The Restoration of the Right to Remain: Actualizing the Value of Repatriation to the Peace Process in Ethnically Divided Societies

by

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Table of Contents

Abstract

The quality of mass exodus common to refugee movements resulting from the phenomenon of organized, ethnic violence in recent years is seriously challenging the capabilities of the international refugee response and the efforts of the international community to maintain some sense of global peace and security. A few of these crises situations, Rwanda, Afghanistan, and the former Yugoslavia for example, have been consistently portrayed in the media, raising great international alarm and humanitarian concern. However, many more ethnic conflicts of crisis proportions rage on, thrusting tens of thousands of refugees into an unpredictable life of exile. The unfathomable scope of ethnic conflict, and the problems of mass internal and external displacement associated with this form of internal strife, is demanding an unprecedented level of international involvement in the domestic affairs of the state. The products of ethnic violence have serious international implications which cannot be addressed without attending to the causal factors in the country generating masses of refugees and/or perpetuating regional instability. The purpose of this thesis is to examine the means by which repatriation may be used as a tool to foster peace in these volatile societies. This enables the dualistic nature of repatriation, as a solution to the refugee crisis and as an instrument of peace, to be capitalized upon for the betterment of the refugees, their homelands, and the international community as a whole. In its entirety, this thesis presents a comprehensive analysis of the value of repatriation to peacebuilding activities in ethnically war-torn societies.

This thesis is, principally, the product of an intensive literature review whereby the direct connection between refugee movements and instances of ethnic conflict emerged as an undeniable truism. In recognition of this, it maintains a consistent focus on pursuing these problems through simultaneous and mutually complementary endeavours, with repatriation serving as the central means for linkage. The most fundamental conclusion arising from this thesis is that repatriation is, and must subsequently be conceived of as, an integral component of the larger peace process in regions affected by ethnic conflict, as opposed to the result of an established peace. This conclusion is both reflective of the shift away from traditional responses to refugee movements and intrastate disputes, and a derivation from the theoretical plausibility for repatriation to advance the peace process. The main issue of contention is devising strategies to manifest practically the acknowledged value of repatriation to the peace process in societies devastated by horrendous acts of ethnic violence. This thesis stands as a contribution to the ongoing effort to unite repatriation and peace initiatives on a broad spectrum of issues encompassing economic development, democracy, human rights, and tolerance.

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Chapter 1

Introduction

The post-Cold War era has signified a major transition in the evolution of the international refugee response as traditional philosophies and solutions prove to be largely ineffective and increasingly undesirable. Most notably, the characteristic element of mass exodus has led many recipient states to express grave concern over the burdens an exiled population inevitably imposes upon its country of refuge.[1] The central manifestation of this has been the rise of the *closed borders phenomenon,*[2] whereby states employ a plurality of mechanisms to prevent masses of refugees from entering their country.[3] As a consequence of such developments, the international refugee response is being forced to re-evaluate its past and present approaches to the refugee crisis, and to devise more innovative and proactive strategies.

The international community is comprised of states, peoples, and organizations. All of these actors have the capacity to work toward the resolution of ethnic conflict and its resultant refugee crisis. Although these actors have differing interests, when the United Nations commits itself to the resolution of particular crises, its member states, humanitarian agencies, and relevant nongovernmental organizations (NGOs) operate relatively in concert. Inevitably, the various actors in the international system will be most interested in resolving a crises situation when they are directly affected by its existence and, subsequently, have a stake in its resolution. Even though the powerful nations of the developed world, particularly the United States, are often able to dominate the decisions that are made in the international arena, citizen-motivated NGOs and

smaller states can instigate international action in a given situation by raising global awareness and acting collectively.

As the international community struggles to come to terms with the contemporary dynamics of the refugee crisis and the relative unwillingness of states to assume their share of the refugee burden, an emphasis on repatriation[4] as the favoured solution to their predicament is emerging.[5] This is being driven by a number of assumptions and practices that are centred on the elimination of root causes. Arising from this is the adoption of a homeland-oriented approach[6] to repatriation that stresses the right of the refugees to return to and remain in their own country. This represents a dramatically altered philosophical basis for the management of the refugee crisis than that which prevailed when the Office of the United Nations High Commissioner for Refugees (UNHCR)--the primary international body mandated to protect and assist the world's refugees and to find durable solutions to their plight--was formed in 1950. Nonetheless, the agency is embracing this preference and taking the necessary measures for its implementation.

Although there are a multitude of causal forces producing masses of refugees, violent ethnic conflict has become the most predominant.[7] As the product of a variety of internal and external factors, these conflicts continue to be distinguished by a motivational desire for an ethnically homogenous state that is to be obtained at even the greatest of human costs. Since this goal necessitates the removal of rival ethnic groups, mass outflows of refugees are deliberately generated.[8] Therefore, eliminating the root causes of their exodus centres on the comprehensive reconstruction of the ethnically war-torn society from which they fled. Through a seven pronged approach encompassing

disarmament, humanitarian assistance, social reconstruction, economic reconstruction, political reconstruction, psychological reconstruction, and repatriation, the root causes of the refugee crisis and, in turn, the conflict itself may be fully addressed.[9] Individually, these components are incapable of producing peace or bringing a durable resolution to the refugee crisis. However, these measures can achieve the desired ends when implemented in concert. Although there are progressive stages within each of these components, their pursuit must run concurrently if the causal relationship between these activities and peace is to be actualized. Cambodia was the first attempt at such an integrated, holistic approach to peace, but the ongoing MINUGUA mission in Guatemala appears to be even more comprehensive.

It is the argument of this thesis that the repatriation of the refugees is, and must be recognized as, an integral component of the peace process in ethnically divided societies. The linkage between repatriation and peace is not as simple as cause and effect. However, the peace cannot be achieved without the involvement of the returning refugees in all facets of the larger peacebuilding effort, as they are the ones who were driven from their country by the conflict. Repatriation does not equal peace, but it is an essential component of it. In order for the peace to be sustainable, their return must be reflected upon and accommodated for by the other six components necessary for the reconstruction of their homeland. In turn, the durability of their return is equally dependent upon an intimate connection to the peace process. Consequently, the international community must do all that it can to restore the right to remain in a manner that has the safety of the refugees, their long term interests, and their contribution to the attainment and maintenance of peace in their respective countries as primary concerns.

Many of the recent ethnic conflicts, as witnessed in Rwanda where inter-ethnic strife predates the country's independence from Belgium in 1962, express a sense of inevitability because they exist in societies marked by ethnic animosities and rivalries for decades, even centuries.[10] Regardless of the endurance of ethnic tensions, a predisposition toward violence and hostility is not inevitable. Ethnic difference, alone, is not a source of violent conflict, and it only becomes such when it is given a meaning in terms of political, economic, and/or social privilege.[11] Ethnic conflict refugees are not like other refugees, and their crises cannot be resolved through a traditional emphasis on resettlement. This is primarily because these individuals have been systematically denied their basic human right to remain in their own country by the activities of ethnic extremists or entrepreneurs;[12] that is, those seeking personal advancement by the manipulation of antagonistic ethnic sentiments.[13]

Recognition of the validity of human rights is central to an understanding of repatriation's role within the peace process in ethnically war-torn societies. Although human rights, such as life, liberty, and freedom of movement, are entrenched within several international human rights agreements dating back to the 1948 Universal Declaration of Human Rights, their existence supercedes the existence of these documents. Hence, respect for these rights transcends territorial borders. Indeed, as Imre Szabo illustrates, human rights are deeply rooted in natural law:

> . . .at the time that men passed from the primitive state to the social state they concluded a contract between themselves (the idea of which was first posited long before Rousseau), and by this contract they renounced part of their natural rights, which they had enjoyed in their free state while preserving certain basic rights: the right to life, freedom and equality. The rights thus preserved constitute eternal and inalienable rights that every social and state system is obliged to respect.[14]

Since human rights are inherently possessed by all individuals, they cannot be calculatingly violated. The numerous international covenants and declarations serve as a valuable articulation of these rights, as they give the international community a legal basis from which to deal with their abuse. However, the rights themselves are derived from human existence, not the documents that describe human rights. Because of international human rights law, as seen in its many declarations and covenants, the international community has an obligation to do all that it can to restore the right of the refugees to return to and remain in their homeland.

The masses of refugees fleeing from ethnic violence represent a large group of people whose human rights have been seriously abused.[15] Human rights violations of such mammoth proportions as ethnic cleansing or genocide are irrefutable justification for international action to remedy a situation that the domestic government is either unwilling or unable to resolve. For both practical and moral reasons, ethnic violence in any region of the world cannot be permitted to endure, nor can the resultant refugees be permitted to remain in camps with little or no hope of resuming a normal life. Not only are the opportunities for externally resettling refugees declining, but the desirability of this solution to their crisis is diminishing as well.[16]

Ethnic conflict is not solely the plague of those countries struggling to transform themselves in the wake of their transition from communist or authoritarian rule to some form of democracy. Alarmingly, it has been estimated that one half of the world's states have recently experienced inter-ethnic strife.[17] As a phenomenon associated with intolerance and mismanagement of ethnic diversity, it can be encountered anywhere. Ethnicity embodies an element of emotional intensity that can be readily aroused when

the group's interests are thought to be at stake.[18] However, even at peak levels of violence, it is not an unstoppable force of destruction. A society engulfed by ethnic violence can be transformed into a society that espouses peace and ethnic acceptance as its highest values. However, this transformation cannot proceed unless the reality of ethnic heterogeneity is accepted.

With so many ethnic conflicts leading to atrocities such as those committed in the former Yugoslavia, the future implications of this form of violence on the refugee crisis, and the ability of the international community to cope with that crisis, are enormous. For example, it is estimated that the conflict in Rwanda between the Hutus and the Tutsis led to the death of nearly one million people, or one eighth of the entire population, between April and August of 1994 alone.[19] This situation stands as just one instance wherein the capabilities of the international community to resolve a conflict situation and the resulting refugee crisis were overwhelmed by the manifestations of ethnic violence. In any instance of this sort, prevention is without question the preferred solution.[20] Although it may be too late for prevention once the violence has erupted and the refugees have fled their homes, it is never too late for resolution and effective management. Repatriation expresses this hope for, and commitment to, the realization of a peaceful future.

The focus on repatriation has been consistently gaining momentum in the post-Cold War era with an unprecedented, and yet to be surpassed, number of refugees, averaging 46,000 a week, being repatriated in 1992.[21] Such statistics are incredible, but the emphasis on return must continue to be driven by the genuine interests of the refugees and the prospects for the generation of a lasting peace. In turn, the international community must be intensively involved in the development and institution of the

repatriation operation, viewing it as a central component of the peace initiative. This includes taking all possible action to assist in the return, to oversee the reintegration, and to cultivate widespread acceptance of the repatriation.

The recent tendency for large scale repatriations to take place in the midst, rather than at the end, of a conflict manifests growing acknowledgement of its contribution to the attainment of peace.[22] Clearly, in these situations, if the repatriation operation is not executed with the greatest of care, the refugees are placed at even greater risk and the prospects for peace further hindered. However, this trend of initiating repatriation before the peace is complete or secure demonstrates the possibilities and realities for it to serve as a peacebuilding tool. For example, the beginning of negotiations to determine the conditions under which the refugees will return and how they will be reintegrated, brings all parties together to discuss how they will once again cohabit. Thus, it enables the parties to the conflict to arrive at compromises that will sustain both the peace and the repatriation.

Recognizing and addressing the connection between refugee movements and the rise of ethnic conflict is an important area of academic endeavour because of the significance of these problems in the 1990s. David A. Lake and Donald Rothchild highlight the urgent need to attend to these issues:

> Since the end of the Cold War, a wave of ethnic conflict has swept across parts of Eastern Europe, the former Soviet Union, and Africa. Localities, states, and sometimes whole regions have been engulfed in convulsive fits of ethnic insecurity, violence, and genocide. Early optimism that the end of the Cold War might usher in a new world order has been quickly shattered. Before the threat of nuclear armageddon could fully fade, new threats of state meltdown and ethnic cleansing have rippled across the international community.[23]

The dangers of ethnic conflict are not confined to the area of conflict, nor are they easily diluted. Consequently, it stands as a problem of global concern, demanding intricately

planned and implemented solutions. In turn, dealing with the refugee crisis necessitates dealing with the wave of ethnic violence shaping the nature of the crisis and the international response to it. There has already been extensive academic research on the rise of ethnic conflict in the post-Cold War era and the dynamics of the contemporary refugee crisis: Myron Weiner's **The Global Migration Crisis: Challenge to States and to Human Rights,** Michael E. Brown's **Ethnic Conflict and International Security,** Milton Yinger's **Ethnicity: Source of Strength? Source of Conflict?,** and Kumar Rupesinghe's **Ethnic Conflict and Human Rights,** are a few examples. Although the majority of these works recognize the interconnectedness of the two events, this thesis seeks to take that recognition a step further; that is, to examine the plausibility of employing repatriation as a peacebuilding tool designed to contribute to their simultaneous resolution.

Throughout the international community, there has been a consensus in favour of repatriation, but this has not been accompanied by sufficient inquiry into the problems and prospects of this solution in societies severely divided along ethnic lines. Refugee movements resulting from outbursts of ethnic violence are distinctive, most notably for their large scale and deliberate generation.[24] When properly executed, repatriation is the best solution because it also deals with the conflict itself in terms of its existence serving as the major cause of the flight.[25] In returning the refugees and seeking their reintegration into their former societies, the xenophobic sentiments, absence of ethnic tolerance, and lack of respect for human rights which have led to the uprising of ethnic violence may be addressed through comprehensive and practical methods.

With the next millennium quickly approaching and the dynamics of the international system, and the problems confronting it, changing so dramatically, it is time to think creatively about the major issues facing our world. The end of the Cold War has signified exciting new possibilities for international cooperation in the pursuit of common goals, particularly those of peace and security, but it has also signified the proliferation of ethnic conflict, leading to masses of refugees and internally displaced persons.[26] Despite the fact that the prospects for world peace may never have been greater, its absence remains a disappointing reality. Thus, examining the new and persistent challenges to the realization of these goals necessitates that issues, such as the refugee crisis and ethnic conflict, be approached through new perspectives that better reflect their full complexity.

This examination attempts to contribute to the study of refugees and ethnic conflict by showing the intimate relationship between the two and how their resolution may be arrived at through simultaneous and complementary pursuit. The formulation of an integrated and comprehensive approach to these issues must be the aspiration of the international community, so that an all-encompassing strategy for the reconstruction of war-torn societies may ultimately be realized. This thesis does not attempt to present an exemplar method for bringing repatriation under the umbrella of the larger peace process. Rather, it attempts to draw greater attention to the possibilities for such integration. Repatriation serves a dual purpose that must be recognized and expanded upon for the benefit of the refugees, the reconstruction of their homelands, and the preservation of international peace and security.

The phenomena of refugee movements and violent ethnic conflict cannot be abolished from the human experience entirely; however, they are resolvable, and often

preventable, through a concerted international effort. With each refugee crisis and instance of ethnic conflict that is successfully resolved, the international community increases its capacity to resolve these problems in the future. Although repatriation will be presented as the best solution to the refugee crisis and as an indispensable instrument of peace, it is acknowledged that it is not a self-fulfilling ideal for resolving refugee movements and ethnic conflict. Further, in order for it to reach its highest potentialities in the attainment of these goals, there must be international and local commitment to the success of the repatriation operation and to its entrenchment within the larger peace process.[27]

Repatriation is a solution to the refugee crisis embodying great promise, in conjunction with the possibility for great peril. If the refugees are not repatriated through efforts to resolve the conflict plaguing their country, then they will likely be returned to an unwelcome environment. The result can be that they encounter the same, if not worse, conditions than those that drove them to flee in the first place. Refugees must not be returned to their detriment, simply to alleviate political, economic, and/or social burdens imposed upon host countries and the international community. It is generally understood that the protection of the world's refugees is a global responsibility that should never be neglected or short-changed.[28] The extent of global willingness and commitment to fulfill this responsibility is a measure of the value we place on the prevention and termination of human suffering.

At a time when the refugee crisis has become a problem of increasing frustration and strategic disinterest for many of the world's states, it is easy to see why repatriation has become so widely embraced.[29] However, we must focus on the realization of the

positive aspects of repatriation; principally, having refugees returned so that their future prospects, as well as those of their homeland, may be forever improved. Unfortunately, repatriation tends to be the easy part, with its sustenance typically being more complicated.[30] Yet, it is their successful reintegration that is so integral to the peace process. Thus, repatriation must be conceived of as more than a meagre solution to the burdensome refugee problem; that is, it must be recognized as a fundamental activity capable of establishing long term peace and respect for human rights.

The arguments advanced in this thesis are primarily the product of an intensive literature review which was complemented by the analysis of statistical data. However, the difficulty of obtaining absolute numerical figures on refugees, their situation, and their repatriation must be noted. Since these are people on the move in fear for their lives, it is difficult to gain accurate information on their situation. This is not only a problem for the scope of this analysis, but for any inquiry into the refugee situation. Even UNHCR, the primary source consulted for statistical information, is plagued by this difficulty of obtaining accurate data on the world's refugee population. The nature of the phenomenon naturally inhibits the collection of concrete numbers, and this complicates the work of UNHCR as well as those seeking to gain and/or provide a greater understanding of the modern refugee crisis.[31] There is no case study as a part of this thesis. The reasons for this are numerous. As mentioned, the difficulty in obtaining anything other than gross data of varying reliability could call into question a more empirically oriented thesis. A number of studies have been done, but none address the problem of an integrated approach to peacebuilding. Finally, the only integrated approach to be set in place is that of the

Guatemalan MINUGUA operation and it is too early to derive any insight from this UN effort.

