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## **Challenges to Voluntary Repatriation**

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*The views expressed in this paper are those of the author and not of USAID.*

## Challenges to Voluntary Repatriation

This paper attempts to sort through an increasingly complex and urgent debate about repatriation. At the heart of the debate is the question: How strictly and widely should the principle of voluntary repatriation be observed?

There are many parties to this debate besides representatives of the United Nations High Commissioner for Refugees (UNHCR), including refugees, refugee leaders and affected populations, intergovernmental organizations, governments, and nongovernmental organizations, as well as foreign policy and development analysts. Their views on repatriation are influenced by their location, roles, mandates, and interests. Whereas UNHCR focuses on issues pertaining to the protection and assistance of refugees, other actors focus on issues of security, peace, and development. Where there is coincidence among these interests fundamental problems are not likely to occur but where there are differences of view and priority controversy can easily result.

Until recently, there did not appear to be a major difference of perspective among these various actors: the principle of voluntary repatriation was broadly applied and generally respected by all constituencies. Today, in view of returns to Vietnam, Haiti, Iraq, the Great Lakes of Africa, Bosnia, and Myanmar, to name a few, there is doubt that consensus currently exists as to whether and when repatriations will occur, who decides, and what principles and policies will guide those decisions.

### A Few “Facts”

In the decade of the 1980s refugees repatriated to their countries at the rate of about 170,000 per year. Since 1989 the numbers of refugees repatriating to their countries annually has increased by more than seven fold, to about 1.3 million per year. During the decade of the 1980s, UNHCR spent less than 4 percent of its funds on voluntary repatriation programs. In the 1990s, it is expending more than 16 percent of its funds on repatriation. Annual expenditures for repatriation in the 1980s averaged \$17 million and in the 1990s they are averaging nearly \$157 million, a nine-fold increase. (Annual expenditures on repatriation by UNHCR now hover around \$200 million per year, a level higher than UNHCR expended on its entire program in 1978.)

Aggregate Numbers of Repatriates & Expenditures by Decades					
	Total number of repatriates	UNHCR's Expenditures (US\$ thousands)		Ratio of funds spent on repatriation	Per-capita cost
		Total	On Repatriation		
1969-78	-	522,312.2	2,884.4	0.55%	-
1979-88	2,558,700	4,394,452.3	166,930.3	3.80%	\$65.24
1989-96	14,329,606	7,756,219.2	1,255,109.7	16.18%	\$87.59

Sources  
 Numbers: Barry N. Stein & Frederick C. Cuny. "Refugee Repatriation during Conflict: A New Conventional Wisdom." 1996.

Expenditures: Report of the UNHCR to the UN General Assembly Official Records.

“Facts” about repatriation are shaky and our understanding of repatriation efforts are shaky too. For example, it is not clear whether resources provided for UNHCR programs in countries of origin are reducing the amount of money that is given a refugee or refugee family as a part of their repatriation package. This is an important question because analysis should be available as to whether and under what circumstances it is better to give resources directly to refugees to support their repatriation or to give project aid to the areas to which the refugees are repatriating. Similarly, it is important to be able to compare the effectiveness of resources spent in countries of asylum used to prepare refugees for repatriation with resources spent in the country of origin to support the reintegration of refugees. There are many examples of types of projects that support repatriation and reintegration (projects that help returnees acquire documents needed to show citizenship, encourage dissemination of human rights principles, increase the capacities of community health, education, and other service systems to deal with the influx of repatriates.) but little evidence is available on the impact of these efforts and how they contribute to sustainable efforts to reintegrate refugees and jump-start local economies.

Little effort, to date, has been put into establishing a reliable data base that enables analysis that underpins answers to such questions and concerns. Why? The standard view seems to be that each repatriation is so different from the other that such information and data are not very useful. The key factors by which repatriations tend to be judged are: do the refugees in fact repatriate; are they mistreated after they return; does the repatriation cause political instability and renewed displacement? The answers to these basic and essential questions do not require much

data collection.

But as nearly \$200 million a year is being spent on repatriation programs by UNHCR alone, a framework for analysis, and data to support it, are needed to provide a better basis for assessing the specific and overall impacts of such investments. Information and data collection should yield program insights on what impacts these expenditures are having on the reintegration of repatriates. Analysis should yield insights as to whether UNHCR investments in repatriation help initiate a process of rehabilitation and development that other institutions buy into. It should also yield insights as to how increased investments in repatriation are affecting the direction and priorities of UNHCR and other organizations responsible for implementing repatriation and reintegration programs.

