Cambodia, a successful arrangement was made with the French NGO Avions Sans Frontières;
- an inventory and control of non-expendable property must be maintained from the beginning of the operation;
- sufficient office supplies and equipment must be planned from the beginning of the operation;
- obtain suitable premises and investigate co-location with implementing partners.

Telecommunications

- a special mission should be undertaken to preplan UNHCR telecommunications requirements, including localizing equipment, assessing staffing needs and negotiating frequencies and official authorisations;
- equipment should be procured in time and installed well before the start of the operation;
- a detailed plan with procedures and allocations of call-signs should be prepared;
- staff should be properly trained in the use of communications equipment;
- professional radio-operators should be contracted for key positions.

Computerization

- an integrated computer registration system should be planned well before the start of the operation to facilitate data transfer from one country to another (see also Chapter 5);
- computer data management should take confidentiality and the protection needs of the refugees into account; potentially sensitive information should not be automatically transferred to all parties.

Phase out

- plan adequate arrangements for an orderly phase out in advance, in particular with respect to the ownership of non-expendable property. Sufficient staff must remain to fulfill necessary tasks. An example of arrangements made in Honduras is given in Annex 19.

Self-Study Questions

- 1** Examine Case Studies B and C which illustrate the kind of concrete problems that can result from bad planning.
✎
- 2** Who should participate in a repatriation needs assessment?
✎
- 3** What should the assessment aim for?
✎
- 4** What useful information does the UNHCR Needs and Resources Assessment Checklist provide on management and administrative issues?
✎
- 5** Name at least three of the five basic guidelines on operations planning.
✎

6

Why are the appendices of the operations plan of special importance?



Case Study B

When dreams turn to nightmares (through lack of planning)

Sekuki had good reason to be contented. More than 10 years ago he had fled from a bloody civil war in his own country and taken refuge in a neighbouring state. Life there had not been easy, but with help from UNHCR and other organizations, Sekuki had been able to establish a small farm and grow enough crops to feed his young family. After a decade in exile, he had become self-sufficient.

The future looked even brighter. The warring parties in Sekuki's homeland had finally got together round the conference table, and a provisional peace settlement had been signed. UNHCR had told the refugees that it was now safe for them to go back to their homes, and invited them to register for repatriation. The first repatriation train, they were told, would be leaving in three week's time. Longing to return to his own village and family, Sekuki eagerly signed a registration form and began to pack his meagre belongings.

But the dream soon turned into a nightmare. The departure date of the first train was repeatedly postponed, and after a wait of nine months, Sekuki and his family had still not left their settlement. Believing that they would be soon be going home, they had not bothered to plant for the next harvest. They now had almost nothing left to eat, and Sekuki's three young children were beginning to suffer from malnutrition.

Eventually, Sekuki was told to get ready for the trip home. "The train leaves tomorrow", he was told one afternoon by a UNHCR official. "Be ready to leave at 3 a.m.". Leaving their hut in the moonlight, Sekuki and his family climbed on board a lorry, and were quickly transported to the nearest railway station.

From that point on, everything seemed to go wrong. The train on to which they and hundreds of other refugees had crowded was in very poor condition and constantly broke down. The 700 kilometre journey, which should have taken up to two days, lasted twice as long. Although it was the rainy season, the carriages had no windows. Many children developed coughs and colds, but there were no nurses on board the train to provide medical assistance. While the refugees had been given a generous supply of dry rations before their departure, water was in short supply and they had no means of cooking the food on board the train.

Worse was yet to come. To their surprise and alarm, when the returnees reached their final destination, they found that almost no arrangements had been made for their arrival. The buildings which had been designated as a transit centre had been taken over by rebel soldiers. Their villages of origin were still located in a war zone and virtually inaccessible. Little food was available, and the local UNHCR field officer was absent, recalled to the capital city for a training course on relief logistics. Little by little, the situation began to improve. WFP was able to divert some in-country supplies to feed the refugees. An NGO arrived in the area and started to establish some basic health facilities. Government forces took control of the town, and allocated some land to the returnees. Although it was still not safe to go back to their village, Sekuki and his family were able to erect a hut, clear a plot and eventually to plant a few seeds and harvest a meagre crop. Sekuki's long struggle for self-sufficiency had begun again.

Questions:

What went wrong?

What needs assessment and planning activities could have been undertaken?

Case Study C

Making a new start (planning for rehabilitation)

Esther is a 29 year-old returnee from Zambia to Namibia. She has a primary education

and a three year old son, Sam. Sam's father, a former NLM fighter, should be repatriated later from Angola. Esther wants to stay in Windhoek for several reasons: Emmanuel has said he will come there, her closest relatives in the North are dead, she thinks Windhoek is safer for her and may have more opportunities for employment or further training.

She encounters grave difficulties, however. With a 50% unemployment rate there are no jobs. There is also no programme to provide training, self-sufficiency and income generation in the towns. Under a UNICEF/FAO programme, seeds and tools are only distributed to those willing and able to go rural areas where they might have access to land. Moving to a distant relative in the country or taking a job below her qualifications (e.g. as domestic help) appear to be the only options.

Question:

How could UNHCR have helped Esther and her son?

Draw up a plan of action for needs assessment and planning activities which could have assisted returnees in their position.

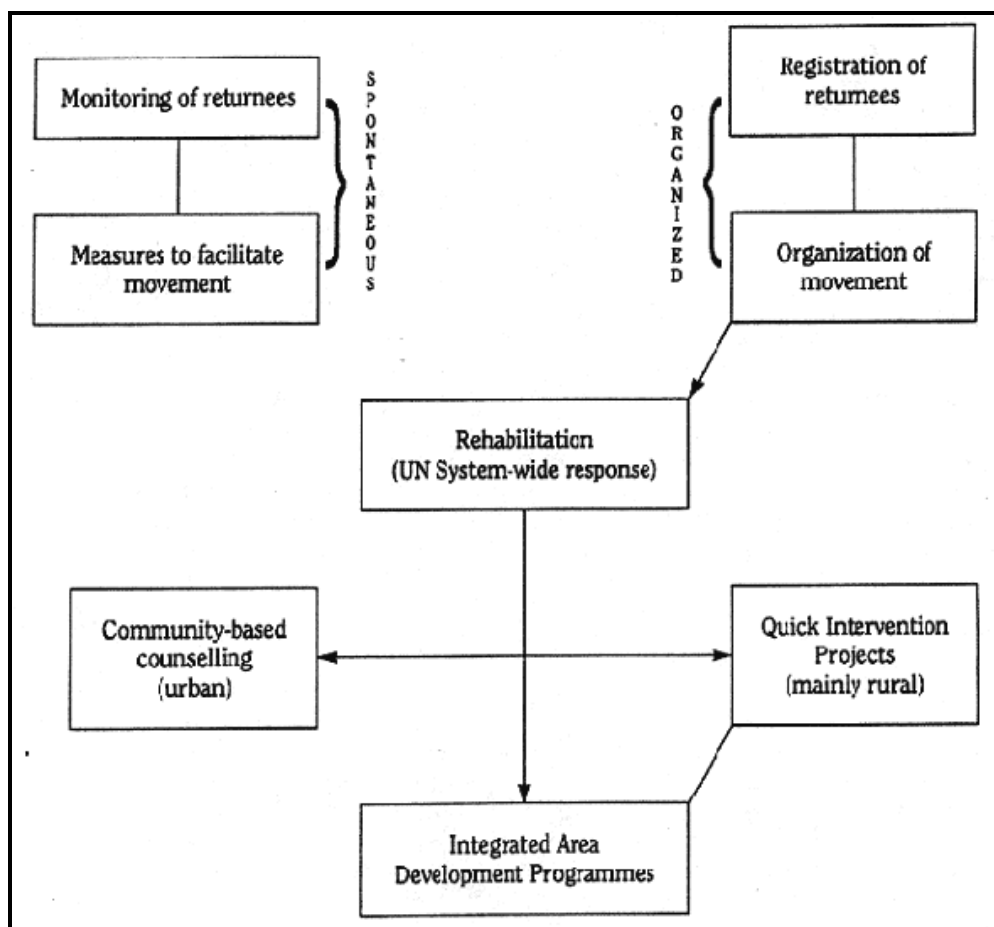
Chapter 5

The Return Phase:

Some Practical Aspects

In this Chapter we shall be looking at some practical aspects of UNHCR's role with respect to spontaneous movements, before turning our attention to organized returns – in which activities are of a different nature. In a later section, we shall be considering assistance following arrival in the country of origin, when activities are similar for both spontaneous and organized returnees. The chapter concludes with a section on measures to ensure the physical safety of returnees.