The terms which are central to an understanding of this thesis are contained in a glossary as Appendix 1. This glossary provides the reader with a brief definition of these key terms in alphabetical order. As a complement to this, Appendix 2 provides a briefly annotated list of online sites which one could consult for more information on the issues examined in this work. Also contained within the Appendices section, are several charts highlighting various aspects of the refugee crisis including major repatriations and the growing significance of the problem of internal displacement in addressing the predicament of the world's refugees. As a source of visual enrichment, these charts reinforce the articulated arguments. To conclude the Appendices section, Appendix 6 provides a list of countries experiencing inter-ethnic strife in the 1990s.

This first chapter has sought to refine the subject area that will be examined and to express the primary intentions of the author. Overall, this thesis seeks to present repatriation as the favoured solution to the refugee crisis for its practical and moral applicability, as well as its ability to further the peace process. As the theoretical basis, Chapter Two lays the foundations for this analysis. It examines differing theories of ethnicity and ethnic conflict, and sets the theoretical structure for the reconstruction of an ethnically war-torn society. These issues are explored within the context of their relevance to the refugee crisis and its long term resolution. Chapter Three is more focused on the refugee crisis and the changes that it has undergone in the post-Cold War era of ethnic violence. This examination is conducted through an analysis of UNHCR's capability to survive the challenges of a dramatically changed era. The ability of this

agency to thrive and endure is of fundamental importance to the employment of repatriation as a solution to the refugee problem and as an instrument of peace.[32] The peace process requires the concerted effort of all applicable local, regional, and international agencies, and UNHCR is clearly among the most central of these in instances of ethnic conflict where hundreds, thousands, even millions have been forced from their homes.

Chapter Four presents an analysis of how repatriation may be tied to the peace process in ethnically war-torn societies to maximize the success of both initiatives. In turn, it delves into the problems and prospects of repatriation as an instrument of peace and venue of resolution for the refugee crisis. The principal idea emerging from this chapter is that repatriation can successfully, and moreover must necessarily, be integrated into every aspect of rebuilding an ethnically war-torn society. Indeed, no peace initiative is complete without consideration of their predicament. In conclusion, Chapter Five advances that the ability of the international community to deal with ethnic conflicts and their resultant refugee movements in the future is contingent upon international and domestic recognition of the value of repatriation to the peace process. Furthermore, the assumption of a proactive, international role in these matters requires a realization, on the part of all states, of the significance of these events to their national interest.[33] After all, the degree of political commitment to the effective prevention and resolution of these crises is often the greatest determinant in the success of these initiatives.

There is an obvious and growing need for a proactive approach to the problems of ethnic conflict and refugee movements which the international community has been reluctant to assume as a consequence of traditional principles of state sovereignty and

conceptualizations of national interest.[34] However, it is one that must be embraced if the major threats to international peace and security are to be warded off. It is inevitable that this will necessitate the rethinking of sovereignty as a shield for state activity no matter how detrimental it may be to the state's own population or to the stability of the international system. Indeed, this process has already begun, and the limitations placed upon sovereignty because of flagrant human rights violations show great promise for future international regulation of internalized conflict.[35] Without question, this pursuit will be marked by a process of trial and error through which those solutions that work best must be extracted for further improvement.

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[1] United Nations High Commissioner for Refugees. **The State of the World's Refugees, 1993: The Challenge of Protection.** Toronto: Penguin Books, 1993. p. 99.
[2] See Appendix 1.
[3] Weiner, Myron. **The Global Migration Crisis: Challenge to States and to Human Rights.** New York: Harper Collins College Publishers, 1995. p. 5.
[4] Ibid.
[5] **Voluntary Repatriation: A Background Study, Prepared for the Round Table on Voluntary Repatriation Convened by the Office of the United Nations High Commissioner for Refugees in Co-operation with the International Institute of Humanitarian Law.** San Remo, Italy. 16-19 July 1985. p. 7.
[6] See Appendix 1.

[7] United Nations High Commissioner for Refugees. **The State of the World's Refugees, 1995: In Search of Solutions.** Toronto: Oxford University Press, 1995. p. 22.
[8] Ibid. p. 22.
[9] Fagen, Patricia Weiss. UNRISD War-Torn Societies Project. **After the Conflict: A Review of Selected Sources on Rebuilding War-Torn Societies.** November 1994. Http://www.unicc.org/unrisd/wsp/txt/wsp-op1.txt. Accessed February 16, 1998.
[10] United Nations High Commissioner for Refugees. **The World: Africa: Rwanda.** Http://www.unhcr.ch/world/afri/rwanda.htm. Accessed October 22, 1997.
[11] Brown, Michael E. ed. **Ethnic Conflict and International Security.** New Jersey: Princeton University Press, 1993. p. 5.
[12] See Appendix 1.
[13] United Nations High Commissioner for Refugees. **The State of the World's Refugees, 1993: The Challenge of Protection.** Toronto: Penguin Books, 1993. p. 20.
[14] Vasak, Karel. **The International Dimensions of Human Rights.** Westport: Greenwood Press, 1982. p. 14.
[15] United Nations High Commissioner for Refugees. **The State of the World's Refugees, 1995: In Search of Solutions.** Toronto: Oxford University Press, 1995. P. 58.
[16] **Voluntary Repatriation: A Background Study, Prepared for the Round Table on Voluntary Repatriation Convened by the Office of the United Nations High Commissioner for Refugees in Co-operation with the International Institute of Humanitarian Law.** San Remo, Italy. 16-19 July 1985. p. 7.
[17] United Nations Institute for Social Development. **Ethnic Violence.** New York: UN Department of Public Information, 1995. p. 1.
[18] Horowitz, Donald L. **Ethnic Groups in Conflict.** Los Angeles: University of California Press, 1985. p. 59.
[19]United Nations Institute for Social Development. **Ethnic Violence.** New York: UN Department of Public Information, 1995. p. 1.
[20] International Institute of Humanitarian Law. **Meeting of Experts on "Prevention," Under the Auspices of the United Nations High Commissioner for Refugees: Concluding Statement.** San Remo, Italy. 18-20 June 1992. p. 13.
[21] United Nations High Commissioner for Refugees. **The State of the World's Refugees, 1993: The Challenge of Protection.** Toronto: Penguin Books, 1993. p. 103.
[22] Ibid. p. 7.
[23] Lake, David A. and Donald Rothchild. "Containing Fear: The Origins and Management of Ethnic Conflict." **International Security.** Fall 1996. Vol. 21. No. 2. p. 41.
[24] **Voluntary Repatriation: A Background Study, Prepared for the Round Table on Voluntary Repatriation Convened by the Office of the United Nations High Commissioner for Refugees in Co-operation with the International Institute of Humanitarian Law.** San Remo, Italy. 16-19 July 1985. p. 9.
[25] Morris, Nicholas. "Refugees: Facing Crisis in the 1990s - A Personal View from Within UNHCR." **International Journal of Refugee Law.** Special Issue. September 1990. p. 43.
[26] United Nations High Commissioner for Refugees. **The State of the World's Refugees, 1993: The Challenge of Protection.** Toronto: Penguin Books, 1993. p. 123.
[27] **Voluntary Repatriation: A Background Study, Prepared for the Round Table on Voluntary Repatriation Convened by the Office of the United Nations High Commissioner for Refugees in Co-operation with the International Institute of Humanitarian Law.** San Remo, Italy. 16-19 July 1985. p. 201.
[28] Amnesty International. **Refugees: Human Rights Have No Borders: Conclusions and Recommendations.** Http://www.amnesty.org/ailib/intcam/refugee/recommend.htm#9. Accessed October 22, 1997.
[29] Suhrke, Astri. "A Crisis Diminished: Refugees in the Developing World." **International Journal.** Spring 1993. Vol. XLVIII. No. 2. p. 239.
[30] United Nations High Commissioner for Refugees. **The State of the World's Refugees, 1993: The Challenge of Protection.** Toronto: Penguin Books, 1993. p. 101.

[31] United Nations High Commissioner for Refugees. **UNHCR by Numbers: Basic Facts.** Http://www.unhcr.ch/un&ref/numbers/numbers.htm. Accessed October 22, 1997.
[32] Morris, Nicholas. "Refugees: Facing Crisis in the 1990s - A Personal View from Within UNHCR." **International Journal of Refugee Law.** Special Issue. September 1990. p. 52.
[33] United Nations High Commissioner for Refugees. **The State of the World's Refugees, 1995: In Search of Solutions.** Toronto: Oxford University Press, 1995. p. 11.
[34] United Nations High Commissioner for Refugees. **The State of the World's Refugees, 1993: The Challenge of Protection.** Toronto: Penguin Books, 1993. p. 132.
[35] Kaysen, Carl and Laura W. Reed. eds. **Emerging Norms of Justified Intervention: A Collection of Essays from a Project of the American Academy of Arts and Sciences.** Cambridge, MA: American Academy of Arts and Sciences, 1993. p. 15.

Chapter 2

Repatriation and Ethnic Conflict

Introduction

Despite the preference for repatriation that is being advanced by UNHCR and the other central actors party to or affected by the refugee crisis, it remains a relatively new and inherently difficult solution to implement in ethnically divided societies. Since the particularities of these conflicts manifest the intensity of the hatred that is generated, they present this solution to the refugee crisis with characteristic challenges and complications. Logically, the repatriation and the peace should be designed to contribute to each other's success. However, the achievement of this harmony in resolution is dependent upon a two-fold sense of understanding. First, those working to resolve the conflict must have a vision of how the return of the exiled population will be incorporated into and accounted for by the peace process. Second, those working to resolve the refugee crisis must have a sense of how the activities of the repatriation operation will contribute to the larger peacebuilding initiative. Therefore, these two undertakings must seek to accommodate and facilitate one another on a multiplicity of levels. In order to understand how this can take place in situations of ethnic conflict, there is a need to understand the conflict as the causal force of the refugee movement and as an impediment to its resolution.

The existence of violent ethnic conflict is synonymous with the production of mass refugee flows.[1] Ethnic conflict, like all social conflict, embodies an element of inevitability, as well as naturalness as a consequence of the dynamics of human interaction. Wherever there are groups of people, living together under the confines of a common governmental authority, who differ from one another in values, customs, or any

other fundamental capacity, there will be social disputes from time to time. However, ethnic conflict does not necessarily lead to ethnic war. Thus, it is the intent of this chapter to provide an understanding of how and why ethnic conflict is so often manifested into acts of unspeakable violence. It will also look at how the ethnic factor may be brought under control so that the affected society may begin to move forward. Ethnic conflict is not inevitably expressed in violent terms, and even when this occurs, prospects for long term peace are not entirely lost.[2] The cycle of violence can be broken if the aspects of society which contribute to the perpetuation of violence are adequately addressed. There is no point at which the future of a society becomes hopeless. Even though ethnic divisions may seem to be more intense and cross-cutting than other social cleavages, they are, like gender or socioeconomic class, capable of being managed if the society is endowed with institutions and procedures, and its population ingrained with ideas, oriented toward peaceful methods of resolving disputes.[3]

In order to understand how the ethnic factor is so readily politicized and thereby transformed into a threatening force by which to drive thousands, even millions, from their homelands, it is necessary to understand the fundamental nature of the concept of ethnicity itself. This is the starting point from which we will progress toward an indepth understanding of ethnic conflict and the various aspects of its resolution, including international intervention, the reconstruction of entire societies devastated by ethnic war, and the need to deal with the issue of internal displacement. Even though it is recognized that ethnic conflict can exist without ethnic violence, for the purposes of this analysis, the use of the term ethnic conflict will generally denote those conflicts which are plagued by an element of organized violence. The significance of this chapter to the remainder of this

work resides in its theoretical examination of the nature of the problem of ethnic conflict and its resultant refugee crisis.

Accounting for the Ethnic Factor in Modern Refugee Movements

Ethnic identity is a strong and enduring force which can be highly disruptive to congenial social relations.[4] However, there is great debate over how primordial that identity actually is and whether or not the existence of ethnic allegiances represents a positive or negative force in modern society. This section will attempt to account for the ethnic factor by providing an overview of the dimensions of an ethnic community. In addition, it will attempt to illustrate how ethnicity may become the source of deep-rooted, malicious conflict. The resolution of instances of ethnic conflict requires an awareness of the issues and events which shape the ethnic factor so that strategies may be devised for its management in the preventive stage, as well as at the stage of post-conflict peacebuilding. The concept of ethnicity is at the heart of ethnic conflict, and it is, subsequently, one that must be effectively accommodated when the refugees return to their homeland.[5]

As an element of personal identification and external classification, ethnicity is the product of any number of shared characteristics which are typically of a cultural basis.[6] These shared characteristics are thought to bond the members of the ethnic community together in some fundamental way. Ethnic homogeneity is a rarity in modern society; in fact, even within the most ethnically pure areas, such as Japan, there will always be pockets of minorities.[7] Consequently, J. Milton Yinger defines ethnic groups as representing segments of a larger society in which the members of the group are considered by themselves and/or others to possess a common culture. Their cultural

distinctiveness is deemed to be based upon some combination of the following traits: language, religion, race, and/or an attachment to an ancestral homeland with its related cultural practices. In addition, Yinger contends that these groups are often distinguished by the fact that they partake in shared activities built around their, real or mythical, common origin and culture.[8] Thus, ethnicity is a collective identity whose cohesion is advanced by the members of the group embracing and promoting their common qualities, and/or by other groups constantly reinforcing the significance of their difference.

Ethnic communities are essentially psychological communities in that they are sustained by the beliefs of their members and outsiders concerning the importance of the roots of their distinctiveness.[9] For example, simply by having a name that denotes the existence of the group, a sense of common identity and its importance is reaffirmed. Since their shared culture is thought to be a focal point for the assertion of their identity, the preservation of that culture often becomes one of the most fundamental goals of the group. In addition, the belief in a common ancestry and shared historical memories connect the group by a sense of perceived temporal perseverance. The common sense of attachment to a geographic territory that the group may or may not actually inhabit is another manifestation of the psychologically based phenomenon of ethnic identity, as the emotional pull of a homeland is a major source of group solidarity and political action. All of these factors demonstrate that the most enduring aspect of ethnic identity is its psychological foundation. The members of the group must think of themselves as a group; that is, they must have a sense of their *common ethnicity.*[10] Without the psychological perception of relevant difference, ethnicity would be of meagre significance in modern society.

Clearly, ethnic communities are embedded with a psychological dimension, but whether or not the factors conditioning that collective existence are fostered by the group or imposed by external forces is often unclear. After all, ethnic communities may go through a process known as *ethnogenesis,* whereby the nature of their ethnic identity may be defined or refined by themselves and/or others.[11] Thus, it seems that the psychological component of ethnicity is attributable to the fact that the cultivation of an ethnic identity serves a purpose. That purpose may be to fulfill the personal drive of intimate attachment to those with whom one conceives of a commonality or to fulfill the need for a scapegoat to take the blame for whatever ails society. The denotation and expression of ethnic identity is also unique as a consequence of the fact that the members of the group are often not made self-aware of their difference until it is given a meaning. In the following quotation, Ernest Barker alludes to this aspect of ethnicity as expressed in the claim of many ethnic groups to the title of nation:

> The self-consciousness of nations is a product of the nineteenth century. This is a matter of the first importance. Nations were already there; they had indeed been there for centuries. But it is not the things which are simply "there" that matter in human life. What really and finally matters is the thing which is apprehended as an idea, and, as an idea, is vested with emotion until it becomes a cause and spring of action.[12]

From this comment, one can infer the conclusion that the existence of differences, particularly ethnic differences, are not in themselves a source of conflict. Evidently, it is only when differences are endowed with a certain context of relevance, that their existence becomes something worth acting upon.

Ethnic identity is not necessarily biologically contingent, as is race or gender, but it is generally assumed to be bestowed upon one at birth.[13] Even when the roots of one's

ethnic identity have little personal significance, they will likely mean something to others. This sense of permanency embodied in ethnic identity seems to deny the reality of mixed marriages and the diversity which exists within ethnic communities. Naturally, not every person who is deemed to be a Muslim from birth engages in the activities common to the Muslim faith, yet their initial differentiation as a member of this ethnic group will continue to define their identity, social relations, and opportunities. Furthermore, in times of conflict, historical ethnic ties with a particular group, dating back to one's grandparents or great-grandparents, may suddenly become very important, as can be seen in the former Yugoslavia. Although ethnic difference had meant very little in the decades preceding the Yugoslav conflict, the rapid transition to democracy and a free market economy generated instability and hardship that led to the targeting of scapegoats and a revival of historical animosities.[14]

Since ethnicity is so deeply rooted in emotional sentiments, it is a source of unification capable of transcending all other social cleavages when the identity and/or prosperity of the group are perceived to be under threat. Moreover, ethnic tensions are easily exacerbated by extremists, such as those political leaders seeking to use ethnic antagonisms to maximize support for their activities.[15] However, ethnic diversity is not an inevitable catalyst for conflict, and it has the positive capacity to provide a sense of richness to the human experience.[16] Therefore, it is how ethnic difference is received and managed in a given society that determines whether it will contribute to its vibrancy or violent fragmentation. The problems associated with ethnic pluralism are manageable through peaceful mediums and ethnic difference is capable of being celebrated.