In short, the recently scaled-up debate about whether, when, and under what conditions repatriation occurs needs to be informed by factual analysis at both the case and aggregate levels.

### **Voluntary Repatriation: the Preferred Solution?**

The United Nations High Commissioner for Refugees is mandated to promote durable solutions to refugee problems. Of the three durable solutions voluntary repatriation is often referred to as the “preferred” solution. Why, to whom, and under what circumstances is this likely to be the case?

Several basic assumptions underpin the view that voluntary repatriation is the preferred solution to refugee problems. First, there is an assumption that most refugees want to return to their homes when circumstances permit it. Second, there is an assumption that most states would prefer refugees to return to their homes rather than permanently settle in countries of asylum or permanently resettle in a third country. Third, there is an assumption that countries of origin not only have an obligation to accept refugees back home but would welcome and benefit from their return.

Clearly, where all these assumptions are correct there can be no challenging that voluntary repatriation is the best solution. But, there are many cases in which one or more of these assumptions is not correct. It is not uncommon for countries of origin to declare readiness to accept refugees back but where refugees are not convinced of the extent and truthfulness of these claims. Conversely, there are circumstances where refugees are determined to go back but where the international community or the country of origin feel the timing and conditions of return are not yet appropriate.

Many refugees, individually and collectively, prefer not to return to their country of origin because they feel such violence has been perpetrated on them that a permanent breach has been created. Jews, for obvious reasons, did not want to return to Germany and to other countries that persecuted them. Hundreds of thousands of Vietnamese refugees and asylum-seekers struggled mightily to exit their country with the aim of gaining temporary asylum in the region and then

permanent resettlement in a third country, such as the United States, Canada, Australia, or France. It is not untypical that when solutions other than voluntary repatriation are possible many refugees seek to avail themselves of them. There is even concern that the availability, even possibility, of other solutions can stimulate further exodus of disgruntled populations or have the effect of dampening the willingness of refugees to repatriate.

The policy of the state of Israel is to be a homeland for Jews. This represents an exception to the assumption that nation states prefer refugees to repatriate. This is not the only example that can be cited. Following partition of British India a massive population transfer occurred with Hindu and Sikh refugees crossing from what had become Pakistan into India and Muslim refugees crossing from India into the newly created Pakistan. Though both countries indicated that refugees were welcome to return this was an option few accepted. Many individual refugees have made important contributions to the countries that have granted them asylum. The countries that are the beneficiaries of the contributions of these refugees are not eager for them to repatriate. In part, recognition of this led the United States and other Western states to adopt policies that put refugees on a fast track to legal residence and citizenship.

Finally, countries of origin are not always eager for refugees to return home. The example of Central America serves as a current case in point. In meetings with President Clinton during his recent trip to that region, several leaders urged that Central American “refugees” not be sent home precipitously because this would have adverse impacts upon their economic recovery and potentially on their political stability. Neither the government of Ethiopia nor the government of Eritrea seems particularly anxious to welcome back the remaining refugee populations still resident in Sudan, preferring, it seems, to raise bureaucratic barriers to and financing contingencies upon their return. The government of Bhutan has questioned whether Bhutanese refugees of Nepali descent are indeed legal residents of Bhutan. They, therefore, challenge the right of these “refugees” to return. The complex case of Bosnia underscores that parts of countries may welcome the return of refugees but these might not be the areas of the country from which the refugees fled. To date, only about 30,000 Bosnian refugees have returned to areas in Bosnia where they previously lived and where they would have to live as a minority. There is concern that if refugees repatriate only to areas in which their ethnic groups are in a majority the repatriation will have the effect of further reinforcing the ethnic division of the country and the prospects for its eventual partition.

### **Repatriation: the Most Feared Option?**

Refugees, by definition are people who have fled from danger. The primary responsibility and aim of the refugee regime is to protect refugees from being returned to dangerous conditions, particularly where they would be targeted for persecution because of their religion, politics, or ethnicity. History is replete with situations where people have been forced to return to their country only to face persecution and death. It is because repatriation can be so dangerous that there is insistence on the principle of voluntarism.