The following diagram illustrates how these various activities interrelate:



1. Monitoring spontaneous return

As we have seen earlier, the international legal framework of voluntary repatriation gives UNHCR a basic level of responsibility which extends to **all** repatriation situations. Spontaneous repatriation movements must therefore be monitored whenever they occur in order for UNHCR to be informed of developments and be ready to provide help for the returnees if necessary. The characteristic phases of spontaneous repatriation are discussed in Chapter 1.

When large numbers and wide geographical areas are involved, repatriation monitoring may become a very complex matter. Spontaneous return is often clandestine. Refugees try to slip back into their home country without drawing attention to themselves. Moreover, repatriation may be a contentious issue giving rise to threats, rumours and counter-rumours and making reliable information difficult to come by.

Systematic observation of a number of **indicators** can help to understand what is happening. Such indicators are listed below, with a word of caution against each.

- ❑ **Border crossings:** where the government does not maintain records on border crossings, a UNHCR presence at the border may be necessary. *Caveat:* not everyone will use official crossings.
- ❑ **Routes of return:** known routes can be monitored on a regular basis with UNHCR interviewing returnees or offering to accompany them to the border. *Caveat:* returnees may be unwilling to identify themselves or to give accurate information.
- ❑ **Refugee camp population:** a decrease in camp population measurable through educational and health care statistics or abandoned houses may indicate return.

Caveat: not all who leave their camp repatriate; on the other hand, empty dwellings may be taken over by other refugees.

- ❑ **Socio-economic indicators:** where very large refugee groups are involved, fluctuation in commodity prices in the camps, availability of transportation, etc. may indicate population movements. *Caveat:* surveys of such indicators require a reliable basis for comparison e.g. results from an earlier survey.
- ❑ **Population surveys in the country of origin.** *Caveat:* population changes may be due to seasonal fluctuations or movements of internally displaced persons; experience has shown that such surveys should only be undertaken by highly trained staff well-acquainted with local conditions.

Clearly, none of these indicators will in itself produce reliable information; however, with regular monitoring over a period of time and collating information from different sources a coherent picture may emerge. Such an undertaking requires staff before all else, and the appointment of a **repatriation monitoring team** (which should include refugees) will be a necessity.

2. Facilitating spontaneous return

UNHCR has the role of facilitating return at the initiative of the refugees. This principle applies even if conditions are not yet conducive to return (for instance in cases of armed conflict) **provided that** the refugees are fully informed of these conditions and the country of origin is willing to readmit them (see Chapter 1).

Measures that may be taken for this purpose include the following:

In the country of asylum

- intervene with the authorities to protect spontaneous returnees and facilitate their departure; they may be under threat from fellow refugees or other groups who object to their decision to return;
- increase security along the routes of return by establishing a UNHCR presence along the way or at border crossings;
- provide pre-departure assistance to returnees in form of a one-time grant of cash, food or other required materials.

In the country of origin

- establish a UNHCR presence in areas of return;
- intervene with the authorities on behalf of the returnees;
- set up a monitoring framework including NGOs and other competent bodies;
- act as a catalyst to provide short and medium term development projects in areas of return (for details see later section of this chapter).

These measures should, however, be applied with caution so as to avoid generating pressures for refugees to repatriate prematurely.

Example:

The Encashment Programme which was devised to help Afghan returnees from

Pakistan demonstrates how spontaneous returnees can be assisted effectively.

Before the start of the programme, fraudproof stickers were issued to all registered refugees. They were then informed that those who wished to repatriate could “encash” them at local banks in exchange for a repatriation grant of cash and wheat.

The stickers carried computer-coded information on the refugees’ place of origin, family status and camp in Pakistan. As a result of this procedure:

- *bona fide* returnees were deregistered;
- bogus registrations were taken out of circulation (albeit at a cost);
- care and maintenance assistance in the camps could be reduced in a targeted manner and, last but not least;
- hundreds of thousands of spontaneous returnees were provided with help for their journey.

Compared to fully organized repatriations this approach has the advantage that the refugees **arrange their own transportation and depart in their own time**. It obviates the need for a large and complex logistics system which in the Afghan case would have been virtually impossible to muster because of the terrain and the sheer numbers involved (some 3 million refugees). Careful preparation (12 months) is needed, however, for such a system to function smoothly.

As a rule, the facilitation of spontaneous return should be given preference over organized voluntary repatriation. You should only contemplate the latter if it is in the interest of the returnees and prevailing political, economic or security conditions leave you no other choice.

3. Registering refugees in an organized return movement

In organized repatriations the returnees are normally registered by UNHCR. This registration process is vital for a number of reasons:

- it allows verification of the identity of the returnee;
- it confirms the voluntary nature of the decision to return;
- it serves for programming of assistance;
- it is used as a travel document during the return phase.

Putting the system in place

Careful preparation is needed to set up a system, or adapt an existing refugee registration system. The following list of points to remember can be used as a checklist for this purpose.

- ✓ Have arrangements for registration been included in the Tripartite Agreement?
- ✓ What minimum data requirements have been agreed?
- ✓ Will there be a need for photographs?
- ✓ Has proper attention been given to security considerations? (exclusion of any information that could endanger the refugees)
- ✓ Is there a reliable manual registration system?

- ✓ Have arrangements been made for the registration form to be available in the local language?
- ✓ Has a standard transliteration system been agreed?
- ✓ Have you taken advice on computerization? (this needs specialist input at an early stage).

The Voluntary Repatriation Registration/Application Form (VRR/AF)

This is the basis of any registration system for voluntary repatriation. Samples are included in the annexes. The returnee's signature of the form confirms his/her decision to return peacefully and voluntarily to the country of origin.

Its **contents** should be as simple as possible. The data requested may include:

- family status of the head of household and dependents;
- special needs;
- destination in the home country;
- education and employment record;
- information on location of relatives.

A special **Tracing Form** will need to be attached if tracing of relatives is required. A sample can also be found in the annexes.

If used as a travel or identity document, the VRR/AF will probably need a photograph.

It is usually prepared in four copies for the returnee, Government of the country of asylum, Government of the country of origin, and UNHCR.

The registration process

In order to verify the identity of the returnee and confirm that the decision to return is made on the basis of full information and free from constraint, it is important to ensure:

- that the form is completed in the presence of carefully selected and trained registrars;
- that the interview takes place in an atmosphere of privacy and confidentiality so that refugees do not feel compelled to give false information or hide their plans;
- that registration is only delegated to refugee leaders or local authorities if UNHCR is in a position to monitor the process.