Acknowledging that ethnic diversity is not, in and of itself, the cause of ethnic conflict, the remainder of this section will examine how and why it becomes such. In addition, it will highlight the distinguishable features of this form of conflict that is so often the fountain of refugee movements. Ethnic conflicts are unique for much more than their internal dimension. Even though every instance of conflict is different, there are distinctive commonalties that necessarily shape how the international community responds to instances of ethnic conflict. In turn, these dynamics affect the design and implementation of the repatriation operation. Consequently, as Donald L. Horowitz expresses, there is an ongoing need to attend to these conflicts: "Ethnic conflict is, of course, a recurrent phenomenon. Shifting contexts make ethnicity now more, now less prominent."[17] Evidently, ethnic conflict is becoming a condition of social existence that the international community must continue to seek to understand, and to which it must attempt to formulate a coherent response strategy.

There are two opposing explanations of ethnic conflict. One contends that it is a primordial phenomenon, while the other deems the generation of an ethnic conflict situation to be an instrumentalist technique.[18] Whether ethnic conflict is conceived of as an innate tendency or the product of social construction, does not answer the question of why such conflicts lead to horrendous acts of violence. Moreover, this debate can never truly be resolved because it is a *chicken and egg* sort of problem. Even if the phenomenon is innate, society seems to foster its existence. Reciprocally, if society has constructed the phenomenon of ethnic conflict, then we can contend that society is merely responding to primordial tendencies. Clearly, any effort to determine the origin of ethnic conflict is beyond the scope of this thesis which seeks merely to address its effects in reference to

the production of masses of refugees. Nevertheless, despite the tremendous difficulty of determining the exact origin of the concept of ethnic conflict itself, there are discernible factors which increase the likelihood of ethnic tensions giving rise to ethnic violence.

Theoretically, there are only two conditions necessary for the presence of ethnic conflict. The first being that a state has two or more ethnic groups living within its borders and the second being that at least one of the groups feels aggrieved for reasons relating to ethnicity.[19] Beyond this simple grounds for ethnic conflict, a host of factors determine whether or not ethnic grievances will be manifested in violence. For example, violent ethnic conflict is more likely to occur when control of the state is concentrated in the hands of a single ethnic group who uses its power to further its own interests at the expense of others.[20] There are also important external factors affecting whether ethnic groups in a given state assume an adversarial or accommodative relationship with one another. The most prominent one is the arrangement of the international system on the basis of illusory nation-states.[21] As David Welsh stresses, there are only a handful of states who actually come close to conforming to this implied ethnic homogeneity:

> Of the approximately 180 states that exist today, fewer than 20 are ethnically homogenous, in the sense that ethnic minorities account for less than 5 percent of the population.[22]

By the traditional definition, the existence of a nation-state denotes the marriage of the territorial borders of the state with the cultural boundaries of the nation. This sense of an international system comprised of ethnically pure states is highly problematic because it is anything but reflective of reality. Nonetheless, when the nation-state is thought of in this context, its pursuit becomes a primary goal for those groups seeking international recognition.

Generally, for an ethnic group to be a player on the international stage, it must possess a state. Hence, the importance oppressed or aggrieved groups often place on the attainment of a nation-state that can only be achieved through two mediums.[23] The first is for a group concentrated in a particular region of a country to seek separation. The second is for a widely dispersed group to seek the removal of all other ethnic groups from the territory of the state.[24] Therein, lies the logic behind practices of ethnic cleansing and genocide that have produced such great numbers of refugees in the 1990s. The very nature of the international system, through its emphasis on nation-states, is just one way in which these intrastate disputes may be shaped by external forces. For instance, other states may side with one of the ethnic groups, whether it be in upholding the government or supporting the rebel forces seeking to overthrow it, and provide that group with the resources needed to defeat the other.[25] Thereby, external intervention may serve to heighten the animosities between the different groups. The so-called "neutral" intervention of India into the internal conflict of Sri Lanka only led to further exacerbation of the ethnic conflict between Tamils and Sinhalese.[26]

There are unquestionably a host of internal and external factors that may encourage or intensify ethnic conflicts, but ethnic conflict itself does not arise without leaders. Moreover, those who lead do so because they hope to obtain some advantage for themselves and the other members of the group by initiating the conflict.[27] Even when ethnic identity denotes very little difference, extremists are still able to turn it into the most identifiable grouping in society. Transforming ethnicity into the prime source of one's identification typically involves the employment of ethnic markers, whereby physical appearance, religious beliefs and/or cultural practices are used to label those

belonging to a particular ethnic group.[28] In Rwanda, head size was even used to differentiate Hutus and Tutsis. The overarching aspect of ethnicity means that any issue can suddenly divide a society along ethnic lines.[29] Ethnic conflict is generally the result, but whether or not that conflict is settled through violent or non-violent tactics is what defines the magnitude of the crisis that it generates. Thus, it is necessary to understand what factors contribute to the use of violence in the achievement of desired goals and how ethnic hatreds are fostered.

The initiation of ethnic conflict often begins with the targeting of certain ethnic groups to act as scapegoats for the political, economic, and/or social ills plaguing society.[30] Therefore, just as ethnicity is endowed with a psychological component, so, too, is ethnic conflict. In fact, ethnic conflict is prone to unthinkable brutality because the leaders of the different ethnic groups seek to demonize and dehumanize their opponents.[31] Hence, ethnic conflicts are, in the words of Robert Cooper and Mats Berdal in their article entitled *Outside Intervention in Ethnic Conflicts,* "nasty, brutish, and long."[32] To facilitate the process of psychological manipulation, history is often re-written and social relationships redefined to justify the actions taken.[33] This leads to deeply embedded hatred and intolerance which lend an element of *resolution resistance* to the conflict. In reference to this, David Levinson contends that ethnic conflicts are usually only resolvable by the subjugation or expulsion of one group by the other.[34] Although such pessimistic views are not shared by this author, it is important to recognize their existence because they denote the tremendous difficulty of establishing the peaceful coexistence necessary for the successful repatriation of the refugees.

The psychological dimension of ethnic conflict is clearly a product of the *us* and *them* phenomenon, whereby collective identity is founded in the sense that the members of the group share some commonality that makes them desirability different.[35] In fact, there are some theories that claim ethnic attachment derives its strength from the presence of an adversary; in actuality, the group is held together by a fear or distrust of outsiders more so than by their common ethnicity. It can even be argued that society is marked by the presence of groups needing other groups to hate.[36] One such theory, although not as strongly expressed, but of the same essence, is that of David Brown who refers to the presence of ethnic conflict as an inevitable phenomenon arising from the psychological aspect of our ethnic groupings:

> Ethnic conflict, appears to be most simply explainable in terms of a natural tendency towards ethnocentrism: people seem to trust and prefer those of their own cultural group, while feeling more distant from, and distrustful of, those of other cultural groups.[37]

Evidently, ethnic conflict is shaped by psychological factors which can only be treated by altering conceptions of difference. As long as different is seen as threatening, ethnicity, dangerously, remains a tool of manipulation for political leaders.

The presence of violence in situations of ethnic conflict may be the product of a number of factors. Firstly, it may be attributable to historical trends in that certain groups have traditionally relied on violence to solve their problems. Secondly, it may be the product of purely psychological factors, as discontent and deprivation lead to a sense of frustration which some groups tend to express aggressively. Thirdly, it may be due to instrumentalist factors whereby violence is conceived of as the most preferable tactic among many possible alternatives for achieving the goals of the group.[38] All three of

these potential explanations for ethnic violence highlight the need to establish firmly non-violent mechanisms for resolving disputes in the institutions of society, as well as in the minds of its citizens.

Ethnic conflict is typically shaped by the existence of multiple tensions. Even though one group may act as the initial aggressor, rarely is any group left entirely free of blame for the atrocities committed by the time the conflict comes to an end. For example, in Bosnia and Hercegovinia, where the ethnic mosaic consisted of 44 per cent Muslims, 31 per cent Serbs, and 17 per cent Croats, the ethnic cleansing that was initially associated almost exclusively with the Bosnian Serbs was eventually practiced by all sides.[39] Civilian participation is also a common element of these conflicts, as the battle is fought between rival civilian groups instead of armies. However, there is likely to be one group that is in control of the military, and actively using its domination of supplies and personnel to its advantage. Extreme violence, stemming from the psychological demonization and dehumanization of the enemy group(s), and the use of inexpensive and readily available light weapons further mark situations of ethnic conflict. In addition, local media play a tremendous role in these conflicts by disseminating political propaganda. Unfortunately, they are also known for their perseverance as the deep-seated bitterness creates self sustaining patterns of violence. Rarely do they ever come to a sudden end, and even when a peace agreement is reached, a return to violence remains an ever present threat.[40] According to these distinguishing features of ethnic conflict, effective management of ethnic difference seems to be of the utmost importance in preventing future outbreaks of violence and in enabling the return of the refugees.

It is the overall contention of this thesis that the contemporary uprising of ethnic violence is the product of oppression and/or manipulation of ethnic difference, not an inevitable product of ethnic difference itself. Since both of these conditions of ethnic violence are of human creation, they are capable of being remedied and reversed. Consequently, ethnic conflict, albeit likely an unpreventable force in modern society, holds the potentiality of being managed through peaceful mediums. Thus, the implementation of repatriation as a durable solution to the refugee crisis in these areas is capable of being realized. Similarly, the contribution repatriation can make to the peace process is capable of being capitalized upon.

Justified Intervention

As the growing number of conflicts threatening international peace and security assume an internal dimension, the time for the establishment of norms of justified intervention in the domestic affairs of states has arrived. The international community is responding to this need, but it is doing so slowly and carefully because of the sensitivity surrounding the fundamental principle of state sovereignty upon which the international system is arranged. Nonetheless, there is currently a heightened awareness of the need to resolve these conflicts within the state before they become internationalized through the production of mass refugee movements and/or generate regional instability by spilling over into neighbouring states.[41] Thus, there is an increasing international emphasis on the prevention and containment of these conflicts to minimize the human suffering and threats to international peace and security which they entail. This section will examine the role of international intervention in resolving these conflicts and securing the conditions necessary for the refugees to exercise their right to remain.

A new concept is emerging in international relations in the 1990s which has the potential to transform dramatically how we deal with ethnic conflict in years to come. This new concept is the *right* of the international community to intervene in these internalized conflicts when there is sufficient reason to warrant such action.[42] This represents a considerably different international perspective than that which prevailed in the Cold War era, but it is one that responds to the changing threats to international peace and security. This shift in international philosophy concerning the principle of state sovereignty manifests the fact that the effects of these internal conflicts in which the state is often a key actor are increasingly being felt internationally.[43] Consequently, conceptions of state sovereignty have come to reflect a sense of a right and a duty, whereas it was traditionally seen as simply a right. As long as the state fulfills its duty to protect its citizens, it has the right to enjoy its sovereignty. However, once the state deliberately fails to, or is weakened to a point that it cannot, do so, it is no longer, unconditionally, endowed with ultimate sovereignty over its own affairs.[44] Therein, arises the notion of the right of the international community to intervene. State sovereignty has ceased to be conceived of as the untouchable and divinely given right of states. The result of this changing philosophy has been the struggle to establish the conditions under which international intervention in domestic matters is justified.

The production of refugees has become one of the most important events for drawing international attention to and justifying international intervention in the internal affairs of the state.[45] When a country creates refugees by contributing to or failing to stop conflict, violating human rights, persecuting minorities, and committing other acts that lead to refugee flows, the international community generally contends that it has the right

to intervene. This intervention may take the form of diplomatic measures such as the use of the *good offices* of the UN to the employment of sanctions to the utilization of force.[46] This perceived right to intervene in extreme circumstances is, for the first time, leading to accepted limitations on state sovereignty that are of obvious importance to the resolution of global dilemmas.[47] However, the growing acceptance of these limitations has yet to diminish the level of ethnic violence. Subsequently, notions of conditional state sovereignty seem to stand as an inoperative reaction to the proliferation of these conflicts in the modern era. Extreme human rights abuses have always occurred, but now these atrocities are happening on a large scale and producing masses of refugees. As a consequence, the international community is searching for ways to deal with the ramifications of these abuses at the source; by intervening in the domestic affairs of the state to assist in the creation of the conditions conducive to peaceful ethnic coexistence.[48]

A consensus on the justification of international intervention in situations of intrastate ethnic conflict has come to be founded upon three principle conditions. First, that the conflict poses a significant threat to international peace and order, primarily by threatening to spread beyond the borders of the state. Second, that there is large scale suffering among the civilian population which requires humanitarian action. Third, that there are flagrant violations of human rights.[49] Refugee movements resulting from bouts of ethnic violence are clearly reflective of all three conditions. Despite their broad scope, the international community obviously does not choose to intervene in every intrastate conflict satisfying these conditions. Thus, there is an element of choice involved, with those appearing to represent the greatest problem being given the most attention. Furthermore, for the United Nations to intervene in a domestic conflict, it must have the

support of its member states and these states are not free of political biases and foreign policy objectives.

Once the process of intervention has begun it has the potential to fulfill several important roles that may be summarized by the following five activities. One, it may prevent the spread of the conflict by bringing it under control. Two, it may promote a cease fire between the parties by acting as a deterrent presence. Three, it may lessen the human suffering of the civilian population through the provision of humanitarian assistance. Four, it may bring an end to the violations of humanitarian law by demonstrating that the international community will not turn a blind eye to such atrocities. Five, it may assist in the negotiations for the peaceful resolution of the dispute by providing the parties to the conflict with an impartial mediator.[50] These goals of international intervention are of great complexity; however, the intention is to show the value of this intervention in situations where domestic processes for peaceful conflict resolution have broken down entirely. In turn, this will demonstrate the indispensability of these activities for the successful reintegration of the refugees. The intensity of an ethnic conflict situation, in that one or all parties to the conflict are determined to live in an ethnically pure state, often necessitates external intervention before the peace process can truly begin. In turn, it is a necessary prerequisite to the acceptance of the repatriation.[51] Similarly, for the peacebuilding initiative and the repatriation to have any hope of long term success, there must be constant international involvement.

An interesting spin-off of international intervention in ethnic conflict situations, with regard to the resulting refugee crisis, is the emerging concept of *in-country protection*, whereby measures are taken to uphold the right of all citizens to remain in

their own country while the conflict is still in progress.[52] These efforts include the establishment of what are known as safe havens and protected zones. These terms manifest the common idea that the displaced members of the civilian population should be able to remain safely in designated areas of their homeland until the conflict has been brought under control and their return to their home communities made possible.[53] However, they refer to slightly different notions of in-country protection, and are subsequently implemented through different mediums and with different underlying assumptions. Safe havens represent the idea that certain geographic regions are free of conflict. Thus, those individuals living within the parameters of these areas are considered to be safe from the aggressive forces operating in the remainder of the country. In comparison, protected zones refer to geographic regions endowed with formal international protection.[54] Generally, these areas are thought to be kept safe for their inhabitants by this international presence.

Safe havens and protected zones represent innovative strategies for ensuring the right to remain and diminishing the level of international instability generated by ethnic conflict that should be further explored and strengthened. However, there are significant problems with both of these strategies which need to be addressed. For example, there is the risk that areas deemed to be save havens will not be respected by the parties to the conflict as untouchable regions. Similarly, there is the risk that areas deemed to be protected zones will not receive adequate protection. Furthermore, as a consequence of the establishment of these areas, individuals in genuine need of refuge may be denied asylum because they are seen as having international protection within their own country. Thus, even though these are important initiatives, the security of the civilian population

must be safeguarded so that the stated presence of these areas does not result in people being forced to stay in an unsafe environment. Tremendous efficiency and intensive monitoring are required for these initiatives to achieve their objectives.

The ultimate goal of international intervention is to prevent full blown conflicts and the masses of refugees that they produce. Thus, properly functioning early warning mechanisms are crucial for the success of proactive missions, such as those of preventive diplomacy and preventive deployment, intended to defuse a volatile situation at the earliest possible stage of the conflict.[55] Thereby, the cost of intervention is at its lowest and the likelihood of its success at its highest.[56] Undoubtedly, prevention is the best solution to ethnic conflict and refugee movements. Once norms of intervention in intrastate conflict situations are well established in the international system, the prospects for the realization of preventive solutions to both of these dilemmas will be substantially improved.

Rebuilding Ethnically War-Torn Societies

There are necessarily seven and overlapping components of rebuilding a society devastated emotionally, socially, economically, and politically by ethnic conflict. These seven components are disarmament, humanitarian aid, social reconstruction, psychological reconstruction, economic reconstruction, political reconstruction,[57] and the repatriation of refugees. Although it is the final component which is the focus of our exploration, this section will briefly outline the different aspects of each of the seven components. An analysis of the value of repatriation to the peace process would be substantially lacking without reference to the other fundamental elements of rebuilding ethnically war-torn societies for they are intrinsically connected to one another; that is,

one cannot fully succeed without the concurrent success of the others. Thus, these seven components must be approached simultaneously through an integrated effort. Since the refugees, themselves, can both directly and indirectly assist in the attainment of these goals, their contributions to the reconstruction of their homeland must be capitalized upon. Indeed, it is the value of bringing them home to engage actively in these initiatives that makes their repatriation so crucial to the long term peace process. In turn, consideration of the repatriation must permeate all facets of the society's reconstruction.

Disarmament, as the term denotes, refers to the removal of weapons from the hands of the aggressors. This is by no means an easy task, particularly in ethnic conflict situations where the primary tools of destruction tend to be light or, at least, conventional weapons which are difficult to control in terms of both production and ownership.[58] After all, the same gun or knife that is used to murder one's ethnic foes may also be used for one's personal safety or hunting activities. Nevertheless, it is a fundamental task because if the weapons are not taken away, then the threat of a return to violence is a great one. Therefore, in these situations, the parties to the conflict must be enticed to give up their weapons, as well as to change their violent patterns of behaviour. Hence, disarmament closely overlaps with the provision of humanitarian assistance and psychological reconstruction.