Just at the end of World War II, the Supreme Headquarters Allied Expeditionary Force (SHAEF) recommended that all German displaced persons be returned to Germany after the war. Fortunately, this decision was not upheld and Jews were exempted. Unfortunately, another decision was not reversed. “After identification by Soviet Repatriation Representatives, Soviet displaced persons will be repatriated regardless of their individual wishes.” Within a few months more than 2 million Soviet citizens were repatriated. Many were returned involuntarily and many were killed, imprisoned, or relocated. These instances were fresh in the minds of the people drafting the refugee convention. A purpose of the refugee definition enshrined in the refugee convention was to be able to distinguish refugees from other persons displaced by wars and to extend international protection to them.

In international refugee doctrine, the ultimate responsibility for the decision to repatriate rests with the individual refugee, not with states, UNHCR, or other representatives of the refugees. While UNHCR is expected to help refugees gain the information they need to make decisions about repatriation—for example by arranging “scouting” missions of credible refugee representatives to their countries to explore the conditions for and attitudes toward their return—UNHCR technically cannot decide for the refugees whether they will return. UNHCR can have significant influence on this decision, however, by limiting the period of support for an organized repatriation. It can reduce, or even withdraw, material assistance to refugees in countries of asylum, although it can be exposed to significant criticism if and when it does so. It can establish programs that support the reintegration of refugees in countries of origin and set timelines for how long they intend to continue them. Finally, a cessation clause can be invoked that declares that the causes of refugee exodus have been addressed and thus UNHCR no longer needs to assume a protection responsibility for the refugees.

While a purpose of the refugee definition was to be able to identify individual refugees from amongst other migrants and displaced persons, circumstances evolved quickly where this concept of international refugee protection was extended to a much wider class of people. This expansion was reflected both in the mandate of UNHCR and in regional conventions, such as the refugee convention of the Organization of African Unity. Large groups of people in Africa and elsewhere, internationally displaced by internal conflicts, gross human rights violations, and man-made disasters, were deemed to be refugees under the terms of these regional conventions or, alternately, UNHCR's mandate. Without resorting to individual refugee determination procedures, on a prima facie basis, mass movements of people were declared to be of concern to the United Nations High Commissioner for Refugees. On this basis, international protection and assistance was extended to them. The principle of voluntary repatriation, initially defined to enable protection for a subset of people who had been displaced internationally, came to be applied to entire mass movements of people. Only two things can happen to delimit this protection: the cessation clause can be invoked or the refugees can be individually screened to determine whether they indeed have a well-founded fear of persecution should they be returned to their country.

From the 1960s up through the 1980s there was little interest on the part of donor states, host states, countries of origin, or international or regional agencies to treat these movements of

people in any other way than as mass refugee movements. With a few important exceptions, host countries in Africa, Central America, and Asia responded hospitably to these mass movements of refugees exhibiting little inclination to encourage the refugees home. After all, most of the refugees were either fleeing decolonization struggles or communist regimes or were resisting apartheid. No short-term solution to these conditions was often in sight. Donor states exhibited their solidarity with host states by making funds available to support what often turned out to be extended periods of asylum. With asylum secure, time could be taken to ensure that repatriation would be safe for the entire refugee population. Tripartite agreements, entered into by the country of origin, the country of asylum, and UNHCR, as the representative of the refugees, spelled out the terms of the repatriation. In some instances, this meant the international community was very slow off the mark to support even voluntary repatriations.

The winding down of colonialism and the demise of communist and apartheid regimes changed enormously the context within which refugee problems are responded to and solutions found to them. First, donor states with little vested interest in the outcome of internal conflicts are less willing to provide resources to support long-term relief for refugees displaced by the conflicts. Second, host states not only are less certain that resources will be available to help offset the expenses of aiding refugees but they no longer gain political advantage from extending generous asylum to masses of refugees. Third, in a historical period where ethnic and religious differences are reasserting themselves, domestic opposition has grown to providing hospitality to strangers or to groups that can potentially upset the ethnic, racial, and religious balances in one's own state. Fourth, the possibilities have increased for the international community to work inside of countries of origin to aid internally displaced persons, repatriates, and other populations affected by conflicts.

All in all, these factors have contributed to the weakening of the institution of asylum. The result is that asylum is both less safe and less secure almost everywhere. In some instances, the option of repatriation is less dangerous than remaining in asylum. The Iraqi Kurdish refugees could not survive in the mountains over the winter and were prohibited from moving further into Turkey to get away from these extreme conditions. They ultimately had little choice but to agree to be escorted back to and protected in their territory by the military, the immediate threat of death in the mountains outweighing the longer term danger of Iraqi vengeance when the military removes or reduces its protective cover.