Preventing fraud

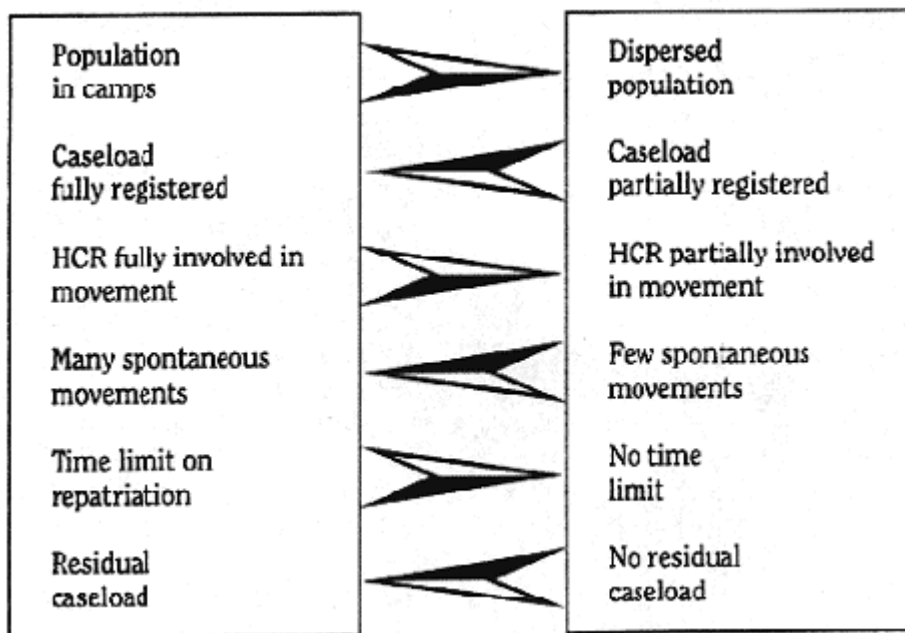
Measures to prevent multi-registrations and other potential abuses include:

- sequential printing of registration cards and forms in a laminated form, under strict UNHCR supervision;
- retaining copies of diskettes with lists of returnees' names at HQ, as a safeguard against loss or damage of originals;

- destruction of unutilised cards or forms.

Computerization

Considerable experience has now been gained in computer applications for voluntary repatriation registration. Recent examples include Vietnam, Cambodia, South Africa and Mozambique. The following **variables** were encountered, affecting the results that were achieved, those on the right being less problematic than those on the left.



In addition to these external factors, a computerized programme requires a great deal of advance planning, specialist input and staff training if it is to work smoothly and be fully compatible. As a general rule, it is important to keep the computerization **as simple as possible**, avoiding packages which may be difficult to operate for non-specialists.

Provided these requirements are met, computerization of VRR/AF data can produce a variety of reports, which can be used to great advantage to:

- transmit data from one country to another;
- plan travel arrangements (itinerary, destination and special needs);
- prepare passenger manifests;
- identify vulnerable groups;
- trace and inform family relations in the country of origin;
- prepare supplementary documentation (food ration cards, health clearance certificates, travel documents, welfare needs assessment forms in the country of origin, etc.);
- provide statistics.

4. **Managing the logistics of an organized return**

In organized repatriations, logistics is the most challenging operational sector. Moving thousands of people and their belongings in difficult terrain and an often tense political environment is a formidable undertaking which requires a high degree of experience and forethought. The key question is:

How can returnees and their belongings be moved back to their homes in a manner that is safe, humane, expedient and cost effective?

The operational plans of major repatriations (e.g. Cambodia and Namibia) give much useful information on different approaches to logistical problems and should be consulted when planning new operations. The International Organization for Migration (IOM) based in Geneva also has valuable experience in this field and has often acted as UNHCR implementing partner in providing transport arrangements for returnees.

The following is a brief summary of guidelines based upon lessons learnt from recent operations:

General principles

- In all arrangements, the preservation of the returnees' **welfare and dignity** should be the primary concern; avoid creating "cattle transport" conditions.
- Coordinate transport and logistics **at regional level** (not HQ) and establish a clear logistics chain of command to standardize operations and avoid confusion.
- From the outset, establish efficient **regional communications systems** and regular information sharing procedures to facilitate logistics coordination; logistics on both sides of the border must be an interrelated activity.
- Before starting the operation, obtain written agreement on **all immigration and customs clearance procedures**.
- Keep procedures as **clear and simple** as possible; avoid overplanning.
- Provide returnees with **departure schedules** in good time, but **not before** all logistical arrangements are firmly in place; premature and inaccurate information on departure times may cause severe hardship (see Case Study B!).
- **Involve returnees and local people** in the country of origin to the maximum in operating the logistics chain (e.g. in Namibia parish priests were able to call on their congregations to provide local transportation for returnees).
- Verify that returnees are **ready to travel** before planning their departure and preparing passenger manifests.
- Keep different returnee groups **separate** to avoid friction.
- If **security problems** are anticipated increase the capacity of transit and reception centres to cope with a possible backlog and arrange for contingency supplies.

Returnees' money and personal effects

This is a sensitive issue with much potential for friction. Take care to plan arrangements for the

movement of property well in advance and in consultation with the returnees; once agreement is reached, inform the returnees fully and clearly of all details and do not permit subsequent modifications:

- Long before the start of the operation, agree on weight/volume limits for refugees' personal effects.
- Arrange for personal effects to travel **with** the returnees.
- Provide returnees with material for packing and labelling personal effects including colour-coded tags to indicate ports of entry.
- Agree on modalities for exchange of returnees' currency.
- Make arrangements for the transport of communal property; NLM property should not be moved at the expense of UNHCR.

Prepositioning

In most operations, food supplies and reintegration kits may have to be prepositioned before the movement phase. This may be difficult due to lack of funds early in the operation and uncertainty whether the mass movement will in fact take place. As a rule:

- Preposition a modest percentage of goods while taking account of delivery times for replacement stocks.
- Make a gradual start to the movement phase to allow for replenishment.

Road transport

Repatriations frequently require overland transport of thousands of people by convoys travelling through remote areas. The following are some basic principles for convoy operations in such conditions.

- Use standardized rental agreement formats when renting trucks and buses.
- Verify road conditions and organize repair or upgrading of damaged sections.
- Agree convoy schedules in advance with **all** concerned parties.
- Avoid transshipment at the border!
- Provide returnees either at the point of departure in the country of asylum, or at the reception centre of the country of return with the first three months WFP basic food, with labels for each family.
- Arrange for food supplies to travel with the returnee convoy if appropriate.
- Escort all convoys with at least one UNHCR staff member travelling at the rear; his vehicle should have VHF radio contact with the convoy leader travelling in the first truck/bus. In difficult security conditions additional escort measures may be necessary (see Case Study H).

- An ambulance with a nurse and a medical assistant should travel immediately in front of the UNHCR vehicle; local hospitals should be contacted beforehand to deal with injuries from possible accidents; if feasible, arrange for travel insurance.
- To cope with breakdowns, mechanics with spare parts should accompany the convoy; an empty truck or bus should travel with the convoy for transshipment from a broken-down vehicle in case it cannot be repaired on the spot.
- Provide returnees with adequate food and water supplies for the journey, including high protein biscuits for children.
- Distribute plastic sickness bags and Dramamine; on long journeys, car sickness can become a serious problem!
- Identify suitable places for rest stops and ensure human waste control (cholera!).
- Begin the movement phase with a partial (e.g. 50%) schedule to test arrangements and allow time for the various sectors of the operation to come into play.

The logistical arrangements for the **Cambodian** repatriation were on the whole successful, and may serve as a model when planning overland transport for similar numbers of people (some 300,000).