Humanitarian assistance, in accompaniment with disarmament initiatives, is crucial because it allows the execution of such programs as trading guns for food and other basic needs. If the international community does not offer the combatants any incentive for ridding themselves of their weaponry, then they are unlikely to do so. Psychological reconstruction is equally important to these initiatives because the long

term abandonment of violent practices must be rooted in the way in which the society conceives of violence.[59] Non-violent strategies for conflict resolution are not easily embedded in cultures where violent tendencies and ethnic animosities predominate. Consequently, such societies need to learn these new ways of dealing with their disputes and to entrench these practices in their social values, institutions, and policies. Thus, disarmament is not as simple as taking away the weapons used to carry out the battle.

Despite the inherent difficulty of achieving absolute disarmament, diminishing the level of weaponry is important for creating the conditions necessary for the repatriation of the refugees in both a token and practical capacity. On a token level, it manifests a symbolic gesture toward peace. In turn, its practical significance is inherent in the fact that it decreases the ability of the combatants to continue to perpetrate the atrocities which have marked the conflict. Nonetheless, disarmament is not enough to end the conflict or bring home the refugees in the desired climate of safety and dignity. This requires a comprehensive and coherent approach that incorporates all seven aspects of rebuilding the war-torn society. Since the activities of each component underlay the others, they establish the prerequisite conditions for one another's success.

The provision of humanitarian aid in the reconstruction of any society is of obvious significance. If people do not have access to such basic necessities as food and shelter, then they cannot really begin to rebuild their society in any sustainable manner.[60] Further, the deprivation that results from insufficient humanitarian aid heightens tensions which, in turn, increases the likelihood of a return to violence. Humanitarian assistance, when distributed under perceived conditions of impartiality, benefits entire societies and is typically well received by all parties to the conflict. However, when one group

perceives of the humanitarian aid as primarily benefiting its opponent, its provision is likely to encounter substantial resistance. Thus, to ensure the safety of aid workers and the probability of the aid reaching those in need, it must be carefully administered in a manner that stresses its purely humanitarian intentions.[61] Furthermore, the aid must be appropriate to the needs of the situation and the aid agencies should work in cooperation with, rather than at a distance from, one another.

Social reconstruction denotes the rebuilding of social relationships, as well as institutions and structures. Thereby, it is able to manifest a return to some sort of normalcy. Like all of the other components of rebuilding an ethnically war-torn society, social reconstruction must take into account the return of the refugees and the impact of their reintegration into the society. Reconstructing, or constructing for the first time, an education system that promotes values of ethnic tolerance is one of its most integral undertakings.[62] Education, for both youths and adults, is a major force of socialization capable of shaping the manner in which ethnic groups conceive of, and interact with, one another. Therefore, it is one of the fundamental starting points for social reconstruction. Essentially, this aspect of rebuilding a war-torn society must be designed to ensure that the society, from its very roots to its most complicated structures, is rebuilt upon principles of ethnic tolerance and peaceful coexistence.

Economic devastation can be one of the greatest causes of social unrest, exacerbating existing ethnic tensions as a consequence of the widespread deprivation it entails.[63] Thus, economic reconstruction is central to the achievement of the conditions necessary for long term peace. However, the nature of the economic development is a key determinant in the effectiveness of the overall reconstruction effort. For example,

Western style economic development models may create, aggravate, or deter ethnic conflict depending upon how they are carried out and their benefits distributed. Logically, economic development that improves the standard of living for all is less likely to lead to future conflict, than that which allows one particular ethnic group to enjoy the bulk of the increased wealth.[64] Thus, economic reconstruction, in accordance with the other components of rebuilding an ethnically war-torn society, must be cautiously executed so as to further the peace process, not reverse it. In addition, it must seek to engage actively the refugees.

In terms of political reconstruction, democracy is undoubtedly the best form of government to institute because it is the only one that can fully protect all members of society from unfair treatment and discrimination. Authoritarian societies have tended to manage ethnic tensions through practices of subjugation and control.[65] Consequently, the opening up of these societies in the 1990s has brought to the forefront their inability to deal with ethnic diversity in the absence of coercive measures. As Timothy D. Sisk stresses, the entrenchment of democratic principles is necessary to provide these societies with new tools for managing their ethnic difference:

> Democracy is inherently difficult in divided societies, but democratic practices offer greater promise for long-term peaceful conflict management than nondemocratic ones. Even when democracy is unlikely to be introduced quickly in a society, practices can be put into place that help manage ethnic tensions.[66]

Democratization may initially be perceived of as a force contributing to the conflict by allowing ethnic identities to be expressed with renewed vigour. However, in the long term, it diminishes the risk of ethnic violence by protecting individual and collective rights.[67] In order for the positive side of democracy to be realized in these societies, the

process of democratization must be stabilized and democratic principles ingrained within the fabric of society.

In reference to the misconceived potentiality for democracy to increase the likelihood of ethnic conflict, James S. Sutterlin notes that: "These conflicts have uniformly broken out in places where neither the concept nor the institutions of democracy had yet taken root."[68] Democratization is not an instantaneous transition; it represents a dramatic transformation in the way a society operates which requires a substantial adjustment period. The existence of democratic institutions and practices does not always mean that the society operates on democratic principles.[69] Hence, there is a need to ensure that democracy permeates every aspect of society, so that it does not exist merely in name only. When democratic principles are entrenched, democratic governance stands as the most appropriate means for managing ethnic tensions because it has established devices for the peaceful resolution of conflict.[70] Moreover, it emphasizes respect for and protection of human rights.

Typical majoritarian democratic systems are logically ill-suited for societies severely divided along ethnic lines because they permit a *winner take all* situation that is obviously detrimental to peaceful, ethnic coexistence.[71] If there is substantial difference in ethnic numbers, then one group will always be in a better position to achieve electoral success than the other. Consequently, minority groups will face substantive problems in achieving their goals, and violence may be their response. The ultimate solution to this problem is to ensure that parties are brokerage, so that they will play a moderating role in seeking to appeal to the entire society.[72] However, ethnically defined parties are generally the norm in these societies. Therein, lies the danger of these parties assuming a polarizing

role that could lead the society back into violence.[73] Thus, in reconstructing political structures and processes, it is often necessary to pursue more accommodative forms of democracy, such as *consociationalism* or *power sharing,* than simple majoritarianism.[74] The highest goal of democracy in these societies must be to allow for the adequate representation of all ethnic groups, so that the system itself does not become a tool of domination; that is, it must avoid at all costs the 'tyranny of the majority.'

Psychological reconstruction pervades all aspects of an ethnically war-torn society at the most basic level of dealing with the emotional devastation of war and addressing the intensity of the ethnic hatred.[75] Furthermore, it is the basis from which such notions as democracy and peaceful coexistence must be fostered. The overall goal of psychological reconstruction is to cultivate a culture of ethnic tolerance which is necessary for the successful reintegration of the returning refugees, as well as the maintenance of long term peace. Thus, it must begin by breaking down the adversarial concepts of *us* and *them* which permit the dehumanization and demonization of rival ethnic groups by extremists. Essentially, it seeks to bestow all groups with the opportunity for psychological healing so that the society may reach a point where it is ready to deal with what has happened and move forward. Consequently, it must embody an element of fact finding, through such mediums as war crimes tribunals or truth and reconciliation commissions, so that destructive and unfounded myths may be eliminated. In addition, it seeks to decrease the prevalence of violence in these regions by attempting to generate a culture of ethnic tolerance that rejects violence as a strategy for dispute resolution on both a personal and a practical level.

Although there are three prime strategies for resolving the refugee crisis, settlement in the country of first asylum, third country resettlement, and voluntary repatriation,[76] the last one is the most appropriate solution for situations of ethnic conflict. The massive scale of these movements, has made it the most practical solution to the refugee crisis. However, it also has significant worth as an instrument of peace. Ethnic pluralism is an inevitable phenomenon and the achievement of a sustainable peace in these societies requires a widespread sense of ethnic tolerance. The repatriation of the refugees contributes to this goal by forcing the groups to learn how to coexist peacefully with one another. To deny the refugees their right to remain is to heighten ethnic animosities further by the factor of geographic separation. If the refugees do not return home, the different ethnic groups do not have to deal with what has happened, nor do they have to work toward tolerance.

The dream of an ethnically homogenous state is an impractical and dangerous one in modern society, and the return of the refugees is symbolically important for manifesting its unacceptability. It demonstrates that the international community will not tolerate acts of ethnic cleansing, that it will secure the conditions necessary for their successful return and reintegration. The right to remain is a fundamental human right and states cannot intentionally and systematically displace their own citizens. As an entrenchment of this right, Article 9 of the 1948 Universal Declaration of Human Rights states that *no one shall be subjected to arbitrary. . .exile* while Article 13(2) states that *everyone has the right to leave any country, including his own, and to return to his country.*[77] Article 12(4) of the 1966 International Covenant on Civil and Political Rights also supports the right to remain by stipulating that *no one shall be deprived arbitrarily of*

the right to enter his own country.[78] These are major international human rights documents which clearly endow individuals with the right to freedom of movement. However, in circumstances of ethnic conflict, simply having this right is not enough for its actual exercise. Thus, the international community must assume responsibility for safeguarding this essential right by actively seeking the conditions for its practical application. In turn, efforts to rebuild an ethnically war-torn society must be grounded in the recognition that all citizens have the right to live within the state.

As one of the largest logistical operations ever undertaken by UNHCR and as an attempt to bring an end to the twenty-two years of violence that devastated the infrastructure of an entire nation, the Cambodian repatriation operation is a clear example of the need for the international community to work vigorously to restore the right to freedom of movement as soon as a crisis situation unfolds. Of the 365,000 Cambodians who returned home between the period of March 30, 1992 and April 30, 1993, the majority had spent a decade or more living in refugee camps.[79] This represents an unacceptably long duration for the right to return to and remain in one's homeland to be withheld from such a large refugee population. Hence, the Cambodian case supports the need for early and effective international intervention in a conflict situation so that the refugees do not have to suffer the pains of an existence in exile for any longer than is absolutely necessary.

The value of repatriation to the peace process in ethnically divided societies is most eloquently expressed by G.J.L. Coles, a former legal officer for UNHCR who has

written substantial material on this matter:

> It is submitted that the right to return in freedom and safety should be constantly affirmed today. It is an important human right, sometimes overlooked in the past, the respect of which contributes to peace and security, the denial of which contributes to violence and instability.[80]

Unquestionably, repatriation increases the prospects for long term peace and is a non-negotiable factor in the reconstruction of societies devastated by ethnic conflict. Subsequently, the international community is increasingly adopting a *reintegration-support approach* to the implementation of this solution.[81] As opposed to the traditional approach of discontinuing its assistance once the refugees have returned home, this better enables the international community to ensure the durability of their return and to treat root causes fully. This new approach represents a distinctive shift in international refugee philosophy that is allowing for greater possibilities in coupling repatriation operations with peacebuilding initiatives.

The idea that the international community, through the work of UNHCR, should assist refugees in their reintegration and how it should provide that assistance are premised on the following assumptions. First, UNHCR has an obligation to assist in their reintegration, not simply to organize and assist in their return. Second, the successful reintegration of the refugees does not occur automatically; that it is dependent upon the entire reconstruction of the ethnically war-torn society to which they are returning. Third, reintegration assistance is most effective and equitable when it is designed to bring benefits to the entire community, not just the returnees. Further, it should contribute to the development of local competence and capacities. Fourth, reintegration assistance must be provided in such a way as to not encourage long term dependency. Fifth, there should

be consistency between the short term assistance provided to the communities of the returnees and the long term development programs of the domestic government and international agencies.[82] This new approach is fundamental to ensuring the successful reintegration of refugees. In addition, it is of great relevance in promoting the solution of repatriation by providing the refugees with a sense of security in the outcome of their return.

There are several factors that affect whether or not refugees will voluntarily agree to repatriate, such as the quality of the communication channels between them and their homeland. In order to return with any level of confidence in their decision, they must consistently receive accurate information about what is taking place in the country of origin. A second factor is the degree of individual motivation to return. For example, their return may be driven more by the desire for family reunification or personal boredom, even hopelessness, in the refugee camp, than objective conditions in their homeland. A third factor affecting their decision to return is the treatment they receive in their country of refuge. If the refugees encounter no better conditions in the host country than in their own, they will likely return home where things are, at least, familiar. In relation to this third element, a fourth factor is the economic, social and political conditions of the host country. A final consideration affecting their decision is the establishment of formal repatriation mechanisms. Logically, the refugees are more likely to return when there is a tripartite agreement between UNHCR, the host government, and the government in the country of origin supporting their repatriation because of the structure and stability provided by these organized operations.[83] Refugees are people and their decision to return

is one that will distinctively shape their future. Therefore, the influence that each of these factors has on the individual decision to repatriate voluntarily will generally overlap.

Although their return is often inevitable because it is the most practical solution to their crisis, their decision to do so should ultimately be based upon positive, as opposed to negative, factors. Essentially, the return should be centred on the possibilities for them to re-establish their lives, not a response to the deliberate creation of inhospitable conditions in the host country. The emotional pull of returning to one's homeland is a powerful one and, contrary to popular belief, many of these refugees are not seeking to be resettled elsewhere.[84] For the majority of refugees, the decision to flee their homeland was one of last resort as their lives and/or liberty came seriously under threat. Thus, what many refugees desire most is to one day be able to return to their country and pick up the pieces of their shattered lives in a climate of peace. Hence, the establishment of the conditions necessary for them to do this must remain a central goal of any initiative to rebuild an ethnically war-torn society. This is important not only for the resolution of the refugee crisis, but, as has been stated consistently throughout this thesis, for the realization of long term peace.

Internally Displaced Persons

Finally, this thesis, and its assertions concerning the connection between the repatriation of refugees and the resolution of ethnic conflict, cannot proceed without at least minimal examination of the issue of internal displacement. Not only does the plight of the internally displaced bear a striking resemblance to that of refugees, but their presence has a tremendous impact on the success of reintegration activities. Consequently, dealing with the refugee problem in the country of origin often

necessitates dealing with the internally displaced.[85] Although their plight will not be discussed at length in this thesis, it is important to keep in mind the significance of their dilemma to the pursuit of repatriation and peace. In most cases, returning the refugees is just one aspect of rectifying the human displacement that has been instigated by acts of ethnic violence.

In the contemporary era, there are actually two distinctive categories of persons who have been forced to flee their home communities because their lives and/or liberty were at risk. We are all aware of the first, the refugees, and the circumstances that have forced them to flee their homeland. Furthermore, we have devised, and institutionalized, measures for protecting them and for finding durable solutions to their plight. However, the second category, that of internally displaced persons, is not nearly so familiar to us as an area of international responsibility.[86] Moreover, the initiation of international action on behalf of these individuals is plagued by a significantly greater degree of difficulty.

Although the human suffering endured by the internally displaced is sufficient reason for the international community to assert its humanitarian responsibility to assist these people, the problem is a complicated, and moreover a domestic, one. Hence, formalizing a structured international response to their predicament is not a simplistic undertaking in any sense. Although the conditions of international law prevent us from affording these individuals the denotation of refugees and the rights they would enjoy under such a title, we can develop strategies to improve the level of assistance and protection they receive. What is most needed to reduce their suffering is international commitment to finding, and acting upon, all possible venues for addressing their plight.

Moreover, such commitment is necessary to prevent future outflows of refugees and to increase the success of reintegration initiatives.[87]

The quandary in bringing the dilemma of the internally displaced into the realm of international jurisdiction is their domestic status, not the objective conditions of their existence.[88] These individuals are subject to the same conditions that cause us to refer to their fellow citizens who have fled the country as refugees. However, their continued, albeit displaced, presence in their own country has led us to treat their situation quite differently. Thus, the distinction we have made between refugees and internally displaced persons is really a superficial and legalistic one. The fact that their circumstances and needs are so similar questions the logic of drawing a distinction between the two at all. Nonetheless, even though it is a more realistic representation of the phenomenon to refer collectively to these people as the *displaced,* the nature of the international system and the principle of state sovereignty will not permit this collective grouping. On a conceptual level, refugees and internally displaced persons may be seen as two of the same, but on a practical level, they must be differentiated because authority for their well-being is legally separated. While the externally displaced, refugees, are within the scope of international action, the internally displaced remain within the domestic sphere. Despite this fact, the implications of their existence, for the resolution of the refugee crisis and that of ethnic conflict, necessitates that a resolution to their plight be considered in conjunction with these issues.

The factors that cause people to become internally displaced are the same factors that give rise to simultaneous refugee movements. These include persecution, generalized violence, and even genocide. The number of people deemed to be internally displaced at

the current time is estimated to be nearly double that of refugees.[89] Further, their growing number in light of the declining number of refugees may be a direct manifestation of the *closed borders* phenomenon.[90] If people are unable to gain entry into a country of first asylum, then they have no choice but to become displaced within their own country in an attempt to find protection from the threatening forces. Consequently, these individuals are, appropriately, internal refugees, and, as such, they are refugees without rights. Regardless of whether or not they are deserving of the rights of protection bestowed to refugees, their plight, unfortunately, is far too often beyond the capacity of international action.

There are numerous ways in which internally displaced persons represent an international problem, and it is from this dimension of the crisis that the international community must assert its rightful claim to address the issue. Not only are these people in a similar predicament as refugees, but, in essence, they are refugees in waiting. They face the same circumstances which have caused others to become refugees, and if nothing is done to rectify their situation, then it is only a matter of time before they flee to another country as well. The immensity of their numbers, estimated to be around 30 million, means that they would surely undermine the capacity of UNHCR to deal with the refugee crisis if they were all to do this.[91] Therefore, it is crucial that the international community take greater initiative and deal with the plight of the internally displaced before they become the externally displaced.