### **The Right of Refugees to Repatriate**

If refugees want to repatriate to their country they have a right to do so. There are many instances, however, where the international community has refused or has been reticent to assist them to do so. The reason offered for such refusal typically is that the situation is still too dangerous for them to return and that the international community cannot associate itself with assisting returns under such circumstances. Further, the UNHCR may not be able to establish a

sufficient presence in the country to monitor whether repatriating refugees are being treated properly upon their return.

When El Salvadoran refugees insisted that they be allowed to return to their country from Honduras prior to the conclusion of the conflict, UNHCR initially declined to assist the repatriation. Similarly, Tigrayan refugees returned to Tigray from Sudan against the advice of UNHCR while the conflict was still under way there. In this case there was concern that supporting a return of refugees to an area of a country controlled by rebel movements without the consent of the official government of the country of origin could be perceived as a partisan political act. Ultimately, UNHCR agreed to help transport the refugees to the border but did not provide assistance inside Ethiopia's Tigray province. Cross-border aid was provided to the repatriates inside Tigray via the relief arm of the Tigrayan People's Liberation Front on a bilateral and semi-clandestine basis.

Stung by criticism that it was not acting swiftly enough to assist refugees who wanted to return to their country even prior to the end of conflicts, UNHCR began to experiment with facilitated repatriation. After the Soviet Union left Afghanistan there was a belief that large numbers of refugees would return. This did not happen. UNHCR was confronted with a situation of declining donor support for assistance programs in Pakistan. To stimulate return to Afghanistan, UNHCR began buying back the ration cards of refugees if they agreed to return to Afghanistan. Additionally, they provided refugees with repatriation packages and transportation to the border. They helped negotiate safe passage back to the areas to which the refugees were returning. More than 300,000 refugees returned to Afghanistan through these arrangements within a year. Subsequently, more than 1 million refugees returned to Afghanistan as it became clearer that certain areas of the country were reasonably safe for return, even though the internecine struggle in Afghanistan had not ceased.

The case of Rwandan refugees in Zaire and Tanzania has proven to be among the most problematic of any refugee situation the international community has confronted. Soon after the mass exodus from Rwanda into these states key donor states, the government of Rwanda, host states, as well as the UN decided that repatriation was essential to avert renewed conflict in Rwanda. Efforts to promote repatriation failed, by and large. Refugees remained in the camps, captives of the Hutu extremists. The international community proved incapable of breaking the control extremists held over the general refugee population. Ultimately, it took the action of a Tutsi-led military force to break up the camps and provide "opportunity" for the refugees to go back to Rwanda. In the meanwhile, hundreds of millions of dollars had been spent on relief programs for the refugees while rehabilitation and development activities inside Rwanda were kept on hold awaiting the repatriation of refugees.

In the Rwandan case it clearly was not sufficient to voice that refugees have a right to voluntarily repatriate. Only positive actions could have promoted this possibility. The international community proved incapable of separating the extremist leaders from the general population and of moving the camps away from the border where they were less a threat to

Rwanda. The failure or inability of the international community to gain control of the camps through security arrangements, registration, food distribution, the allocation of health and other services, and perhaps by screening the camp population to determine whether they deserved refugee assistance and protection led to circumstances where repatriation, even of willing repatriates, was done under coercive conditions. Repatriation was not a viable option for many of the Hutus who fled Rwanda. Failure to deal with this reality and create possibilities for them in the region ultimately decreased the chances that refugees who wanted to return to Rwanda could do so voluntarily.

### **Repatriation as the Only Option**

An often forgotten third aspect of the United States commitment to the post-World War II recovery of Europe was that in addition to assuming a major share of the burden for the military security of western Europe and providing development assistance through the Marshall Plan, the U.S. would also help relieve western Europe of the burden imposed on them by the massive exodus of refugees from Eastern Europe and the Soviet Union. In fulfilling this commitment, during the decades of the 1950s and 1960s the United States resettled several million refugees from Eastern Europe and the Soviet Union. Western European states permitted hundreds of thousands of refugees from these areas to integrate in their countries as well. Had the United States and other immigration states such as Canada and Australia not been willing to help with this influx western European states might have had to take a much stronger stand against large-scale migration from the East.