Air transport

Experience with UNHCR airlift operations to Namibia and South Africa have resulted in the following guidelines:

- Arrange for selection of, and contracting with airlines at Headquarters; the airlines' capacity to implement the operation smoothly **must be verified**.
- Appoint an overall regional flight coordinator, preferably based in the country of origin, to coordinate flight schedules with all countries.
- Prepare flight schedules well in advance and plan flight arrivals during working hours, on working days only.
- Establish procedures for speedy and accurate preparation and transmittal of passenger manifests (see annexes).
- Arrange for escorts in flights transporting large numbers of returnees; escorts should hand-carry passenger manifests.
- Use airports as close to final destinations as possible; if necessary, establish effective reception/transit centres near airports to cater for overnight accommodation.

Some potential problems with airlift operations are illustrated in Case Study F at the end of this Chapter.

Movement of vulnerable groups

Special arrangements must be made for the movement of the sick, the elderly, unaccompanied minors, single or pregnant women and other vulnerable individuals. The most important rule is: The Operation's Plan for repatriation to Cambodia includes some detailed procedures for the movement of especially vulnerable individuals which are worth consulting. They focus on adequate preparations for the movement

of such individuals with emphasis on:

- tracing family relations in the country of origin (through ICRC);
- identifying institutions, communities and NGOs able to provide support upon return;
- providing vulnerable returnees able to work (in particular women) with skills training to improve chances of obtaining self-sufficiency;
- identifying specialist staff and returnee group leaders to take charge of vulnerable individuals during travel;
- protecting unaccompanied women during movement and arranging separate accommodation for them in reception centres;
- providing reintegration assistance and long-term follow-up.

Repatriation kits

Timely procurement and delivery of repatriation kits is crucial and needs to be carefully planned.

- Organize regular procurement missions to evaluate samples, negotiate with suppliers, establish delivery schedules and coordinate with Field Offices and HQ.
- Simplify specification variables by having a single repatriation kit suitable for all categories of returnees.

For a sample repatriation kit, see annexes. Note, however, that in situations where suppliers are locally available, a **cash grant** may be preferable to the distribution of repatriation kits since it allows returnees more flexibility.

Self-Study Questions

- 1** Examine Case Studies D, E, F.
- 2** How would you select and train staff for the returnee registration exercise?
✎
- 3** What is the most important point to remember about transporting vulnerable individuals?
✎
- 4** Ten principles were mentioned as basis for managing a returnee convoy. Name as many as you can remember.
✎
- 5** What is the first thing a logistics manager should attend to when preparing a major repatriation?

6 Computerized VRRF data can produce a variety of useful reports. Name four ways in which they can be used.

Case Study D
Guessing at numbers (monitoring spontaneous repatriation)

A very large refugee group from Repatria, some 500,000 in all, lives in border camps in Asyilia. Most of them are registered refugees and hold ration cards. Despite the fact that the civil war which has given rise to their flight has only partly abated, some refugees are starting to return spontaneously to their villages of origin. Returnee movements are sporadic and secretive since the unstable situation in Repatria and conflicting political pressures in Asyilia are a potential threat to their safety. Because of the security situation and political constraints, UNHCR is unable to operate in Repatria but it has a large presence in Asyilia.

In order to assess the situation, establish a returnee programme in Asyilia and obtain donor support, UNHCR must obtain more reliable figures about the number of refugees who are returning. This is a politically sensitive issue in Asyilia, however, and some NLMs and Government Quarters are prepared to deny the existence of returnees altogether.

Question:

What indicators can you use to monitor and assess the size of this spontaneous movement?

Case-Study E
The headaches of coordinating logistics

In order to move an estimated 30,000 returnees back to Maldonia, UNHCR Headquarters concluded a bilateral agreement with ITO, an implementing partner specialized in organizing international transportation. This allowed ITO to exercise overall control over the operation from its Headquarters and gave it flexibility to shift funds from one country to another.

However, as a result of these arrangements, there was no accountability from ITO Maldonia to the UNHCR Office in Maldonia and all major operational issues were referred to ITO HQ for decision. This resulted in a loss of time and perspective. ITO moved staff to and from Maldonia without prior discussion with UNHCR Maldonia. ITO Maldonia worked from a different location than the UNHCR Office despite the stated preference of UNHCR for co-location. UNHCR Maldonia had very limited say over the ITO budget which was controlled from ITO HQ. This situation had a negative impact on programme coordination in Maldonia.

Questions:

What other options could have been investigated?

What actions could have been taken to improve coordination?

Case-Study F
False starts in mid-air (problems with airlift)

UNHCR and its implementing partner have arranged an airlift to bring an estimated 30,000 returnees back to their home country Repatria. However, there is no flight movement schedule and flights arrive on a very irregular basis. The only prior notice provided is through advance passenger manifests for each flight. In principle they are supposed to be made available three working days in advance; in reality it is

less than that. The reasons for the situation are complex:

- clearance of the returnees' VRRF by the Repatriation authorities is slow at times;
- lists of cleared returnees are sent to UNHCR Field Offices in countries of asylum who transmit them to NLMs. The latter then determine which of the cleared returnees is ready to travel and flights are organized on that basis; planning problems arise because not all cleared persons are in fact travel-ready;
- the airline under contract has only one plane available to transport returnees. Some flights are delayed or postponed as a result of mechanical failure;
- in some countries, the dispersal of returnees prevents easy access, communication and grouping;
- some returnees develop a "wait-and-see" attitude due to ongoing turmoil in Repatria;
- there are only half as many potential returnees as originally estimated.

Question:

What could have been done to improve flight movements and obtain better advance notice?

Case Study G
Returnee accused of desertion

After many years of a quasi-state of war, a peace treaty has finally been concluded between the two neighbouring countries Ruritania and Maldonia, which resulted in an exchange of prisoners of war. Ruritania has been host to thousands of refugees from Maldonia for many years. After the peace treaty, spontaneous return movements started from some of the camps in Ruritania, but many refugees were still reluctant to return home. UNHCR organized an information campaign in the refugee camps and actively promoted voluntary repatriation. Registration for voluntary repatriation gained momentum and organized repatriation started while spontaneous returns still continued.

One day in November, Mr. O. together with his wife and five children, boarded a truck of the repatriation convoy in Camp B to return to his home country Maldonia. At a rest stop of the convoy, Mr. O. was arrested by security forces of Ruritania. He was accused of being a deserter from the army of Ruritania and put in prison pending trial. His wife and children continued their journey home to Maldonia.

The camp registry showed that Mr. O had resided in Camp B for eight years, had married while in the camp and that his children were born in the camp. It should be noted that forced recruitment of refugees into the national army of Ruritania had been an ongoing problem which had always been denied by the Government of Ruritania.

Questions:

Which protection issues are at stake in this scenario?

What actions must you take as a priority?

Case Study H
A security impasse

When Ruritanian refugees returned home in 1990, the Government of Ruritania announced a programme of national reconciliation which promised access to land, work opportunities and enhanced agricultural production. Two years later the returnees, the demobilised resistance forces, the displaced and the local

people were still waiting for positive results of the Government's plan.

Strikes and protests took place, sometimes ending in violence and damage to property. In the remoter areas, armed rebel groups began to engage in acts of vandalism and disruption.

UNHCR was not been exempt from this growing insurgency. Staff members were threatened, trucks burnt, vehicles seized and project materials taken and distributed "Robin Hood" style to the inhabitants of the community nearby. In one region the problem became so serious that the implementation of QIP micro-projects was at a virtual stand-still. Essential project materials remained in the capital of Ruritania pending clearance that it was safe to travel through areas full of armed groups.