The international community has long recognized its responsibility to assist and protect the category of displaced persons known as refugees. In fact, there exists an international covenant, the 1951 Convention Relating to the Status of Refugees, which

legally binds its signatory states to provide refugees with the necessary protection.[92] The formal establishment of international protection for those forced to flee their country is of fundamental importance, but this decade is highlighting its insufficiency in addressing the problem of forced migration. Hence, the undeniable need to arrive at an agreement for extending measures of international assistance and protection to the world's 30 million internally displaced.[93] Despite the fact that the international community is limited in its ability to address their plight, the setting of precedents for international activity in situations of internal displacement is vital.

It has been established that internally displaced persons are not merely a domestic problem. Furthermore, to regard them as such is a detrimental act which is likely to have grave consequences for these individuals, as well as the international community in terms of its ability to reintegrate refugees successfully and bring peace to ethnically divided societies. Thus, the need to institute a more formalized international response to their plight is evident. The United Nations has recognized the urgent nature of the problem by creating the position of the Representative of the Secretary General on Internally Displaced Persons. Dr. Francis Deng currently holds this position which manifests a response to the need to understand better the issue of internal displacement.[94] Although the creation of this post is an important step in the realization of the international significance of internal displacement, it is not enough to deal with the problem. After all, the number of internally displaced persons has substantially surpassed that of refugees, and UNHCR has not even been able to address the refugee crisis adequately. If such an agency as UNHCR, with all its resources, personnel, and a legal mandate to deal with the

refugee issue, is unable to resolve the matter, then surely a representative will not be sufficient to solve the problem of internal displacement.[95]

Although the task of dealing with the internally displaced could be mandated to several United Nations humanitarian bodies, it would be most appropriately mandated to UNHCR. This would be the most logical agency to assume full responsibility for the internally displaced because of its extensive experience in providing assistance and protection to refugees, and its expertise in dealing with mass movements of people.[96] The knowledge and skill accumulated by this office would be of tremendous value in formulating a coherent response to their plight, thereby, bringing those in refugee-like situations under the umbrella of international protection. In fact, UNHCR has been extending its services to these individuals since the 1970s, albeit in a limited fashion. Moreover, the activity of the agency in this area has greatly increased in the 1990s.[97] Nonetheless, this increase has not meant that it is anywhere near ready to accept a full mandate to deal with the internally displaced. Even at present, UNHCR is only concerned with a fraction of the world's internally displaced population: less than five million of the 30 million internally displaced persons are currently deemed to be under the UNHCR mandate.[98] Clearly, this agency is far from capable of taking the lead in finding solutions for the internally displaced.

The plight of the internally displaced has been advanced to be "the issue of the decade."[99] Hence, the need to build a network within the United Nations system for dealing with this most demanding issue. It would be preferable to have responsibility for the internally displaced mandated to a specific agency within the existing system, such as the International Committee of the Red Cross (ICRC) or UNHCR, but that does not

appear to be a practical solution. The magnitude of the problem and the resources needed to deal with it effectively are of such tremendous proportions that there is clearly no existing agency capable of assuming this excess responsibility. Therefore, the best way for the international community to address the problem of internal displacement is through the establishment of a coherent and cooperative effort, involving all applicable humanitarian agencies including the ICRC and UNHCR. Collectively, these agencies are capable of ensuring a better level of protection and assistance to the world's 30 million internally displaced persons.

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Chapter 3

UNHCR: Meeting the Challenges of the Post-Cold War Era

Introduction

The end of the Cold War has not signified the end of the global refugee crisis. However, it is serving to alter substantially the dimensions of the crisis, the issues surrounding it, and the international response to it.[1] With the 1990s ushering in an unprecedented number of refugees, the work of UNHCR is of more importance than ever. Indeed, it seems that we are witnessing the transition from Cold War to *ethnic war,* with the latter producing a great many more refugees than the former.[2] This transition is presenting UNHCR, as well as the United Nations as a whole, with an array of challenges, as the UN system was established to manage interstate, not intrastate, conflicts.[3] As an agency of the UN, the work of UNHCR has been shaped by this fact.

Since the majority of contemporary conflicts are intrastate, the international system needs to develop mechanisms for managing these conflicts or their proliferation will continue to produce mass refugee movements.[4] Since the UN is also, as of yet, unprepared to address fully the rise of internal ethnic conflict, it is evident that UNHCR is just one among many international organizations whose capacity to achieve its goals is being seriously challenged by the dynamics of the post-Cold War era. The ability of all these organizations to overcome the challenges of the new era is fundamental to the preservation of the international system and the success of efforts intended to foster a global culture of peace. Inevitably, UNHCR's ability to do so will continue to be dependent upon a host of factors, including its creativity, adaptability, and the commitment of the international community to the realization of its mandate.

Ethnic violence is on the rise because countless societies are undergoing substantial change in the 1990s, primarily through efforts of democratization.[5] In their own way, the forces of the Cold War were able to provide a sense of global and regional stability that has now been lost. Subsequently, a heightened degree of internal strife has come to be associated with the post-Cold War era. This localized turmoil is, in turn, threatening the process of democratization, the success of development initiatives, and the preservation of human rights in the affected regions. The high level of instability and the fears being generated by this have cumulatively led to mass migrations. For example, the dissolution of the Soviet Union seems to have opened up a *Pandora's box* of ethnic and regional tensions which are producing immense numbers of refugees.[6] Its sudden disintegration into fifteen separate states has led to widespread instability, largely manifested in the high degree of human displacement. It appears that the five Central Asian republics have been affected the most with 4.2 million people, or one out of every twelve persons, being displaced.[7] Although the problems of the post-Cold War era are most evident in the former states of the USSR, the changes resulting from this restructuring of the world order are impacting upon ethnic conflicts taking place all over the globe. Reciprocally, the rise of these intrastate conflicts is impacting upon the restructuring of the international system. Consequently, UNHCR is finding itself in a position in which it is forced to adjust to the changes of the post-Cold War era, and to respond to the rise of ethnic conflict associated therewith.

In reference to the phenomenon of ethnic revival taking place in the former Soviet Union and elsewhere, and the problems created therefrom, Myron Weiner notes

that:

> . . .The disintegration of empires has been accompanied by the emergence of new ethnic identities, ethnic conflicts within states, and movements for autonomy and self-determination.[8]

Therefore, the problems being manifested by major changes taking place in the post-Cold War era appear to represent a natural historical transition. The collapse of states and the transitions from authoritarian to democratic rule represent dramatic transformations which are, unquestionably, going to give way to instability and the rise of social and/or ethnic tensions. After all, these changes are significantly altering nearly every aspect of life in these societies. Consequently, the key to bringing an end to these problems lies in the stabilization of these newly formed or transformed, struggling states.[9] Since the wave of democratization in the contemporary era has simultaneously generated waves of ethnic violence, UNHCR must be responsive to the changing conditions of global society. Thereby, it will be able to work within the current situation of national and international transition to overcome the challenges accompanied by these changes.

This chapter will attempt to identify the main challenges currently hindering the capabilities of UNHCR, so that they may be addressed and solutions pursued. As ethnic conflict and human rights violations continue to produce mass outflows of refugees, the post-Cold War era has thus far been, and is likely to continue to be, a crucial time for the work of UNHCR. Although it is struggling to meet the new and persistent challenges, its success in this endeavour requires a clear understanding of what the challenges are and how they may best be approached. The intent of this chapter is to contribute to the extensive body of research already in existence which seeks to assist the organization in its realization of maximum efficiency; that is, to enable it to overcome the barriers

hindering its ability to carry out its mandate. It is the contention of this thesis that UNHCR is a dynamic organization capable of responding to the challenges of the post-Cold War era. However, it must be noted that its ability to rise to these challenges necessitates international recognition of the value of its mandate and support for its work.

Evolution of the International Refugee Response

Before one can engage in an analysis of the contemporary challenges facing UNHCR, it is necessary to have an awareness of the historical events that have contributed to the cultivation of an international refugee response. Therefore, this portion of the chapter will detail the major developments in the creation of this organization. An articulated international sense of responsibility for dealing with the refugee problem first began with the work of Dr. Fridtjof Nansen, who is widely regarded as the founder of the current international system for providing protection and assistance to refugees. In 1921, the League of Nations appointed Nansen as the first High Commissioner for Refugees. His accomplishments in this office were outstanding; of particular significance was his introduction of the *Nansen Passport* in 1922 which provided refugees with internationally recognized identity papers. This initiative allowed thousands of refugees to return home or to settle in other countries by giving them legal status. As a consequence of his efforts to assist and protect the world's refugees, Nansen was awarded the Nobel Peace Prize in 1922.[10] His contributions to the evolution of the international refugee response continue to lay the foundations for modern refugee philosophy.

The success of Nansen in bringing the plight of refugees into the realm of international responsibility transcended the replacement of the League of Nations by the UN. Consequently, the idea that the international community has a duty to protect

refugees and to seek durable solutions to their predicament was manifested in the creation of the International Refugee Organization (IRO) as the UN came into existence. This organization began with the goal of repatriating the existing refugees, but shifted its focus to external settlement as the politics of the Cold War came to demand this change.[11] Thus, from the very beginning of UN involvement in the refugee crisis, the activities of its established humanitarian agencies have been dominated by political factors.

On 3 December 1949, the UN General Assembly decided to establish an agency to succeed the IRO. This was quite a difficult process because the Eastern European countries continued to assume a hostile position toward the prospect of their citizens in exile reaping the benefits of international assistance.[12] However, concessions were made and UNHCR was created on 14 December 1950, albeit its activities were purposefully constrained so that it would not further worsen interstate relations.[13] The life span of this agency was thought to be one of brief duration, as it was assumed that the refugees resulting from the Second World War could be quickly integrated into the societies in which they found refuge. Once this process was complete, it was thought that the refugee crisis would come to an end and UNHCR could be dissolved. However, history has shown that this would not be the case, and the work of the agency continues to be of fundamental importance. Consequently, its role has been strengthened and its sphere of influence expanded.

UNHCR's mandate is primarily to protect refugees and to find durable solutions to their plight. However, this also necessitates the provision of material assistance, especially with the current concentration of refugees in the developing world.[14] Importantly for the sensitive nature of the work of UNHCR, Article 2 of the 1950 Statute

of the Office of the United Nations High Commissioner for Refugees states that its activities will be solely of a humanitarian and social scope, entirely absent of a political dimension.[15] However, a key challenge facing UNHCR is the difficulty of maintaining its apolitical status. This is largely because the reasons for making the work of the agency non-political were essentially political, the products of Cold War politics. Causes, requiring a political response, and effects, requiring a humanitarian response, are intrinsically linked, and it appears to be time for their connection to be recognized and acted upon.[16] However, this must be done in a manner which is careful not to jeopardize the agency's humanitarian status, as the preservation thereof is necessary for the realization of its mandate.

In order for the work of UNHCR to have the greatest success, it must be acknowledged that the political and humanitarian dimensions of the refugee crisis are equally in need of international attention. The best way for UNHCR to deal with this problem is to emphasize its humanitarian status while simultaneously applying pressure on the other relevant bodies of the UN to address the political aspects of the crisis. The mandate of UNHCR is being increasingly expanded as current events demand that its services be extended to an ever growing number of people, including returnees and the internally displaced.[17] This seems to demonstrate that its mandate and the UN's interpretation of it have allowed the agency to respond to the evolving nature of the refugee crisis. However, this expansion of its role has also meant that the agency has been thrust into highly politicized activities, such as affording assistance and protection to the internally displaced, without being permitted to respond to the political aspects of its

work. Thus, there is a clear need to acknowledge and reconcile the inherent tension resulting from the political dimension of its humanitarian endeavours.

The establishment of UNHCR was complemented by the enactment of the 1951 Convention Relating to the Status of Refugees.[18] This document serves to enforce the defining principles of the agency. However, the key problem with the 1951 Convention was that its applicability was restricted to those who became refugees as a result of the events taking place before 1 January 1951. Therefore, its signatories could limit their employment of the Convention to European refugees. In order to extend the applicability of the Convention to new refugee situations, a Protocol to the Convention was adopted in 1967 which abolished these temporal and geographical limitations.[19] Thereby, the 1951 Convention was bestowed with an element of universality that was previously absent. The 1951 Convention, updated by its 1967 Protocol, is the main instrument of international refugee law. Consequently, the stipulations outlined therein are binding for the states party to the agreement(s). Yéfime Zarjevski highlights the striking qualities of these documents:

> The principal legal instrument concerning refugees, the Convention Relating to the Status of Refugees of 1951, has been called the *Magna Carta* - the Great Charter - of Refugees. . .the Convention is the veteran of many battles it has helped to win by providing a unified code of rights and duties for refugees, which still today protects them from arbitrary treatment by states.[20]

Despite the "greatness" of the 1951 Convention, it cannot live up to its full potential if UNHCR is unable to enforce its conditions. Unfortunately, its proficiency in enticing states to respect the stipulations of the 1951 Convention is becoming increasingly strained. As of July 1997, there were 134 states party to the 1951 Convention and/or its 1967 Protocol.[21] This represents a significant number of states in support of an

international response to the refugee problem. Nevertheless, their documented support is of little value unless it is manifested in their actions.

Nansen's contributions, and those of others who have followed in his footsteps, are of great importance in the management of the refugee crisis. However, the refugee problem is an enduring one whose origins by far surpass the initiation of an international response to the dilemma. As Gil Loescher and Ann Dull Loescher note, the international community has only recently recognized and acted upon its responsibility to address the refugee question:

> Refugees have existed for as long as humankind has lived in organized groups where intolerance and persecution have been prominent; however, refugees have only become an issue of international concern during the twentieth century.[22]

The response of the international community to the refugee problem is so late in coming because international organization itself did not fully take hold until the founding of the League of Nations in 1919.[23] Although refugees have only recently become a population of international concern, this statement seems to demonstrate that they are a product of history and that their presence is destined to continue in future years. Even though their circumstances may change, their need for international protection and assistance will persist. Consequently, the international refugee response must endure the trials and tribulations of the refugee crisis. The crisis itself is not time bound, so the agency dedicated to its resolution must also be of a timeless essence. Hence, there is a need for UNHCR to assume a role appropriately tailored to the changing conditions of the refugee problem. The contemporary transition from the Cold War to the post-Cold War era represents the first major shift in the dimensions of the refugee situation since the

agency's inception.[24] Therefore, its ability to evolve in accordance with this transition will determine its ability to carry out its mandate successfully in the upcoming millennia.

In order to understand the present condition of UNHCR and the difficulties it is facing, there must be acknowledgement of the roots from which the agency arose as a Cold War entity. Inevitably, the factors affecting the historical evolution of the organization have defined its ability to respond to the contemporary challenges. The following sections serve to provide a brief, but comprehensive, overview of these challenges and to provide recommendations for improving the current capacity of the agency to deal with the refugee problem in light of these challenges. The refugee crisis has never been a simplistic or static problem, and the efforts of UNHCR to address this problem must be responsive to its evolving nature. This necessitates a high degree of creativity and ability to adapt to the changing circumstances of the refugee dilemma.

Legalistic Challenges

As a consequence of the principles upon which the international system is based and the conditions stipulated in the mandate of UNHCR, the agency is constrained in its activities by a host of legal factors. In the current era of widespread intrastate ethnic conflict, one of the greatest challenges hindering the work of UNHCR is the principle of state sovereignty.[25] For the root causes to the majority of contemporary refugee generating situations to be dealt with, the international community must devise a means for getting around this principle when such action is necessary. Thereby, UNHCR would be in a better position to assist in the design and implementation of preventive solutions to refugee crises. Furthermore, the ability of the agency to provide the refugees with the

necessary level of assistance and protection at all stages of their situation in a repatriation operation would be ensured.

The rise of ethnic conflict, as a result of its internal dimension, is transforming the manner in which the international community responds to conflict. Subsequently, it is forcing UNHCR to adapt its methods for dealing with the refugee crisis accordingly, and this change of methods necessitates international reconsideration of the traditional non-interventionist concept of state sovereignty. As Francis Deng, the Special Representative on Internally Displaced to the United Nations Secretary General, contends, state sovereignty should not act as a shield against respect for human rights and acts of humanitarianism:

> Sovereignty cannot be an amoral function of authority and control; respect for fundamental human rights must be among its most basic values.[26]

Essentially, as stated in Chapter Two, there is a need for the consolidation of norms of intervention in circumstances warranting this action. Until these norms are established, UNHCR must seek to establish its own norms for dealing with the problems it faces in providing its services to the refugees of ethnic violence. Their plight is significantly different from that of other refugees, and its resolution is often contingent upon UNHCR's ability to overcome the difficulties posed by state sovereignty. A key strategy for the agency in the accomplishment of this feat is to take extra precautions to present itself as a humanitarian, apolitical body.[27] Thus, when it must infringe upon state sovereignty to serve the needs of the refugees to whom it is responsible, it is less likely to be seen as a threatening force. Consequently, its efforts are less likely to receive

resistance. Furthermore, its ability to present a positive public image will bring pressure upon states to allow this agency to do its work for the betterment of the world's refugees.