In 1980 the United States alone resettled more than 225,000 refugees from Indochina, Cuba, Eastern Europe, the Soviet Union, and elsewhere. The availability of resettlement in the United States and elsewhere helped to secure asylum first in states that were reticent to receive refugees if the consequence was a long-term burden. In 1979, at the International Conference on Indochinese Refugees, hosted by UNHCR in Geneva, third states assured countries in Southeast Asia that if they provided temporary asylum to refugees from Vietnam, Laos, and Cambodia, western states would agree to resettle the refugees at high rates over the ensuing years. Without this commitment to resettlement, states such as Thailand, Indonesia, and Malaysia were prepared to push Vietnamese boats back to sea and Cambodian refugees back into Cambodia.

In both of the above instances, the availability of third-country resettlement as an option secured at least temporary asylum for refugees. Since the latter part of the 1980s the commitment to third-country resettlement as a solution has declined. The longstanding gentlemen's agreement between the United States and western Europe has ended, so far as handling population movements from the East is concerned. That is evidenced by the fact that the United States is playing almost no role in absorbing the large-scale movements of people into western Europe resulting from the break up of the Soviet Union and of Yugoslavia. The Comprehensive Plan of Action on movements of people from Indochina brought to an end the exodus from this area, creating conditions for Indochinese asylum seekers whose cases for refugee status were turned down in individual status determinations to return to their countries of origin.

In the 1960s and 1970s, several African countries that had experienced significant refugee flows set aside large tracts of land on which refugees were provided the opportunity to settle. During this period, hundreds of thousands of African refugees moved to these settlement areas in Somalia, Tanzania, Uganda, Zambia, and Zaire. By the 1980s, both because land was becoming more scarce and also because new refugees kept coming, the African states stopped making land available for settlements. In any case, few of these settlements ever became self-sufficient. Furthermore, most refugees in the settlements did not acquire citizenship in these countries and the accompanying privileges concerning property rights, commerce, and access to services. For African refugees, the possibility of third-country resettlement never really presented itself except on an exceptional basis.

Since the late 1980s little support has been provided to any durable solution except repatriation. By process of elimination repatriation has emerged as the only possible avenue for addressing most refugee situations.

### **Repatriation as the Least Worst Option**

When other solutions are not available and asylum collapses, imposed or forced repatriations can all too easily be the result. There has been a precipitous decline in the interest of states to support the principle of voluntary repatriation. Indeed, many of the states that articulated the greatest commitment to this principle have themselves constrained access to asylum and participated in the practice of forcible return of asylum seekers.

Each country that engages in forced or imposed repatriations has special reasons for doing so. The United States has returned Cuban and Haitian asylum seekers on the basis that those seeking asylum can apply for refugee status in these countries under agreements between the countries and the United States. Germany takes the position that Bosnians were granted temporary asylum until conditions in their country permitted safe return. Now that “peace” prevails in Bosnia, refugees can return safely to areas of their country where they are in a majority without risk of persecution.

The more visible recent examples of forced or imposed returns are the Iraqi Kurds, Muslim Rohingas from Burma, and Rwandan Hutus from Tanzania and Zaire. The mass movement of Iraqi Kurds into Turkey was represented as a threat to regional security. Under the terms of UN Resolution 688, the Iraqi Kurds were not allowed asylum in Turkey and were repatriated with the assistance and protection of a UN-sanctioned military force.

In late 1991 Rohingya Muslims began fleeing Myanmar in the wake of scaled up attacks, persecution and discrimination against them. Bangladesh allowed them entry but made it clear that they could not stay. Difficult negotiations occurred between the Bangladesh government, the government of Myanmar, and UNHCR that resulted in agreement that Myanmar would accept the refugees back and that UNHCR would be granted access to the returnee areas so they could

monitor returnees' circumstances. Given the abominable human rights record of Myanmar and the repeated pattern of persecution of the Rohingya minority in Myanmar, many refugee and human rights advocates have questioned the propriety of UNHCR's involvement with what they see as an "imposed" if not outright "forced" repatriation. These groups worry not only about the condition of this repatriation but also about what precedent is being set for the terms of any repatriation of refugees from Myanmar that now have very insecure asylum in Thailand.