UNHCR's office had to make a decision. It had to honour its commitments to respond quickly to the urgent needs of the target communities but it also required minimum conditions for the safety of its staff and its project materials. In the face of continued security risks UNHCR was prepared to abandon its projects in the region concerned and redeploy its resources to other areas.

However, before pulling out, UNHCR decided to try once more to break the impasse.

Question:

Can you think of a strategy to address this problem?

Chapter 6

Helping towards Reintegration

The diagram at the beginning of the preceding chapter shows how UNHCR's role differs when the return is spontaneous and when it is organized. You will observe however that the distinction fades as from the time that the return has taken place. What matters now is helping the returnees to resume a normal life as soon as possible. UNHCR's role following the return, in combination with other actors within the international community, is to **support and guide the returnees' spontaneous efforts to secure their own future.**

In this Chapter we shall be looking at various aspects of this role. They include the counselling of urban returnees; the implementation of Quick Impact Projects (QIPs) as an essential first step in the rehabilitation process, particularly in rural areas; promoting longer-term development (notably through UNDP) and ensuring the physical safety of the returnees.

1. Counselling urban returnees

While rural refugees returning home in large groups often have the benefit of communal support, urban refugees who return as individuals or nuclear families may face difficulties of a special kind. With the added factor of economic problems, their reintegration can be a source of social or family tensions and result in feelings of alienation, disappointment and depression.

When such situations are likely to arise, investigate the possibility of establishing or supporting a **community based counselling service** along the lines developed for South African returnees. Such a service can fulfil a number of useful tasks:

- administer a material assistance package including one-time grants for income generation;
- provide guidance on training and job opportunities;
- promote self-help groups;
- conduct awareness campaigns in the local community;

- provide information material to orient potential returnees **before** their departure.

Valuable information on this approach as well as relevant case studies are found in PTSSMission Report 91/34 (South Africa Social Services Mission on Repatriation).

2. Quick Impact Projects (QIPs)

QIPs constitute the UNHCR response during the initial re-entry period of the refugees in their home country to ensure that they have the minimum means to settle in and get started again. They are to be viewed as **stepping stones towards medium and long-term projects**.

Some basic characteristics

Although varying from country to country, according to local circumstances QIPs can generally be characterized as:

- simple, small-scale projects;
- concentrated in areas (normally **rural** areas) where significant numbers have returned;
- implemented rapidly and at low cost, with a one-time investment by UNHCR. (In Nicaragua, for example, some 300 QIPs were implemented with success at the cost of US\$ 20,000 per project. Approximately half of all micro-projects were budgeted at less than US\$ 20,000);
- using local resources wherever possible;
- promoting community participation, with a gender-focused approach.

A few examples

A typical QIP programme might include some or all of the following categories:

- projects which entail the construction, reconstruction, expansion or repair of **communal facilities** such as schools, health centres and dispensaries, as well as water supply and sanitation systems;
- projects which facilitate the **movement of people and goods**, through the rehabilitation of roads, bridges and waterways, as well as the provision of trucks, boats, draft animals and handcarts;
- projects designed to produce new **income-generating opportunities**, such as the establishment of cooperatives and small businesses (e.g. bakeries, sewing workshops, block-making enterprises and retail kiosks);
- projects intended to expand the **productive base** of local and regional economies. These include livestock breeding and animal distribution projects; the installation of agricultural processing facilities such as rice mills, threshers and warehouses; and the provision of fishing equipment;
- projects established to mitigate the **environmental impact** of a mass returnee influx, particularly reforestation initiatives;

- projects intended to support the development of **community-based structures** and social activities, such as the construction of meeting halls, and the strengthening of communications networks;
- projects designed to **train beneficiaries** in the management, administration, maintenance and marketing of resources provided by means of other QIPs;
- projects which are intended to meet the **special needs** of groups such as female heads of household, disabled and elderly people.

Within each priority area, it is important to **establish linkages** between different QIPs. The impact of a rice mill project, for example, may be substantially enhanced by the implementation of other QIPs which enable the rice to be stored, transported and marketed. More obviously, in many conflict-affected areas, a road reconstruction project may be of very limited value unless it is accompanied by QIPs designed to replace bridges and cross-river barges which have been destroyed or fallen into disrepair.

How are they implemented?

There is no standard model of implementation. One or several implementing partners may be involved. During recent returnee reintegration programmes, four models have emerged, as illustrated below.

<p style="text-align: center;">Sub-agreement with one IP</p> <p>IP serves as umbrella agency.</p> <p>IP in turn makes contracts with variety of partners which implement projects.</p> <p>HCR has overall responsibility and intervenes at all stages of individual project cycle.</p>	<p style="text-align: center;">Agreement with one IP</p> <p>IP assumes responsibility for entire programme (direct implementation and/or contracts with local organizations and beneficiary groups).</p> <p>HCR screens and approves individual project proposals, and monitors IP.</p>
<p style="text-align: center;">Sub-agreement with individual IPs</p> <p>HCR assumes direct role in management of QIP programme, responsible for project control, monitoring, reporting.</p>	<p style="text-align: center;">Direct implementation through contracts</p> <p>(Cf. Chapter 4, Section 7.4 (rev. 1), requires establishment of effective project review committee.</p>

These models can be employed singly or in combination, according to local circumstances, and calculations of cost, speed and impact.

Checklist for success

For QIPs to achieve their function as stepping stones towards longer-term reconstruction, there are number of essential requirements that must be met. These are broadly grouped in this section under three headings. The action suggested under each of these headings is based for the most part on the positive experience gained in Nicaragua and Cambodia.

Establishing an institutional framework

The purpose of such a framework is to allow the full participation of official structures, NGOs and development agencies, particularly UNDP.

It requires:

- ✓ organizing an **inter-agency mission** to actual and potential returnee areas, prior to, or at the beginning of a repatriation movement, to establish a joint appeal and common reintegration and rehabilitation strategy;
- ✓ signing **memoranda of understanding** with other UN agencies, defining respective roles and responsibilities;
- ✓ establishing a **joint HCR/UNDP management or support unit** to oversee all reintegration and rehabilitation activities, and act as principal UN counterpart for host government;
- ✓ establishing a structure or mechanism which allows the participation of UNDP and government representatives in the **screening, review and approval** of all QIP proposals, ensuring that they are consistent with and linked to longer-term initiatives, particularly medium-term integrated area development programmes;
- ✓ **making funds available** to development agencies, including UNDP, in order to encourage their involvement in the early stages of a reintegration programme;
- ✓ holding **joint training courses and orientation sessions** for UNHCR, development agency and government staff, to increase mutual understanding and promote cooperation at the working level (see also Chapter 3);
- ✓ encouraging host governments to incorporate returnee areas in national and local development plans in **UNDP's Indicative Planning Figure allocations**;
- ✓ involving **donor states** in developing QIP programmes, and encourage their participation in the longer-term aspects of the reintegration process;
- ✓ creating a comprehensive and **computerized database** on QIP projects and proposals, to be shared with relevant government bodies and development organizations.

Strengthening UNHCR's programme and project management capacity

Creating an appropriate institutional framework is not enough in itself. It must be accompanied by a series of arrangements to strengthen UNHCR's own programme and project management capacity. Identifying, planning, monitoring and assessing a wide variety of small-scale projects is an intensive task, even when the implementing partners are effective and reliable. The following practical arrangements drawn from the experience in Nicaragua, can serve as useful models:

- ✓ create a **special unit** within the Branch Office, dedicated solely to the management of QIPs. The unit should be headed by an officer with strong programming skills, and staffed by personnel who combine community development expertise with a good understanding of local conditions;
- ✓ make effective use of **information technology**. The Powerbase system has been used to control and monitor hundreds of projects and implementing partners. When linked to FMIS, this software package allows:
 - individual tracking,
 - instant data access by all organizations involved,
 - speedy preparation of accurate progress reports (by

region/sector/donor/implementing agency).