Although the 1951 Convention represents a great document in the evolution of the international refugee response, as has been stated earlier, UNHCR is currently facing great challenges in terms of enforcing the principles of the document. In reality, UNHCR can only exert a sense of moral authority over states, and this does not seem to be enough to force states to assume their share of the refugee burden in the modern era.[28] The agency cannot, in and of itself, fulfill the needs of refugees, as its services of protection and assistance are actually provided by individual countries. Thus, while states are the ones who protect refugees directly, UNHCR contributes to this task indirectly by encouraging them to do so.[29] Hence, the provision of material assistance is important for the agency to entice states to accept a large influx of refugees. Moreover, it is necessary for the continuation of asylum provision in many situations. For example, refugees from Afghanistan have represented the largest single refugee caseload for 17 consecutive years. As a consequence, their host countries continue to require assistance from UNHCR to meet their basic needs. Although 3.9 million Afghan refugees have already been repatriated, 2.7 million more remain. Ironically, despite its own refugee problem, Afghanistan was host to the 60,000 Tajikistans who fled their homeland in 1992-1993.[30]

Naturally, the provision of material assistance to aid in the state's protection of refugees is of fundamental importance in the developing world where resources are already scarce. Without the assistance of UNHCR, many current refugee host countries would be unable to offer their borders of protection to exiled populations.[31] Since the provision of asylum is already under threat, UNHCR must continue to utilize material

assistance to decrease the burdens which refugees impose upon struggling states.[32] Its ability to preserve this initiative requires that the agency makes all states aware of their obligation to share the refugee burden, and that it uses all possible channels for ensuring that states fulfill their respective responsibilities. Unfortunately, as the refugee crisis has gone from assuming an East-West to a North-South dimension, many developed nations have lost sight of their duties.[33] However, the developed nations of the North must realize that they cannot afford to detach themselves from their refugee responsibilities. The consequences of violence and instability are not confined to territorial borders, and states cannot turn a blind eye to the refugee crisis.

Article 33 of the 1951 Convention expresses the principle of non-refoulement whereby, the return of asylum seekers to a situation in which their life and/or liberty is at risk is prohibited.[34] This is the cornerstone of refugee protection because it prevents states from invoking a forcible return of the refugees despite the burdens they may impose. However, this principle has recently come under threat as certain states have been forced to assume an unfair share of the refugee burden and as the notion of asylum itself has undergone substantial transformation. The concept of asylum used to symbolize long term external protection for refugees; however, it has been transformed into a temporary form of refuge whereby states agree to afford protection to a refugee population only until a more durable solution has been found.[35] States are no longer willing or capable of assuming long term responsibility for a massive influx of refugees, and their resort to temporary asylum manifests the need for UNHCR to strengthen its repatriation operations. Although every refugee situation is unique, UNHCR must act quickly to

restore a sense of normalcy in the lives of the refugees and to relieve the burdens they are imposing upon their host country.

In the post-Cold War era, the interest of the Western developed states in the resolution of the refugee crisis is evidently declining, as refugees no longer have the strategic significance of destabilizing the Eastern bloc.[36] Consequently, UNHCR is currently facing the challenge of closing borders and the rise of xenophobia in every corner of the globe. These developments are also both attributable to the tremendous burdens imposed upon states by a massive refugee influx. States and their citizens are manifesting their concerns over these potential burdens in their expression of xenophobic sentiments and in their efforts to prevent would-be refugees from entering their country. Their concerns are understandable, but their tactics are not conducive to the resolution of the crisis. Thus, UNHCR must accept these concerns as valid, but seek to transform these fears into increased support for its activities so that the protection of the world's refugees does not become a neglected undertaking. Refugee movements rarely solve themselves, and the ability of UNHCR to resolve them requires the cooperation of the states party to the 1951 Convention and/or its 1967 Protocol. Nonetheless, since states are evidently becoming tired of and frustrated with the refugee crisis, UNHCR must also rethink its traditional measures for dealing with the refugee crisis; that is, those aimed at external settlement.[37]

A final area of legal challenge to UNHCR's ability to protect the refugees of the new era of ethnic conflict resides in the definition of a refugee contained in the 1951 Convention. By the elimination of its geographic and temporally bound dimension through the enactment of the 1967 Protocol, it defines a refugee as a person who . .

.owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.[38] Since the stipulations of this document shape the activities of UNHCR and define the responsibilities of its signatory states, this definition's failure to encompass the plight of refugees fleeing from the generalized violence of ethnic conflict is highly problematic.

The individualistic nature of the refugee definition expressed in the 1951 Convention is inherently at odds with the group-oriented dimension of the contemporary refugee crisis. Since the definition is individualistic, it requires claims to refugee status to be evaluated on a case by case basis. This method is impossible for dealing with the mass influxes of refugees common to the uprising of ethnic violence. Moreover, states are reluctant to grant refugee status to entire groups of refugees because they would then be obliged to assume full responsibility for them.[39] To avoid neglecting them entirely, states are increasingly providing these individuals with temporary asylum instead.

Although the 1951 Convention definition of a refugee is plagued by a sense of narrowness that limits its application to the contemporary refugee situation, it has been notably expanded by regional organizations. For example, the 1969 Organization of African Unity (OAU) Convention on Refugee Problems in Africa extended refugee status to those fleeing from *external aggression, internal civil strife, or events seriously disturbing public order in African countries.*[40] Even though states generally agree to accept large groups of non-Convention refugees on a temporary basis, UNHCR needs to follow the lead of regional organizations like the OAU and officially extend the

international definition of a refugee. Thereby, states will have significantly less leeway in refining their refugee responsibilities. It would also be valuable for UNHCR to contain in its amendments to the 1951 Convention a definition of temporary asylum and the responsibilities it entails for states, as this is clearly the direction in which the provision of asylum is headed. The vision of UNHCR, like the provision of asylum, is undergoing considerable change in response to the circumstances of the post-Cold War era. To facilitate the implementation of this changing vision, its guiding document, the 1951 Convention, should be revised accordingly.

The Challenge of Coming to Terms with Cold War Remnants

The difficulties UNHCR is experiencing in adjusting to the current state of the refugee crisis are intensified by the fact that the agency continues to be shaped by the Cold War mentality. It came into existence as Cold War tensions began to fester and its mandate, activities, and self-defined role are all reflective of the era in which it evolved. Consequently, UNHCR is presently struggling to emerge from the constraints of the Cold War, as many of the ideas that prevailed during this era have lost their relevance since its demise. For instance, global opinion toward the refugee crisis has changed substantially and UNHCR must bring its activities into conformity with shifting norms. The major change has been the transition in refugee philosophy from an emphasis on the right to asylum to an emphasis on the right to remain.[41] This, in turn, has manifested a transition from the traditional solution of resettlement to repatriation. The nature of contemporary refugee movements and the international system demand that these transitions take place. However, UNHCR's capacity to carry out these transitions necessitates that it rid itself of the traditional Cold War sentiments which shaped its evolution. Since the activities of

UNHCR and the responsibilities of states are still defined by the 1951 Convention, which is reflective of Cold War ideas, the agency is faced with significant difficulty in tailoring the international refugee response to the sentiments of the post-Cold War era.

Traditional humanitarianism, as expressed in Cold War values, is reactive to events.[42] It does not allow for the activity of prevention which is currently deemed to be the best solution to the refugee crisis. Subsequently, UNHCR, like other humanitarian bodies, is finding itself in the unfamiliar role of implementing proactive measures. This is causing the agency to break new ground in its activities, but this setting of precedents is complicated by the fact that its mandate clearly intends for it to be reactive. Furthermore, the desire for the implementation of preventive measures and the emphasis on repatriation as the favoured solution to the refugee crisis have led to a *homeland-oriented approach* that is not even considered in the 1951 Convention.[43] Thus, the post-Cold War era has created a dynamic shift in refugee philosophy for which the Cold War construction of the 1951 Convention, and its domination of the activities of UNHCR, is insufficient to address.

The Cold War focus on the right to leave was the product of political and ideological factors. Those individuals fleeing the Eastern bloc were seen as the victims of communism, but moreover these refugees were of strategic significance in weakening these countries. Consequently, those who *voted with their feet* against the wrath of communism were readily accepted into the Western democratic nations.[44] However, the end of the Cold War has largely signified the end of this philosophy with the growing focus on the right to freedom of movement. This new philosophical foundation is based on the assumption that no one should ever have to become a refugee, in turn, that it is the

responsibility of all countries to provide for the protection of their own citizens.[45] However, the 1951 Convention does not specify the responsibilities of the country of origin, nor does it endow refugees with the right to return to and remain in their own country. This represents a serious gap between refugee law and practice. It would be most valuable for the 1951 Convention to be revised to reflect this paradigm shift. Logically, UNHCR cannot be expected to operate at optimum efficiency when its governing document is the remnant of a bygone era.

The circumstances, and resulting needs, of the refugee crisis have changed so dramatically that UNHCR currently partakes in an array of activities that are distinctively at odds with its traditional strategies. Consequently, the evolving emphasis on such factors as prevention, repatriation, and the responsibility of the country of origin is laying the foundations for an international refugee response that is anything but reflective of the 1951 Convention. Thus, the work of UNHCR requires a sense of justification that may begin with the setting of precedents, as it already has, but that must end with a more formal entrenchment of its evolving perspectives and activities. To free itself from its Cold War connotations, UNHCR must adjust its legal instruments, as well as its own philosophical and practical assumptions concerning the refugee crisis.

The Repatriation Challenge

Since states are shifting their focus to temporary asylum, UNHCR is necessarily shifting its focus to repatriation.[46] However, as has been stated in the previous section, this is presenting the agency with several new challenges. For example, it must seek to ensure that refugees are not forcibly returned to their countries by preserving the element of individual choice embodied in the term *voluntary repatriation.* This task is becoming

increasingly difficult because there are no standardized procedures for determining when it is safe for the refugees to return home. Establishing internationally accepted criteria for the repatriation of refugees would be a worthwhile pursuit for UNHCR, as it would lessen the likelihood of forced return at the discretion of the host country. Until such criteria is established, or some other strategy for regulating repatriation is instituted, protecting refugees from forcible return will continue to be a major concern for the agency. Alarmingly, in 1996, it is estimated that more than twenty countries expelled various groups of refugees.[47]

The concept of temporary asylum implies that the refugees do not have a choice in whether or not they will repatriate; that when conditions in their own country are deemed to be safe, they will return. Consequently, UNHCR is being forced to re-evaluate the notion of individual choice manifested by the concept of voluntary repatriation. Cases are increasingly dealt with on a group basis, and it is rarely possible for whole groups of refugees to decide to stay in the host country or to be resettled elsewhere.[48] Thus, UNHCR must promote the choice of voluntary repatriation by actively seeking the conditions conducive to safe return. In addition, it must offer comprehensive assistance to the refugees at every stage of their return, so that they may be confident in their decision to repatriate and successful in their reintegration. Nonetheless, in promoting the return of large groups of refugees, UNHCR must ensure that there is an established procedure for those who feel they cannot return to receive assistance in seeking settlement elsewhere. Undoubtedly, there will always be those in unique circumstances who simply cannot repatriate along with the others.

The contemporary era of unstable asylum is presenting UNHCR with another significant challenge, spontaneous repatriation. As the refugees see conditions in the host country worsen or a chance to resume their lives in the homeland, they will often repatriate without waiting for UNHCR to organize their return.[49] This poses several problems because their unexpected return leaves the agency with little time to prepare itself to assist in their repatriation and reintegration, yet that assistance is often necessary for the sustainability of the return. Furthermore, there is always the danger that the refugees have been misinformed about the situation in their country. Consequently, they may be returning at a point where it is highly dangerous for them to do so or when their return is likely to exacerbate the conflict. Thus, UNHCR field workers need to supply continually the refugees with accurate information, so that a premature return will not lead to greater suffering and further hinder the attainment of peace.[50]

In reference to the phenomenon of spontaneous repatriation, UNHCR is faced with a significant moral dilemma, as the return may actually have been forced. Therefore, even though it may appear to condone the actions of host countries in violating their asylum duties by assisting in the forced return of the refugees, it would seriously violate its humanitarian duties by failing to do so. Hence, it is caught in a conundrum because no matter what the driving force of the return may be, it must attempt to assist that repatriation even if it means sponsoring state violations of asylum. For instance, in reference to the mass repatriation of Rwandan refugees from the former Zaire, the Executive Committee of UNHCR notes that:

> . . .[the] return to Rwanda of the remaining refugees from eastern Zaire was more of a life saving exercise, rather than a traditional repatriation

> operation, since asylum in the conflict zones of eastern Zaire became untenable.[51]

Similarly, 80,000 Ugandan refugees returned home from southern Sudan after being attacked by Sudanese rebel forces in 1989.[52] Typically, spontaneous repatriations happen so quickly that there is rarely time to find out whether or not the host country deliberately instigated their return before conditions for such were arranged. However, in the aftermath, the factors influencing their return will become evident and the international community must reprimand those states who have clearly violated the asylum principle at the detriment of the refugees.[53]

The increasing focus on repatriation for resolving the refugee crisis is forcing UNHCR to alter and extend its activities considerably. For example, it is currently involved with efforts for rebuilding war-torn societies through the reintegration of returning refugees. Traditionally, it was thought that the return of the refugees signified the end of the crisis and eliminated the need for refugee status.[54] However, it has since been realized that in order for the repatriation of refugees to be successful, UNHCR must continue to assume a level of responsibility for the returnees until their crisis is actually stabilized. Those refugees returning to areas ravaged by ethnic conflict cannot easily resume their lives, as many have lost their homes and their livelihoods. Consequently, UNHCR's assistance to these refugees cannot end at the border. This recognition has caused the agency to delve into new areas and to expand its mandate to encompass new categories of persons. For example, its assumption of responsibility for the reintegration of the refugees often necessitates that it become involved with the internally displaced, who are facing a much similar situation.[55]

In its repatriation activities, UNHCR is being forced to venture into unfamiliar territory. Getting a handle on what its activities in these new areas should be, and how they will be executed, is a major task that will define the future directives of the agency. These new realms of involvement are testing its ability to adapt to the post-Cold War era and the subsequently transformed refugee crisis to which it is devoted to finding durable solutions. Although the agency has met with many challenges that have highlighted its weaknesses, it has also met with many others that have demonstrated its ability to endure the changes of the new era. It is these achievements that need to be further capitalized upon so that it may better orient itself to deal with the new and persistent challenges. Since UNHCR is being expected to provide its services under much different conditions in the post-Cold War era, it must engage in experimentation to discover what techniques are the most successful for finding and implementing durable solutions to the refugee crisis.

UNHCR has illustrated its innovative capabilities for dealing with the refugee crisis in the new era of ethnic violence in a variety of ways. For example, to assist in the reintegration of refugees into societies devastated by armed conflict and economic decline, the agency has instituted what are known as Quick Impact Projects (QIPs). These projects are intended to complement the larger development initiative. Their goals include the provision of vocational courses, the reconstruction of roads, and the planting of trees in deforested areas. QIPs are small scale projects designed to address a specific, and often urgent, need affecting the entire community to which the refugees are returning. These projects are blessed with quick results, usually completed in a few months, and low costs.[56] In fact, many cost less than $10,000.00 (US). These projects are also valued for

their effort and ability to make maximum use of local labour, resources, and institutions.[57] QIPs are important because they recognize the connection between the successful repatriation of refugees and the successful economic reconstruction of the society. Integrative initiatives such as QIPs are valuable undertakings for UNHCR, and the agency must continue to explore different strategies for dealing with the factors that give way to refugee flight while implementing a solution to the crisis itself.

A key area of challenge for UNHCR in its repatriation efforts is accounting for the demographic variables of contemporary refugee communities. It is currently estimated that eighty per cent of the world's refugees are women and children.[58] Men tend to be the last to leave and the first to return in a refugee generating situation because of their traditional roles as combatant and head of family.[59] Subsequently, women and children comprise the bulk of the refugee population in need of UNHCR assistance and are the primary participants in the eventual repatriation. Thus, the agency must adopt strategies for addressing the specific needs of these individuals. For women, there is a need for economic empowerment while for the unaccompanied minors, there is a need to ensure that they are reunited with their families or brought under the supervision and care of a capable and willing adult.

This section has highlighted many of the challenges that an international bias toward repatriation is generating for UNHCR. In situations of ethnic conflict, repatriation is an inherently difficult, yet necessary, solution to the resultant refugee crisis because it involves eradicating the ethnic tensions and animosities that have induced their flight. This solution is particularly complicated by the fact that UNHCR must look to the country of origin to restore its protective functions to the returning refugee population.

Although the agency is obviously challenged by the recent focus on repatriation as the favoured solution to the refugee crisis, it is capable of meeting these challenges. Moreover, its ability to address the challenges associated with repatriation will increase as it gains experience in implementing this solution.

Organizational Challenges

UNHCR is presently faced with a multitude of organizational challenges, many of which are the product of its uneasy transition into the realm of fieldwork and the changing nature of the refugee crisis in the post-Cold War era. For example, the predominance of refugee emergencies, from the 1960s to the 1980s, in tropical or semi-tropical regions has meant that the agency's emergency procedures and supplies are geared toward the conditions common to a warm climate. However, the 1990s have signalled a marked increase in the number of winterized refugee emergencies taking place. Consequently, UNHCR has had to struggle to provide the refugees with more fuel, shelter, clothing, and other necessities for surviving a cold climate in areas such as the former Yugoslavia, Azerbaijan, Armenia, and Tajikistan to name but a few.[60] Although tailoring the agency's emergency procedures and supplies to suffice in both hot and cold climates seems to be an organizational problem of the most minimal nature, it is actually a much more difficult one to remedy than it appears to be on the surface. For the activities of UNHCR to become climatically diversified, there will have to be a substantial overhaul of its traditional strategies. Moreover, preparing for refugee emergencies in a cold environment requires significantly greater economic expense. Thus, even those problems that initially appear to embody only minuscule adaptations, often necessitate considerable changes in the organization and implementation of UNHCR's activities.