While not challenging that the repatriation to Myanmar is occurring under less than ideal conditions, some defend UNHCR's actions by saying it is the best that could be achieved under the circumstances. UNHCR could have protested loudly and not been involved with the repatriation. They doubt, however, that this would have prevented a repatriation from taking place; rather the repatriation would have occurred under even worse conditions than it did. Refugees have an opportunity to make the case with UNHCR that they have particularly compelling reasons for not returning to Myanmar. UNHCR has also gained access, albeit more limited than they might have wanted, to the areas in Myanmar to which the Rohingya have returned. They are therefore in a position both to assist with their reintegration and monitor their safety. Dennis Macnamara, the UNHCR director of protection, says under the circumstances, the position UNHCR has taken is the "least worst option."

This characterization can be even more aptly applied to the repatriations from Zaire and Tanzania to Rwanda. Although in these cases the more accurate characterization may be one of "too little too late." These repatriations occurred so suddenly and on such a large scale that UNHCR had to decide quickly between refusing to be of help to the refugees in their return or to do what they could to help the refugees get back to Rwanda safely. Many suffered and died in the repatriations and, no doubt, there are many repatriates now languishing in Rwandan prisons who, if their cases were reviewed, would not be found to be implicated in the genocide.

For the refugee regime and for the defense of the principle of voluntary repatriation the Great Lakes crisis has been disastrous. The camps never were brought under control and they continued as safe havens and bases of operations for the perpetrators of the genocide. Efforts to assist and protect the refugees in asylum did not ultimately save them from forced dispersal either back to Rwanda or further into Zaire, areas to which UNHCR and the rest of the humanitarian and human rights community have only extremely limited access. Not only was there a failure to prevent the genocide and a failure to prevent a disorderly and forced breakup of the refugee camps, efforts to protect particular refugees determined by screening procedures to be convention refugees from forcible return to Rwanda in many instances have not succeeded. Hundreds of millions of dollars were spent on addressing the humanitarian crisis in the Great Lakes. Only the most complicated of calculations could reach an accurate determination as to whether the intervention actually saved lives.

The failure in the Great Lakes to establish a suitable context for international action makes it all the more important that the more positive cases of refugee repatriations to places such as Namibia, Mozambique, Central America, Cambodia, Eritrea, and Ethiopia be emphasized.

## **Repatriation: a Link to Post-conflict Peace and Development**

During the 1980s there were two international conferences on assistance to refugees in Africa (ICARA I and II) in which African states raised the issue that refugees had substantial impacts on their economies and that international aid should help defray the costs of these impacts. While few additional funds were raised as a result of these two conferences they did lay the groundwork for subsequent debates on the relationship between refugee aid and development and on area-based strategies for assisting refugees and local populations. The second ICARA conference entitled “Time for Solutions” encouraged African states to integrate the refugees after so many years of providing them with temporary asylum. Unfortunately, refugee funds could not be made available for these purposes and the development authorities of donor and host states did not see the integration of refugees as a priority for the use of scarce development resources.

Some of the dialog and ideas that began at ICARA took greater shape in the context of finding solutions to the problems of refugees and displaced persons in Central America. A regional conference that came to be known under its Spanish acronym CIREFCA placed the issue of the repatriation of refugees firmly within a framework of promoting regional peace and development. Indeed, the main theme of CIREFCA was that repatriation, peace, and development were intricately linked and that none of these possibilities could move forward independently of the other. Within this framework, initially difficult discussions between refugee and development agencies as well as between international agencies and indigenous nongovernmental organizations took a more positive shape.

For UNHCR the idea of Quick Impact Projects (QIPs) grew out of its Central America experience. QIPs became a mechanism and means for UNHCR to rapidly support, with modest resources, projects that would both facilitate return and reintegration of displaced populations as well as alleviate bottlenecks to the recovery of local economies. While some controversy continues as to whether UNHCR is able to select projects that provide a sustainable transition into the process of development, the commitment of UNHCR to designing and implementing QIPs led to its more active engagement in countries of origin. Obviously, UNHCR's justification for increasing its presence and program in countries of origin has to be based on helping refugees reintegrate back into their societies. A focus on reintegration, however, means that UNHCR must address the needs of the overall community as efforts to help repatriates alone are likely to create rather than heal differences. Via QIPs then UNHCR has sought to become a quick entry point, at the grass-roots level, for supporting the process of economic recovery and community reconciliation.