Ensuring community participation and gender focus

Getting the beneficiaries involved is essential when it comes to identifying and implementing QIPs. Without this involvement, success is likely to be limited.

As we have seen in an earlier Chapter, a sound knowledge of local conditions and political sensitivity is needed at all stages of involvement in voluntary repatriation. This is certainly true for QIPs. It is not always easy to ensure that potential beneficiary associations are stable and truly representative of the beneficiary community. It is nevertheless important to encourage beneficiary groups to acquire a **formal constitution and legal status** specifying:

Who is ultimately responsible?

Who owns the project equipment and supplies?

Who has the right to dispose of, and transfer assets and profits accruing from the project?

Another important question that is likely to require careful examination concerns the **payment of labour**. Should labour be remunerated? If so, on what basis?

The **active participation of women** in identifying and implementing QIPs is another basic ingredient of success. Based once more on past experience, the following four principles should be respected:

- ✓ equal access to employment opportunities created by QIPs, and pay at an equal rate as for male beneficiaries. Whenever possible, employment opportunities should be allocated to women and men on a proportional basis;
- ✓ full involvement in identifying and developing microproject proposals, and a lead role in projects affecting them most directly (creation of wells, health centres, agricultural processing facilities, etc.);
- ✓ on-the-job training opportunities as for men, as well as equitable participation in maintenance and management of projects;
- ✓ free access, outside regular working hours, to facilities which are repaired or constructed by means of a QIP for women's training, education and community organization activities.

What are the limits to the QIP approach?

Recent experience has shown the important benefits that can be derived from the QIP approach. This does not mean that reintegration efforts should focus in all circumstances on this form of assistance. QIPs are likely to be inappropriate or unfeasible if:

- ⊙ the repatriation movements are taking place in scattered returns of individuals over a long period of time;
- ⊙ the refugees return to their own country after a relatively short time in exile, and are able to reclaim the land property which they left behind;
- ⊙ there are emergency circumstances with large numbers of refugees fleeing from deteriorating conditions in the country of asylum and congregating in impoverished areas in the country of origin (assistance programmes oriented towards relief rather than reintegration will be needed at least initially);
- ⊙ there is no significant UNHCR involvement, notably for security reasons, in the country of origin.

Alternatives for an interim period might then include: individual relief packages, financial grants and

loans, encashment programmes, training and employment initiatives.

It is equally important to keep the developmental potential of QIPs in perspective. Their impact is essentially local, limited, and of an immediate nature. QIPs cannot resolve the structural problems which underlie the poverty and instability of many countries of origin. Nor can they be expected to rebuild an economy which has been devastated. There is no guarantee that the development process will "take off" in all countries of origin, even though every effort is made to integrate QIPs into broader and longer-term reconstruction efforts.

In such circumstances, UNHCR's priority will be:

- ✓ to enable returnees to achieve a basic level of subsistence, and
- ✓ to avoid dependence on long-term relief assistance.

This in itself will represent a useful first step (though perhaps no more than that) towards social and economic normalization.

3. Longer-term reintegration assistance

For voluntary repatriation to be a truly durable solution, due attention must be given throughout the process to longer-term reintegration assistance. This principle has already been stated in the course of this module. Translating it into reality, however, is not an easy task. It requires:

- early planning;
- proper coordination with other UN and non-governmental agencies concerned with development assistance, notably UNDP;
- suitable institutional arrangements and mechanisms to ensure the right kind of follow-up.

Each of these three requirements, though non-controversial in themselves, soon reveal underlying problems which must not be underestimated. Despite the complementary capacities of UNHCR and UNDP, differences in mandate, culture, priorities and working methods have often prevented them from collaborating effectively in reintegration and rehabilitation programmes.

Notwithstanding these constraints, the **Cambodian** repatriation operation offered an interesting **example** of how they can be overcome. It demonstrated how UNHCR, though not a development agency, was able to play an effective role as catalyst. In the words of a staff member involved in the operation:

"UNHCR acted as the driving force and pulled UNDP into the picture".

The following is a brief summary of action that was taken to achieve this. It is drawn from the "Review of the Cambodia Repatriation Operation" issued by Headquarters in September 1993 (see Bibliography), and provides a useful framework for other repatriation operations.

Memorandum of Understanding

This was established with UNDP immediately after the peace agreement was signed, and well before operations began in earnest. Its principal merits were:

- to define the **roles and responsibilities** of each agency;
- to gain the **commitment of UNDP Headquarters** to the reintegration programme;
- to facilitate **fund-raising**.

A copy of this MOU is contained in the Annexes.

Central coordinating body

A Joint Technical Management Unit (JTMU) was created and brought together key staff of both agencies. It met every 3-4 weeks, and provided a general forum for information exchange and discussion of policy and planning issues.

Active cooperation with UNDP's Office for Project Services (OPS)

This was an essential element that contributed to the successful linking of returnee assistance with the longer-term reconstruction effort. It was made possible through the creation by OPS of the Cambodia Repatriation and Resettlement (CARERE), which assumed progressive responsibility for the reintegration effort. In contrast to the immediate assistance provided through the QIPs, it was concerned with productive activities for the longer-term. Its action was based on an integrated, community development approach over a number of years, with special units in the provinces concerned.

CARERE came to be described as:

"a decentralized programme which got the development experts out of the capital city into the countryside".

Sharing the same location

Day-to-day cooperation and coordination was greatly facilitated by overcoming the physical separation of the two organizations – a detail of practical arrangements of which the importance should not be overlooked. A UNHCR Programme Officer and Programme Assistant were based in the CARERE office, where they could work together on key issues such as land allocation and land titles.

Shared fund raising efforts

A joint fund raising effort allowed CARERE to become operational with a much shorter delay than under normal UNDP procedures. As part of this effort, UNHCR lobbied the donor states on behalf of UNDP in order to obtain project funds which could be channelled through CARERE. This flexible and pragmatic approach helped overcome so many of the traditional frustrations experienced in cooperative endeavours between agencies, through varying procedures and working methods.

Involving governmental structures

Although Cambodia was not a good example of this approach (for reasons linked to the specific context of the operation), it is important to involve governmental structures in the reintegration and rehabilitation process. It is only through forging links of this kind that the longer-term effort can be sustained.

4. *Protecting the physical safety of returnees*

With the destabilisation of the political situation in many parts of the world, security problems have become an increasing threat both to returnees and to the staff of international relief agencies. Such dangers are of course particularly in evidence when repatriations take place in situations of armed conflict.

Types of security problems you may encounter include:

- threats, intimidation and even injury or assassination of refugees to discourage or to enforce return;

- extortion or blackmail of returnees by lower rank officials at the border or along the way;
- mines along the way or in areas of return;
- anarchy or banditry;
- arrest or harassment of returnees by government authorities in the country of origin (usually in breach of amnesties or other guarantees);
- ongoing warfare.

What can you do in such situations?

In extreme cases, security problems may prevent the work of relief agencies altogether. These are the exception, however. In most cases, some options for positive or preventive action do exist:

Maintain a UNHCR presence

The presence of UNHCR and other international relief agencies in contested areas often has a dissuasive effect on human rights abuses. To maximise this effect, it is important that:

- the nature of UNHCR's presence is understood by all parties involved;
- a UNHCR presence should be ensured both along routes of return and close to the destinations of returnees;
- UNHCR staff should be available in sufficient numbers **and** be properly equipped (field kits, vehicles, radios) to follow up in cases where threats to physical safety exist.