In this era of violent ethnic conflict, the rise of warrior refugee communities represents another substantial problem for UNHCR in the determination of its organizational strategies.[61] As the fighting intensifies, the combatants tend to recruit more fighters from bordering refugee camps. Further, the material assistance provided in the camps is often used to sustain the soldiers perpetuating the conflict which has led to the refugee crisis. The existence of warrior refugee communities is not only generating violence and fear within the camps, but it is also contributing to the conditions that prevent the refugees from returning home. One solution is to locate the camps far enough away from the borders of the state from which they have fled to prevent the refugees from returning home to fight at will. However, this does not eliminate the tensions which occur within the camps. Thus, UNHCR must address the issue of refugee warriors by seeking to create a culture of tolerance and peace in these camps. This entails educating the refugees about these matters and designing programs for implementing these goals. Eventually, the warring groups will have to learn to live together again, so the process of localized reconciliation should begin while they are still in the camps. Thereby, warrior refugee communities may be neutralized. Although this seems to be an ambitious task for an agency already struggling to meet the most basic needs of the refugees, it is one that will ease the later process of repatriation and reintegration.

With 83 per cent of its 5,475 employees in the field, ensuring their safety has become a major concern for UNHCR.[62] Refugee situations represent highly unstable environments, and the agency's provision of assistance and protection to a particular ethnic group may be violently opposed by another. Consequently, in their efforts to supply these services to the designated refugee populations, UNHCR field workers are

increasingly thrust into dangerous conditions. In areas where these humanitarian workers are endangered in the line of duty and their capacity to do their job inhibited by the activities of the warring groups, the best solution seems to be an accompaniment of their work with a military presence. This has obvious implications for the preservation of the agency's perceived impartiality, but the integration of all activities intended to bring peace to a war-torn society is necessary for the collective success of those activities. Although UNHCR should not engage in a direct relationship with the military, it should be ensured that their presence and the conduct of their duties receives military protection. In situations where humanitarianism is threatened by violence, a deterrent military presence is the only sure way of safeguarding these activities from the aggression of the warring ethnic groups. This does not entail that UNHCR link itself with the military, rather that the activities of the military include the protection of humanitarian activities.[63]

As of 1 January 1997, there were over 22 million persons deemed to be of concern to UNHCR. These persons principally include refugees, returnees, and certain groups of internally displaced persons.[64] Evidently, its mandate is tremendous and its organizational activities, subsequently, need to manifest the highest level of competence and maximization of available resources. UNHCR has encountered a host of problems inhibiting its attainment of optimum managerial effectiveness in the past, and there is a clear need for further streamlining of the organization to reach this goal.[65] Improving the capabilities of the agency begins with better coordination with other organizations conducting related work. This includes nongovernmental organizations, but also other bodies of the UN system and regional organizations. The higher the level of integration and coordination, the better the emergency response to the situation. Furthermore, the

greater the prospects for long term resolution to the refugee crisis. Essentially, UNHCR needs to devise coherent strategies for dealing with the new dimensions of the refugee crisis in conjunction and collaboration with other applicable organizations. Thereby, it will be in a better position to rectify its own organizational challenges.

Financial Challenges

Although, as has been demonstrated in the preceding sections, there are many pressing issues challenging the capabilities of UNHCR in the post-Cold War era of internalized ethnic violence, the one that seems to be the most obvious is financial constraints. In 1997, the agency's budget of $1.22 billion (US) was down from its budget of $1.43 billion (US) in 1996.[66] Even though these figures appear to be enormous, they are still not enough to fund all of the activities of UNHCR. The work which the agency is engaged in is of a great magnitude, demanding vast financial resources. However, despite the insufficiency of its budget, and the subsequent limitations this places on its ability to maximize its effectiveness, the prospects of it obtaining a larger piece of the UN financial pie are not very likely. Consequently, UNHCR is forced into the realm of perpetual fundraising in order to obtain the resources that are necessary to fulfill its mandate.[67]

Mass refugee movements are often sudden events and as a product of the urgency of the needs of the refugees, they immediately consume substantial resources.[68] Thus, it has been difficult for UNHCR to adhere to a restrictive budget because its financial needs will vary depending upon the nature and number of refugee crises in a given year. In turn, its need to fundraise for every new project and refugee crisis hinders its ability to maintain its apolitical status as donor states have political concerns and their own vision of what the agency should be doing.[69] After all, states are sovereign bodies with foreign

policy objectives. Thus, UNHCR is caught in the dilemma of sacrificing the sanctity of its office to respond to these political concerns and ignoring these concerns at the sacrifice of necessary funding to assist the refugees. The only way to reconcile completely this dilemma is for the UN to give UNHCR its regular budget, but then establish a special fund available to the agency upon its request to respond to emergency circumstances. However, this is an unlikely solution, so the agency must continue to seek alternative measures for lessening the political aspects of its indispensable fundraising activities.

Besides rectifying the political problems that arise from the need to fundraise, UNHCR is facing significant challenges in its ability to raise even the required funds. Governments around the world are becoming increasingly tired of the enduring refugee crisis, and UNHCR needs to remind them of their responsibilities as contributing members to the international refugee response.[70] As Yéfime Zarjevski illustrates, the states composing the international community depend heavily on UNHCR, and it is time that they translate their dependence into support for the work of the agency:

> More and more the international community has come to count on UNHCR to transform into concrete action the sympathy aroused in the general public by news of the suffering of millions of people in areas where only outside help can save them from the worst.[71]

Although governments may appear to be tiring of the refugee crisis, in reality, they cannot afford to become disinterested. The refugee problem is not going to disappear suddenly and this comment demonstrates the value of UNHCR for the international community. The agency's activities are of fundamental importance in managing the crisis, and preventing it from having even greater negative implications. The reality of

this is evident, but the agency cannot function without the financial support of the world's sovereign states. Thus, UNHCR must force states to realize, and live up to, their responsibilities in taking care of the world's refugees. The refugee crisis has far reaching implications for international peace and security which demand that all states actively contribute to the resolution of the crisis. Consequently, states' donations to UNHCR do not merely represent acts of charity, and they should not be conceived of in that way. States have to recognize that the refugee problem is a global one, and that it is clearly in their best interests to accept their share of the burden. Hence, pressure needs to be applied upon states not simply to donate to UNHCR, but to fulfill their duty in bringing solutions to the refugee crisis.

The problematic factors affecting the collection of accurate refugee statistics which result from the nature of their dilemma pose serious challenges for UNHCR in terms of its ability to fundraise effectively and make suggestions for its budget.[72] In addition, the element of unpredictability inherent in the agency's work inhibits long term planning, as resources intended for one initiative may need to be diverted to an unforeseen emergency situation. Consequently, UNHCR is an organization that must always be ready to act when the unexpected arrives; that is, to change its resource allocations and adapt its strategies accordingly. Thus, the agency has grown to assume a high level of versatility which will be among its greatest assets in responding to the dramatically altered refugee environment of the post-Cold War era.

One of the greatest challenges facing UNHCR at the current time is learning how to make do with its limited financial resources. To meet this challenge, the agency must seek out strategies that enable it to derive maximum benefit and incur minimal costs from

its endeavours. Nonetheless, its need to fundraise will continue, and the key to success in this area resides in restructuring its fundraising techniques in a manner that focuses on international responsibility, not charity, in resolving the refugee crisis.[73] We all pay in one way or another for the refugee burden because the tremendous instability generated by it has global manifestations. Furthermore, it is the humanitarian duty of all peoples to continue to assist the refugees of this era. After all, the forces that have led to the rise of ethnic conflict that is currently producing an abundance of refugees are often attributable to factors beyond the control of the affected state. For example, many are the result of years of colonial rule followed by negligent decolonization, whereby borders were arbitrarily drawn in ignorance of ethnic cleavages.[74] Thus, the contemporary existence of ethnic violence in many regions is derived from the actions of powerful colonial states. As such, they are not simply the fault of the struggling civilizations who were left to find their own ways of peacefully coexisting. When it comes time to pay for these problems, it is easy for states to forget the role they have played in creating the crisis. Thus, it is the responsibility of UNHCR to remind states of their financial obligation to support the international refugee response.

Surviving the Challenges

The challenges outlined in this chapter are numerous and they are obviously only a fractional representation of the barriers which the agency must overcome. However, there is an element of commonality in addressing the wide array of challenges facing UNHCR, with efforts thereto being interlinked and necessarily overlapping. It is currently struggling to meet these challenges, but its success in this endeavour is problematically contingent upon the political will of states.[75] For UNHCR to capitalize fully upon its

skills and potentialities, it must receive a high level of support from the international community. As a consequence, the agency needs to continue to raise awareness concerning the international implications of the refugee crisis. Thereby, it will increase its chances of reversing the trend of declining state interest in the protection and assistance of the world's refugees.

The post-Cold War era is clearly having a tremendous impact upon the global refugee crisis, as it shapes the crisis and redefines the challenges that it poses. However, it is also presenting the international community with new opportunities for cooperation in its management.[76] For example, it is permitting the emergence of justified norms of international intervention in internal conflicts that have the potential to curb the number of refugees resulting from these proliferating disputes. Thus, even though the changing political climate of the international community may be presenting UNHCR with a variety of problematic challenges, it is simultaneously presenting the agency with a greater possibility of achieving comprehensive, global solutions to the refugee crisis. However, as has been stated consistently throughout this chapter, its ability to capitalize on the benefits of the post-Cold War era, and to rise to the challenges that it presents, necessitates the continuance of a firm international commitment to resolving the refugee problem.

This chapter has demonstrated various ways in which the activities of UNHCR are being moulded by ethnic conflict, and the essential need for the adoption of creative strategies for managing the growing challenges this form of conflict presents. In addition, it has highlighted several possible measures for UNHCR to pursue in its efforts to adjust better to the post-Cold War rise of ethnic violence. The one that stands out as being

among the most important is the revising of the 1951 Convention, as it is the primary instrument of international refugee law. Although the principles manifested in this document are most compelling, it needs to become more reflective of the current circumstances of the world's refugees. The playing field has radically changed and the international agreement governing the rules of the game must change accordingly. The 1951 Convention, like a constitution, must be a living document; that is, capable of adjusting to changing conditions. At the present time, it does not embody that flexibility. Consequently, an international refugee response is emerging, one that emphasizes such new concepts as the provision of temporary asylum and the responsibility of the country of origin, which does not manifest the stipulations of the major instrument of international refugee law.[77] Logically, the agency would be stronger if its new challenges could be addressed through binding amendments to the 1951 Convention.

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Chapter 4

Sustaining and Capitalizing Upon the Return

Introduction

The magnitude of refugee movements resulting from organized ethnic violence makes repatriation the most suitable solution for all affected parties. Hence, the emphasis on the right to return is gaining worldwide appeal and increasing support. However, in spite of the preference for this solution, it remains a particularly difficult one to implement and an even harder one to sustain due to the intensity of these conflicts and the personal attachment to their cause. When an ethnic conflict turns violent, the animosities are so great that people are even willing to kill those who had once been their neighbours or coworkers. Since the repatriation and the peace are both contingent upon the society's willingness to accept and reintegrate those who have been forced to flee, the efforts to achieve these ends must be intrinsically intertwined. This is necessary for both the sustenance of the repatriation and the actualization of its value to the peace process in ethnically divided societies. Thus, the repatriation must be reflected, and the benefits to be derived therefrom capitalized, upon in all aspects of reconstruction.

The MINUGUA mission currently taking place in Guatemala is the most profound attempt to orchestrate a comprehensive peacebuilding operation that incorporates repatriation. Established in November 1994 to bring a lasting peace to the 30 years of violence that has marred the country, MINUGUA encompasses such activities as human rights verification and institution building. An important aspect of this peace process is the signing of the Comprehensive Agreement on Human Rights by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca which

demonstrates the commitment of both parties to the realization of a peaceful future. In monitoring compliance with this document and in the conduct of its other activities, MINUGUA seeks to address the complexities of the issues surrounding the reintegration of the refugees and the return of internally displaced persons.[1]

In this chapter, we examine some of the factors necessary for the successful linkage of repatriation to the peace process. These include standardizing the concept of repatriation, dealing with the practical obstacles, fostering a culture of peace, and ensuring situation-appropriate democratization. Although this list is by no means exhaustive of the factors which are beneficial and/or necessary for repatriation to be successfully connected to the larger peace process, it highlights some of the major issue areas in need of further investigation. This analysis attempts to illustrate the inherent complexities and problematic challenges of linking repatriation and ethnic peace, but also to show that these barriers can be overcome. Indeed, the future of the society and the safety of the returning refugees is dependent upon this accomplishment.

Standardizing Repatriation

Voluntary repatriation has come to be regarded, by the collective bodies of the international community, as the preferred solution to contemporary refugee movements. However, the promotion of this solution exists in the absence of clear international standards for the conditions under which a return should take place.[2] The establishment of such criteria is becoming a most pressing task for the maintenance of the efficiency and effectiveness of the international refugee response embodied in the work of UNHCR. In addition, it is necessary for the successful linkage of repatriation and peace, as the setting of universal guidelines would help to ensure that the return occurs at a time when it is

most conducive to the peace process. With the growing acceptance of the concept of *temporary asylum*, whereby states agree to grant refuge to a group of refugees on a conditional basis until a more permanent solution has been found, the eventual return of refugees to their country of origin is often inevitable.[3] Consequently, objective criteria for the repatriation of refugees must be formally adopted, so that these individuals are not returned to the same life threatening environment from which they have fled.

To manage the refugee problem, as was noted in Chapter Three, the United Nations first established the International Refugee Organization (IRO) in 1947. Its main objective was, from the onset, the repatriation of refugees. However, this goal was abandoned as Cold War tensions heightened and the preferential solution to the refugee crisis became external settlement.[4] The post-Cold War era is marked by the end of the ideological rivalry between the East and the West which favoured resettlement and, as a consequence, the West no longer perceives of a strategic purpose in the acceptance of large numbers of refugees.[5] Moreover, the nature of the refugee crisis itself has been significantly altered in the 1990s. The most evident manifestation of its changing face is the large-scale on which refugee movements currently occur, often totaling into the hundreds of thousands. A further problem arises in that the bulk of these refugee movements are being hosted by the developing world where the prospects for their long term integration are extremely slim.[6] As a consequence of all these factors, the end of the Cold War has signified a return to the earlier refugee doctrine of the IRO which emphasized repatriation as the preferred solution to the plight of the world's refugees.

With the number of refugees soaring to unprecedented levels in recent years, voluntary repatriation has not only become the most favoured solution to the refugee

problem, but also the most practical one. For example, until very recently, the number of refugees had been increasing at an incredible rate of one million a year since 1980.[7] As a consequence of this proliferation in the refugee population, it is only rational that the international community seek to return them to their country of origin, rather than settle them elsewhere. Naturally, it cannot be expected that such massive population displacements are capable of being absorbed into other countries without creating serious disruptions therein. Even the temporary provision of asylum to refugees can have a devastating and destabilizing effect on the social, political, economic, and environmental conditions of the host country.[8] Therefore, attributable to the common element of mass exodus found in the modern refugee crisis, permanent settlement in the country of first asylum has become unrealistic and undesirable. Similarly, resettlement in a third country is increasingly becoming a less viable option as countries around the world adopt a 'closed borders' approach to refugee flows.[9]

The changing nature of the international system has created a climate in which international cooperation in seeking solutions to the refugee problem in the country of origin is possible, and the changing dimensions of the refugee crisis are demanding that this be so. Traditional notions of voluntary repatriation are premised on the idea that the refugees will not return until the conditions in their homeland have changed in such a fundamental way that the elements which gave rise to their exodus are resolved.[10] However, contemporary notions of repatriation, evolving in response to the changing nature of the refugee crisis, perceive return as something that can occur as part of the effort to resolve the refugee generating circumstances.[11] That is, repatriation can serve as an instrument of peace in societies ravaged by violent ethnic conflict. There is a growing

recognition of the value that the repatriation of refugees may have to the peace process, with their return representing one of the most important steps in the road to long term peace. Since the generation of a mass exodus is often a key goal of violent ethnic conflict, their return is a necessary symbolic and practical event in the establishment of peace.

The reasoning behind a return to an emphasis on repatriation, on the part of the international community, for managing the refugee crisis is self evident, and it is undeniable that this is, in most circumstances, the best solution to their plight. However, the fundamental problem with this solution, as noted at the beginning of this section, is the absence of clear and objective, internationally accepted criteria for the repatriation of refugees. This raises a host of troubling questions for which there are, as of yet, no concrete answers, only speculations. The first question one naturally must ask is who decides when it is safe or at least appropriate for the refugees to return. If it is to be the country of origin who decides, the return of the refugees will be dependent upon whether or not their homeland perceives of their return as a desirable event.[12] In ethnic conflict situations, it is unlikely that the return of the refugees would ever be permitted because these conflicts are driven by the desire for an ethnically homogeneous state. Thus, the country of origin wants the refugees to remain outside of its borders permanently.

In allowing the country of origin to decide when it is appropriate for the refugees to return home and the conditions under which their return will occur, a further problem is encountered by the fact that it may not have a legitimate government presiding over its affairs. Consequently, the international community does not have any single entity with which to negotiate the repatriation agreement.[13] In this instance, an agreement in the country of origin must involve representatives of the various ethnic groups party to the

dispute. This is likely to make the arrival at a decision on whether or not to repatriate an extremely difficult one. Thus, the instability in the country of origin means that it may not be the best judge of when it is appropriate for the refugees to return and under what conditions.