UNHCR's involvement with assistance projects in countries of origin draws it into a more operational role in settings where, in the past, its principal role had been to monitor compliance of the country of origin with the terms of tripartite repatriation agreements. UNHCR has become both a partner with other international agencies in the design and implementation of post-conflict reconstruction and development strategies and a competitor with other agencies for the resources to implement these transitional strategies. Though this type of involvement in countries to which

refugees are repatriating represents an expansion of UNHCR's program activity it is also quite constrained as involvement is limited to the period of refugee repatriation and the immediate post-return process of reintegration. Having had a major presence in countries such as Cambodia and Mozambique during and for a year or so after the repatriations, UNHCR quickly scaled down its staff and project profile after this. It is therefore in UNHCR's interest to use its potential early influence on post-conflict recovery to draw the attention, expertise, and resources of other development actors to programs, approaches, and perspectives that will assure the continued integration of refugees into their communities in safety and dignity.

## **Concluding Observations**

Though repatriation is occurring at unprecedented levels, the mantra that repatriation is the preferred solution to refugee problems is no longer repeated by humanitarian advocates with the same conviction as in recent past. The other durable solutions to refugee problems—settlement in the country of asylum and resettlement to third countries—have fallen into disuse and efforts need to be made to resuscitate them as strategic options for securing first asylum and protecting the voluntariness of repatriation. For now, the unavailability of other durable solutions to refugee problems coupled with the decreasing commitment to asylum means that repatriation, by default, is the only possible recourse for addressing many refugee situations.

Voluntary repatriation of refugees is a concept that is fundamental to the refugee regime. It must be vigorously defended by UNHCR and other refugee advocates. The refugee definition contained in the 1951 refugee convention was devised to distinguish refugees from the much larger group of people who migrate because of wars and other disturbances. The concept of voluntary repatriation was intended to protect refugees from being returned to situations where they would face persecution and death and to protect their right to return to their country when they wished to do so. The principle of voluntary repatriation came to be applied widely to mass movements of people across borders caused by internal conflicts, famine, and other man-made disasters. This wide application of the principle of voluntary repatriation was encouraged because there was little desire to send people back to communist, colonial, and apartheid regimes. In this new political era, while there is continued willingness of the international community to respond to humanitarian emergencies, there is also greater impatience for persons displaced by them to return to their homes as soon as possible after the acute emergency is over. In the face of such pressures, the key question for UNHCR is how, both conceptually and practically, it can separate those individuals and groups of priority concern from large aggregate populations to ensure that no one who has a well-founded fear of persecution is returned against his will.

Repatriation is occurring under a great diversity of circumstances: while conflicts persist, when basic human rights issues that caused the repatriation have not been addressed, and as part of peace plans. Refugees go back on their own, they are encouraged to go back by UNHCR and other agencies, and they are compelled to return because of the insecurity of asylum. It is a paradox that it is precisely in the cases where refugees are least likely to go back voluntarily that UNHCR assistance and protection is most needed. The more problematic the repatriation the

more UNHCR needs to be present to aid the repatriates and to monitor their situation upon return. At the same time this readiness to aid repatriates and monitor their situation upon return should not be implemented in a manner where UNHCR can be accused of enabling problematic repatriations. This can be a fine line to walk and UNHCR needs to continue to learn lessons on how to walk it.

As telling as situations are where repatriations do occur are the situations where they do not occur. Of particular concern are situations, such as in the Great Lakes of Africa, where refugees are trapped in refugee camps by leaders that block their return. The right of refugees to return to their country can be a right as difficult and vital to protect as the principle of voluntary repatriation.

Many peace settlements are tenuous. Their sustainability depends on many factors, including the successful repatriation and reintegration of refugee populations. Repatriation, in this sense, is less a solution per se than an aspect of the process of building peace and a climate within which reconciliation, rehabilitation, and development can proceed.

UNHCR has significantly expanded its presence in countries of origin to aid and monitor repatriations and the reintegration of refugees. Of the \$200 million UNHCR is expending annually on repatriation an increasing proportion of these resources is being spent in countries of origin on projects aimed at facilitating the reintegration of refugees. The implications and impacts of UNHCR becoming more operationally involved in countries of origin needs further examination. Significant improvements are required in the collection and analysis of data and information to guide policy and program decision making as well as to enable evaluation of results. In any event, UNHCR's engagement with repatriates is brief. It can help facilitate the process of reintegration of refugees but, as this is a longer term task, attention to and responsibility for it needs to be handed off to development agencies.

The international community, in facing the present challenges of repatriation, must make choices fully bearing in mind that the principles and policies it sets now will have an effect not only on the moment but will also set a precedent for refugee protection in the years ahead.