In Central America, "Roving Protection Officers" regularly patrolled sensitive border areas to assist refugees or returnees in distress; "safe houses" were provided for returnees threatened by refugee leaders who wanted to prevent their departure from the camps. In Pakistan, regular monitoring of exit corridors reduced the harassment of Afghan returnees at border checkpoints; many other similar examples could be cited.

Organize seminars on human rights and refugee law in preparation for return.

In a Central American country, UNHCR has, with the help of NGOs, successfully promoted seminars for government officials, military personnel, lawyers and other interested persons to brief them on their country's obligations under international law, with a view to protecting the rights of returnees. Such seminars have been targeted systematically to returnee areas.

Clarify who is responsible for the security of every stage of an organised operation:

In the **country of asylum**, the protection of refugees from political or military pressures within the refugee community is the responsibility of the government.

Security **during the movement and arrival phases** may be guaranteed by the government of the country of origin, by UN Peace Keeping troops (e.g. Cambodia) or other forces (e.g. Allied Forces in the case of Northern Iraq).

In areas outside government control, authority may lie with independent bodies or liberation movements as has been the case in Afghanistan.

If UNHCR is unable to obtain reliable security guarantees, organized repatriations **should not be carried out**.

Set up a crisis management body in the country of origin which can be convened

quickly when protection problems arise. It may include representatives of different Government departments, legal or paralegal experts, church leaders, trade unionists, NGO representatives or other suitable individuals.

- ❑ Maintain **dialogue** with all parties. Act as an intermediary so as to bring conflicting parties to the negotiating table and obtain solutions to security problems. Serious issues may be raised simultaneously at regional, capital and HQ levels; this requires an effective communication and reporting system. An example of UNHCR's negotiating role in a conflict situation is found in Case Study A.
- ❑ Use **local and international media** to good effect. UNHCR's non-political and humanitarian role in a given situation should be well publicised; this may help to protect its operations from security threats.
- ❑ Ensure **confidentiality** and **discretion**. Protect sensitive information on returnees; avoid drawing attention to their movements if this may endanger them.
- ❑ **Monitor the situation of returnees in conflict zones** even if UNHCR cannot have direct access.

In **Central American** countries affected by civil war UNHCR has:

- interceded in cases of arrest of returnees for reasons not related to civil or criminal offenses;
- interceded to allow humanitarian assistance (often provided by NGOs) to reach returnee settlements;
- interceded in cases where returnee settlements had been purposefully surrounded by army units;
- assisted in the resettlement of returnees under threat from the authorities;
- set up a monitoring framework including NGOs, churches, human rights groups, academics and the media.

UNHCR Offices in **Pakistan** have been consistently well informed about the situation of Afghan returnees across the border thanks to NGO contacts and the work of Repatriation Monitoring Teams (see Case Study B); this information proved vital for targeting cross-border assistance programmes.

- ❑ Assist returnees in gaining access to **documentation**. Returnees may be exposed to harassment and arrest if they lack proper documentation. In El Salvador, UNHCR staff helped to secure birth certificates and identity papers for many returnees.
- ❑ Ensure **mine awareness**. Mines are one of the biggest hazards to returnees in many parts of the world. UNHCR cannot be responsible for mine removal and institutional responsibility for mine clearance remains to be clarified, whether it be in the hands of participating relief agencies, peace keeping forces or other specialised actors.

One example is the case of **Afghanistan**, where the United Nations Office for the Coordination of Humanitarian Assistance (UNOCA) has funded a large multi-year mine clearance and mine awareness programme which works through specialised local NGOs.

The fact remains that in most situations the dangers from land mines cannot be eliminated in the immediate future. However, UNHCR can take measures to reduce the threat they pose. A recent PTSS' Report (92/48) on land mines in **Mozambique** recommends the following course of action (in order of priority):

- mine awareness campaigns;
- demarcation of heavily mined zones;
- training of advisors and instructors for protection from mines;
- limited demining operations in refugee/returnee areas;
- provision of technical support (demining equipment) to increase the capacity for priority demining in refugee/returnee areas.

Reports from **Cambodia** confirm that demarcation of heavily mined zones is a far higher priority than demining operations which may take much time to be effective.

In order to implement these recommendations you should:

- enlist the help of demining consultants (through PTSS);
- intervene with donors, concerned governments and UN bodies;
- ensure mine awareness and mine clearance is an integral part of long-term development strategies in returnee areas.

UNHCR staff working in danger zones should be trained in mine awareness and first aid measures. A useful booklet for consultation is Rae McCreath's "Mines in Afghanistan – Guide to Safety for Field Workers" (available from the Training Section).

Answer Keys

Chapter 1

1 "Spontaneous repatriation" means repatriation without international assistance as opposed to "organized repatriation" which takes place with outside help. Some spontaneous repatriations are very effectively organized by the refugees themselves.

2 They repatriated over several seasons because the men first returned by themselves to reconstruct their homes and start replanting their crops, before they brought their rest of their family with them.

3 Adverse conditions in the country of origin include:

- security problems (mines, armed conflict);
- destroyed homes and infrastructure;
- internally displaced persons;
- economic difficulties (lack of employment);
- natural disasters (drought).

4 According to the "International Study of Spontaneous Repatriation" the reasons most often cited

are:

- improved security in the homeland;
- fear of losing resources left behind;
- change in their status as refugees;
- disillusionment with their status as refugees;
- pressure from peers;
- pressure from insurgent groups;
- deteriorating security in the country of asylum;
- enticements from the county of origin.

(From F. C. Cuny and B. N. Stein, "Repatriation during Conflict, A Guide for NGOs").

Chapter 2

1 The Universal Declaration of Human Rights:

- a) establishes the right of return;
- b) lays down humanitarian norms which are applicable also to refugees and returnees.

2 The UNHCR Statute requests that:

- a) repatriations should be voluntary;
- b) returnee assistance should be provided jointly by governments, UNHCR and NGOs;
- c) repatriations should be both "facilitated" and "promoted".

3 Since forcible repatriation (refoulement) is prohibited by the 1951 Convention, the repatriation of refugees should only take place voluntarily.

4 The correct answer is c).

5 The missing words are:

- a) ...concern, consequences of...
- b) ...create conditions conducive...
- c) ...active review, the outset...

The quotes are from EXCOM Conclusion 40.

6 The correct options are c), d) and e); you should note, however, that condition e) may be subject to debate if the government is de facto not in control of the area to which refugees are returning!

7 UNHCR may provide assistance to Internally Displaced Persons on the basis of General Assembly Resolutions and instructions from the Secretary General (for details see Annex 17).

Chapter 3

1 See p. 129 for comments.

2 The main points are:

- get to know the refugees' background and learn their language;
- maintain daily contact;
- talk to all factions;
- consult women (with help of female staff);
- recruit refugees as staff-members (if possible);
- use multiple means of communication;
- inform refugees in a timely and accurate manner.

3 Negotiations should aim at creating conditions conducive to voluntary return and securing agreements in conformity with the international standards of voluntary repatriation.

4 The effectiveness of such agreements can be strengthened by:

- holding meetings throughout the operation;
- ensuring refugee interests are fully represented;
- forming technical sub-committees;
- involving other concerned parties in negotiations and monitoring;
- setting up a verification mechanism.

5

- a) Right
- b) Wrong
- c) Wrong
- d) Right

6 Local media may influence the way in which returnees and their problems are perceived in the country of origin.

Chapter 4

1 See p. 130 for comments.

2 In major operations, assessment missions should include (in addition to programme staff) technical teams fielded by PTSS, a representative of Programme Coordination and Budget Section, prospective operational and implementing partners, donors and staff from other UN agencies, in particular UNDP and WFP.

3 The objectives are to investigate conditions in returnee areas, assess the needs of the returnees and the resources available for the operation.

4 It provides:

- guidelines on opening or strengthening UNHCR Offices;
- a telecommunications questionnaire.

5 The plan should be:

- flexible;
- agreed by all implementing partners;
- finalised by a regional planning meeting;
- the focus of training and team building workshops;
- drawn up by those who implement it.

6 They contain the standard operating procedures for all aspects of the operation.

Chapter 5

1 See pp. 131-132 for comments.

2 The registration interview has to be conducted in an atmosphere of privacy and confidentiality. Registrars should:

- have a high level of integrity;
- enjoy the confidence of the refugees;
- be independent of political factions or interest groups;
- be fluent in the refugees' language;
- be trained in computer operations.

3 Do not move vulnerable individuals until arrangements for their initial reintegration have been confirmed! Measures that can be taken include:

- tracing relatives;
- identifying institutions;
- providing skills training;
- identifying staff for escort;
- arranging separate accommodation of unaccompanied women.

4 See pp. 94-95.

5 Ensure coordination at regional level by establishing a clear logistics chain of command and an efficient regional communications system.

6 A VRRF and the data it provides can be used:

- to inform the authorities and UNHCR;
- to obtain government clearance for return;
- as a travel and identity document;
- to identify vulnerable groups;
- to plan travel arrangements;
- to prepare passenger manifests;
- to provide statistics;
- to issue other documentation required.

Case Study A

The main negotiating objectives were:

- to assume a mediator role and persuade the main actors (governments and refugees) to sit at the negotiating table;
- to persuade the secondary actors (NGOs, support groups and media) to collaborate in the search for an improved climate to break the impasse.

Action taken was as follows:

- UNHCR deployed all available personnel resources so as to maintain daily if not hourly contact with all parties;
- the measures adopted were shared with UNHCR colleagues in the country of origin who engaged in similar negotiations on the other side of the border.

As a result:

- The refugees accepted to be documented.
- The supporting groups, realising they had no solutions to offer, cooperated with UNHCR and offered to mediate with the refugees.
- The country of origin granted all facilities and its military undertook not to interfere with the returnees.
- The country of asylum agreed to wait with the repatriation until all refugees were documented.
- Media coverage became more balanced and objective.

This Case Study also illustrates the protection problems involved in collective repatriations in situations of armed conflict. On the one hand, collective action on the part of the refugees can ensure better protection and access to goods and services. On the other hand, the refugee leadership may use its position to manipulate families for political ends and persuade them to repatriate “voluntarily” in dangerous conditions.

Case Study B

The case study illustrates the disastrous consequences of lack of needs assessment and operations planning. Three elements are especially relevant:

1. When planning organized repatriations, security in the returnee areas must be properly and independently assessed; agreements in capitals are not enough!
2. Transport and logistics arrangements have to be professionally planned and managed.
3. NEVER give refugees departure dates until all logistical arrangements have been finalised and tested.

Case Study C

The following problems occurred in this particular case:

1. UNHCR with its local implementing partner, acquired knowledge of the refugees’ education, skills, employment and training needs only after they arrived in Namibia.
2. A UN inter-agency mission to plan rehabilitation/reintegration programmes was fielded two months after the first returnees arrived.
3. Once returnees were home, donors felt UNHCR’s job was over and no funds were forthcoming for rehabilitation. UNHCR had to rely on contributions from UNICEF, FAO and WHO which each have a specific focus and do not cover the needs of all groups, e.g. urban dwellers.

Lessons learnt:

1. Assess the educational background, skills and job placement needs of the returnees before their departure to the country of origin.
2. Initiate a variety of self-sufficiency/income-generation projects to coincide with the arrival of the first returnees; target such measures specifically to women heads of household and other vulnerable groups.
3. The economic situation in the home country should be reviewed with other UN agencies and interventions proposed to donors as part of a returnee aid and development strategy.

Case Study D

In this situation where no reliable figures are available it is necessary to monitor a series of different indicators such as:

- border crossings;
- routes of return;
- camp population;
- population movements in the country of origin;
- socio-economic indicators;
- deregistration of returnees through encashment of ration cards.

None of these indicators will in itself provide reliable information. If they are consistently monitored over a longer period of time, however, a coherent picture will emerge.

Case Study E

Additional options that could have been investigated:

- The agreement between UNHCR and ITO could have been established at field, rather than HQ level.
- UNHCR and ITO Headquarters could have negotiated a compromise agreement delegating more responsibility to the Field.

Action that could have been taken:

- coordinate logistics from the country of origin;
- agree on roles and responsibilities before start of operation;
- organize regional planning meetings for transport/logistics;
- discuss and agree on operational documents in country of origin;
- hold joint team-building workshops.

Case Study F

The following actions could have been taken to avoid or reduce the problems listed:

- verify airline capacity before contract;
- convene a regional meeting in mid-operation to review problems;
- request each asylum country to provide regular notice (e.g. on a weekly basis) of its “cleared and travel-ready” returnees;
- develop realistic flight movement schedules with the help of the NLMs;
- obtain a more accurate estimate of the number of potential returnees.

Case Study G

Refugees have a right to return to their home country and a right to family unity. They also have the right not to be arbitrarily detained. Ruritania claimed that Mr. O. is a soldier of the national army and therefore a deserter. In maintaining this position the government of Ruritania would admit that forcible recruitment

of refugees had taken place in the past because camp records showed that Mr. O. was registered as a refugee, and his wife and children had indeed returned to Maldonia.

The action would be to challenge the Government on this point and to obtain the release of Mr. O. as soon as possible. In the given situation, the Government did not want to compromise its consistent denial of forced recruitment of refugees and released Mr. O. after some weeks of protracted negotiation. Mr. O. was repatriated under UNHCR escort, to avoid renewed detention and/or disappearance and joined his family in Maldonia. Upon return, Mr. O. admitted that he had indeed served as a soldier in the army of Ruritania.

Case Study H

The strategy chosen by UNHCR was first to prepare an official text explaining its activities in Ruritania and stating that if UNHCR would not be able to continue its rehabilitation projects in a given region it would concentrate its assistance in other parts of the country.

This text was disseminated as widely as possible. It was shared with government officials at national, regional and subregional levels, both through official correspondence and through face to face meetings. The text was also communicated to the various factions and groups as well as to donor representatives with the request to transmit it to their capitals.

Finally, the text was broadcast on local radio for several days, together with an announcement that on a specified date a UNHCR delegation would accompany a convoy of trucks with project materials which would follow a particular route on its way to project sites in the troubled region.

UNHCR assembled an international escort for the convoy which travelled on the weekend avoiding night-time movements. UNHCR vehicles were well-marked and equipped with mobile radios.

The convoy was stopped twice by armed groups; the first only wanted to hitch a ride, which was duly refused. The second group, though more numerous, also allowed free passage. Both groups had heard on the radio that UNHCR was coming through and behaved in a friendly manner.

After a very long drive through rough, dusty roads and frequent radio contacts with the UNHCR Sub-Office and the office in the capitals, the convoy did indeed deliver the long overdue materials at the project sites.

The strategy has since become known as the "Indiana Jones" approach.

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F. Training Videos

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6 1990 Ad Hoc Review Group on the Role and Structure of UNHCR

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9 IOM/78/FOM/77/92 p.42

10 After Executive Order 12807 in April 1992 the screening of Haitian asylum seekers in the United States was stopped and all were returned despite high level intervention on the part of UNHCR. Deportations of screened out cases had already begun before that date.

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