If it is to be the host country who decides when it is safe for the refugees to return home, then they may seek to repatriate the refugees long before it is safe for them to do so because of the economic, social, environmental, and/or political burdens imposed on their country by their presence.[14] The burdens associated with mass refugee flows are quite substantial. In recognition of this, the United Nations Declaration on Territorial Asylum calls for international solidarity in lightening that burden.[15] A country may extend its arms openly for the provision of temporary asylum to refugees, but as their stay in the host country becomes longer and longer, and the prospects for return no more brighter than they were when the refugees first arrived, it is easy to see why a country may feel compelled to seek repatriation long before it is a viable option for the refugees.

The third logical option, and indeed the one implied by the officially-used term voluntary repatriation, is to have the refugees themselves decide when it is safe for them to return. This has many obvious implications including the factors of miscommunication as to what is going on in the country of origin and undue pressure exerted on the refugees by the host country to force them to return. The refugees must have a say in their repatriation, but the international community must ensure that their interests are protected; that an apparently voluntary decision to repatriate is not a forced or coerced one.[16] Nonetheless, there will be situations in which, for any variety of reasons, the refugees will decide to repatriate spontaneously before the international community has

determined that it is safe for them to do so and before arrangements for their repatriation have been organized. In these situations, there is nothing the international community can do but assist their safe return in every way possible. The decision of refugees to repatriate on their own accord is a much different one than that which is forced, but there is a fine line between the two and we can never be entirely certain as to the exact factors which have influenced their decision. Thus, rather than placing refugees in a position where they must choose whether or not to repatriate entirely on their own, the international community must provide them with a collective and organized means for doing so. Moreover, it must actively seek to determine when it is appropriate for them to return and advise them accordingly.

Leaving the decision of whether or not it is appropriate to repatriate the refugees in the hands of the international community is the best solution to this dilemma of who decides when it is safe to return. However, in each particular circumstance, the international community must actively involve all affected parties in coming to a decision on when the repatriation will occur and how it will be sustained.[17] This includes the refugees, the host government, the government in the country of origin or the representatives of the relevant ethnic groups, and the major agencies which will assist in the repatriation and reintegration of the refugees. Although every situation is unique and there can be no exact recipe for safe repatriation, there must be some international guidelines established in this area. The need for this is manifested by the increasing movement toward the identification of objective conditions as key determinants in the decision of whether or not to repatriate, rather than a traditional reliance on the individual will of refugees.[18]

As of yet, statements by the international community concerning the criteria for safe repatriation have been vague, positing an emphasis on the repatriation of refugees in a climate of *safety* and *dignity*.[19] These concepts are of fundamental importance, but they leave us with the unanswered questions of what constitutes safety and who decides when the possibility of a repatriation under these conditions exist. Amnesty International has advanced that such conditions cannot be said to exist until the observance of human rights is guaranteed at every stage of the repatriation. Further, that the repatriation of refugees should not occur until an independent and objective analysis has been conducted on the human rights conditions in the country of origin.[20] The protection of human rights is, undeniably, central to the establishment of any objective criteria for the repatriation of refugees, but there are other factors of fundamental importance which must also be considered. For example, the prospects for peace the repatriation will entail and the willingness of the country of origin to be accommodative to and accepting of the returning refugees. Indeed, the success of their return is contingent upon the cultivation of a climate of ethnic tolerance.

Internationally accepted, objective criteria for the repatriation of refugees must be comprehensive and, to some extent, highly specific to avoid a convenient interpretation of words. However, at the same time it must be flexible enough to allow for its adaptation to the varied circumstances of different refugee situations. The establishment of such criteria is by no means an easy task, but it is one of the highest significance, and one to which the international community should be directing more attention. Undoubtedly, the existence of such criteria would provide a valuable guideline by which the viability of particular repatriation operations may be gauged by the international community as a whole.

Thereby, such criteria would make a substantial contribution to the protection of the world's refugees and to the use of repatriation as a peacebuilding tool.

Addressing the Obstacles to Repatriation

Although persistent violence is the most obvious obstacle to successful repatriation, it is far from the only one. The return of the refugees necessitates that many practical issues be addressed from the resolution of land claims disputes to the generation of income-earning opportunities for the refugees. If these practical obstacles are not overcome, the prospects for reintegrating the refugees and sustaining the peace are both equally minimal. Clearly, there is a multitude of these practical obstacles to repatriation which are threatening the entire peace process, and certain obstacles will take on more or less importance in a given situation. This section will examine a limited number of those obstacles to demonstrate the complexity of a repatriation operation, and to highlight the pressing need to address these issues in a manner that does not further aggravate ethnic tensions. The return of the refugees requires a significant adjustment for the entire society to which they are returning, and to resolve the problems hindering repatriation efforts, the entire society must be involved.

One of the greatest issues in the repatriation of refugees is determining where they will live when they return home.[21] Much has happened since they have left, and there is little chance that their property and possessions are simply waiting to be reclaimed. In fact, even before they left their country, many were forced to give their material possessions, including their house and land, to those who were persecuting them. The former Yugoslavia is just one example of where this stripping of material wealth, along with one's safety and dignity, took place.[22] When the refugees return, the bitterness

toward such acts is likely to remain strong. After all, they may have worked their entire lives to buy a house that they now have no legal claim to or financial compensation for. Since their land was taken through the use of force, not the regular channels for the transition of property ownership, the issue will not be resolved until it has been brought out into the open and addressed.

Even if the refugees were not forced to sign away their homes and land, they may have been outside of their country for months, years, even decades. In their absence, their property has likely been claimed by others or destroyed by the conflict. Consequently, there is little material security for them to return to and many will be incensed by their loss. Thus, to ensure that the land claims issue does not jeopardize the peace and the successful reintegration of the refugees, this issue must be anticipated and the process for dealing with it commenced before the refugees begin repatriating. This entails finding new places for the refugees to reside when they return home, and seeking to lessen the resentment between the different ethnic groups stemming from the complexities of the land claims issue. In addition, there must be some process established for those currently inhabiting the homes and those who claim to have rightful ownership of the property to settle their dispute peacefully through the guidance of impartial mediators.

The obstacle of land mines is another issue in need of addressing prior to, as well as throughout, the repatriation and reintegration of the refugees. In Cambodia alone, there are estimated to be somewhere between four and ten million land mines, whose effects have left the country with one of the highest proportions of persons disabled by loss of limb.[23] Unlike the resolution of the land claims issue, the resolution of the land mines issue is much less likely to receive resistance from either side. Everyone in favour of

sustaining the peace benefits from the removal of these devices. However, addressing this obstacle to repatriation, peace, and the reconstruction of the society is by no means an easy task, as the removal of these land mines is highly time consuming, monetarily expensive, and physically dangerous.[24]

A refugee crisis is a chaotic event, and it is not uncommon for those in exile to be without sufficient documentation such as a birth certificate, passport, or driver's license. Undoubtedly, this will cause them to encounter serious problems in their pursuit of asylum, as well as in their return to their homeland. Without adequate documentation confirming their right to remain in their country of origin, these individuals are likely to be disadvantaged in a number of ways. For example, they may not be able to register as voters, participate in elections, travel around their own country, enroll in educational programs, obtain employment, or get married.[25] Naturally, the absence of necessary documentation stands as a major obstacle to the successful reintegration of the refugees and the realization of peace, as the returnees will be aggrieved by their inability to resume their lives and enjoy the rights being bestowed upon those around them. Returnees can contribute substantially to the reconstruction of their society and to the maintenance of peace if they are given the opportunity to do so. However, if they are consistently kept in a marginalized position, they will contribute more to the demise, than the rise, of these efforts. Consequently, ensuring that the repatriating refugees are given some form of documentation that will be accepted and respected by the country to which they are returning must become a major concern for the international community. Without such an initiative, neither the repatriation nor the peace are likely to be sustained in the long term.

A final obstacle to repatriation to be considered in this section is economic tensions. A functioning economy is what sustains a society by providing its citizens with their most basic needs of food and shelter. When the economy fails, congenial social relations are also compromised.[26] Hence, there is a need to pursue strategies of economic development through aid, but more importantly through investment. Thereby, economic tensions that will likely aggravate the reintegration of the refugees and the reconciliation process may be alleviated. As expressed by the current United Nations High Commissioner for Refugees, Sadako Ogata, the importance of addressing the obstacle of economic development cannot be underestimated: "Just as political settlement stabilizes repatriation, economic development sustains it."[27] If the economy shows no improvement as the conflict comes to an end, the return of the refugees may be resented by those already struggling to feed their families. Therefore, those economic initiatives intended to assist the refugees in their reintegration must provide benefits for the entire community. Furthermore, within the context of economic development, another major issue to be considered is ethnic equity; that is, benefits of economic progress must be widely dispersed, not concentrated in the hands of a single ethnic group.[28] Clearly, there is a need to address ethnic representation within the private, as well as the public, sphere. After all, it is only by leveling the playing field between the different ethnic groups that long term peace may be achieved. Moreover, it is only by conceiving of the returning refugees as contributors to the reconstruction of their society, that their repatriation may be capitalized upon and turned into long term reintegration.

Generating a Culture of Tolerance and Peace

If repatriation is to be tied successfully to the peace process, there must be measures taken to establish an environment which is propitious to their reintegration; that is, a generation of a culture of ethnic tolerance and peaceful coexistence.[29] Peace must be promoted at all levels of society, but particularly from the grassroots so that the ordinary people will be less susceptible to elite manipulation. It is only by working with entire communities, that mutual antagonisms may be reduced, stereotypes rectified, and trust constructed.[30] Since these conflicts begin by the stirring up of fearful or malicious emotions at the grassroots level, the long term resolution of ethnic violence must also begin at this level. This manifests the need to move away from traditional peacekeeping toward new techniques of peacebuilding.[31] Simply keeping the warring sides apart by the presence of military force does little or nothing to bring the sides together in peace. Thus, when the peacekeeping forces are removed, an eventual return to violence is likely because the groups have not learned how to live together.[32] In comparison, peacebuilding initiatives can help these groups find a common ground from which to foster friendly relations. The repatriation of the refugees contributes to this peacebuilding process by bringing the groups together to discover collectively how they will prevent future violence by creating and sustaining a culture of ethnic tolerance.

In reference to the need to embark upon the task of generating a culture of tolerance and peace at the grassroots level, Hans Kung asserts that: "Our earth cannot be changed unless. . .an alteration in the consciousness of individuals is achieved."[33] It is not enough for the leaders to talk peace and sign agreements. Unless the individual members of the different ethnic groups change their mentality regarding one another and the

acceptability of violence, then the peace, like the reintegration of the refugees, is incapable of being realized. This goal may be achieved through a variety of mediums. Education, as discussed in Chapter Two, is among the most obvious and important strategies. Peacebuilding in Haiti included the training of civilian police officers and the use of grassroots organizations to educate the general population about human rights.[34] Another key tactic is frequent media coverage of positive interaction between the different ethnic groups, as well as the leaders of those groups and other prominent figures making public appeals for social harmony.[35] Just as the media is so often used to spark the hatred that fuels the conflict, it may be used to spark the tolerance that will fuel the peace. If the members of the different ethnic groups are unaware of the advancements being made in the peace process, then they will likely be hesitant or ill-prepared to accept the peace and the return of the refugees.

A culture of ethnic tolerance and peace cannot be created unless the members of the different ethnic groups understand what they were really fighting over, as James S. Sutterlin contends:

> Ethnic and tribal wars grow not so much from ethnic differences as from the desire of one group to exercise control over or supplant the other - Serbs and Croats, for example, have lived together in peace longer than at war. Where two or more culturally identifiable groups cohabit a common land or region in freedom and where human rights are respected, ethnic disputes and hostility exist but organized conflict is hardly to be found. . .[36]

The groups need to be made aware that the violence is derived from what one group has, or has thought to have, done to another, not from their innate hatreds. Essentially, they need to realize that their conflict is the product of identifiable factors of human creation and that they can coexist in peace. From this, a recognition of the right to ethnic identity

can be nurtured. Since it is when an ethnic identity is threatened, or appears to be threatened, that it becomes the most salient, this is a most important undertaking.[37]

When the different ethnic groups are allowed to express their ethnic difference in an open and accepting environment, the possibility of violent interaction between the groups is substantially reduced. Furthermore, allegiance to the multi-ethnic state may still be sustained because it will be conceived of as the body that upholds the culture of ethnic tolerance. Reaching this ideal situation of intra-ethnic harmony is a long and difficult process which few, if any, of the world's most accommodative multi-ethnic states have been able to achieve. However, there is no logical reason why it should be an unattainable goal and efforts to lead an ethnically war-torn society down this peaceful path must begin as soon as the violence ends. Ethnicity must come to be seen as a force to enrich society, not one that turns neighbours against one another. Societies define the role ethnicity will assume and it is only by restructuring the society to conceive of ethnicity as a positive, rather than negative, entity that a culture of ethnic tolerance may be cultivated and sustained.[38]

Since ethnic conflicts, as witnessed in the former Yugoslavia, are characterized by multiple tensions and horrendous atrocities, they tend to provoke widespread suffering and resentment.[39] Subsequently, generating a culture of peace and tolerance is a particularly difficult task that must be grounded in activities to achieve psychological and emotional healing. Unless the ethnic groups involved in the conflict are able to come to terms with what has happened in a manner that allows the society to move forward, then the potential for a return to violence is ever present. Indeed, accusations will be rampant and ethnic hatreds perpetuated if the root causes of the conflict are not resolved and the

manifestations thereof addressed.[40] War crimes tribunals and truth and reconciliation commissions are two possible means for fulfilling the need for psychological and emotional healing, as they can both expose the myths that have led the parties into conflict in the first place and, moreover, address the resentment generated by the atrocities that have been committed.[41] Undoubtedly, the effective operation of these peacebuilding tools is of great assistance to the establishment of long term peaceful relations between the warring ethnic groups. In addition, their utilization can give the refugees a greater sense of security in their return and increase the level of acceptance they are greeted with upon repatriation.

After the violence has been brought to an end, it cannot be expected that people will simply go back to life as usual and forget what has happened to them. Hence, there is a need to bring closure to their ordeal and to eliminate the prevailing climate of fear and suspicion. Once people are able to make sense of what has happened to them, they can begin to partake in collective forgiveness. Without question, collective memory, often based more on myth than reality, is selectively dangerous to the long term peace process.[42] Consequently, the fact finding capacities of war crimes tribunals and truth and reconciliation commissions are very important. By supplying all groups with the actual facts surrounding the development of the conflict and the atrocities committed, the myths of collective memory may be deconstructed. The activities of established tribunals and commissions can move the peace process forward and encourage the return of the refugees. Once everyone has an awareness of what really happened, they may begin to deal with it personally and collectively. Naturally, this places the refugees in a better position to return confidently in a climate of forgiveness.[43]

Although war crimes tribunals have been the traditional technique for exposing the facts of a conflict and furthering the healing process by providing a sense of justice through retribution, the recently established tribunals in Rwanda and the former Yugoslavia have exhibited substantive problems. Hence, truth and reconciliation commissions have become the instrument of choice in other societies, such as South Africa, which are struggling to overcome the psychological and emotional devastation of war and injustices on both an individual and societal level.[44] Psychological healing does not necessarily require that individuals be sought out and punished. However, this is the principle upon which the majority of the world's justice systems are based. Subsequently, it is the principle which the international community has embedded in its international war crimes tribunals. In comparison, truth and reconciliation commissions are centred on the pursuance of communal healing through the rehabilitation of entire societies.[45] Hence, these commissions provide a more neutral environment for the exposure of truth and the promotion of forgiveness than the adversarial forums of war crimes tribunals.[46]

Undoubtedly, war crimes tribunals and truth and reconciliation commissions offer valuable contributions to the success of the peace process and the repatriation of the refugees. However, neither are, in and of themselves, capable of completely fulfilling the need for psychological and emotional healing that is necessary for the generation of a culture of peace and tolerance. The wounds of ethnic conflict are deep and fresh, and strategies for propelling the society forward must be sensitive to this reality and the need to heal these wounds fully. Moreover, the success of the agreed upon repatriation of the refugees, in terms of its ability to contribute to the aggravation or alleviation of ethnic

tensions, necessitates that all members of society be given ample opportunity to deal with what has happened to them.

Effective Accommodation

Ethnic conflict cannot be diluted without effective accommodation of ethnic diversity.[47] The appropriate measures for ensuring accommodation will vary with the dynamics of each ethnic conflict situation. However, what is common to these situations is the need to understand that conflict is a natural aspect of social existence which is best resolved through civil processes, by equitable rules, through dialogue with one another, and in a framework of governance facilitating cooperation and reconciliation.[48] While conflict is inevitable, violent expression of that conflict is not. Since ethnically-pure states are an illusion and effective accommodation of ethnic difference is the only way to ensure peaceful coexistence, the repatriation of the refugees is intrinsically linked to the peace process. This is because the measures necessary for effective accommodation cannot be established unless the refugees return home and contribute to the decision upon, and construction of, these techniques. It is those who were most affected by the lack of accommodation in the first instance, the refugees, who know what is most needed for them to feel safe and accepted in their own country. Without their input, the restructuring of the society may not provide for the level of accommodation of ethnic diversity that is necessary to prevent the resurgence of violence.

There are several venues through which a society may achieve effective accommodation. The first is constitutional change whereby the basic manner in which the society is governed may be slightly or significantly altered. Constitutional change will be discussed in more detail in the following paragraphs through an analysis of adequate

democratization. In accordance with this venue, accommodation may be achieved through the institution of federalism.[49] Thereby, regionally based ethnic interests may find expression in the central government. Furthermore, the greater the decentralization of a federal system, the greater the opportunities for group autonomy. Obviously, federalism is of little value as a tool of accommodation where ethnic diversity is widely dispersed. Another tactic is the implementation of electoral formulas that either encourage parties to become broadly appealing or which ensure representation of ethnic differences in the composition of elected bodies.[50] In addition, the adoption of cultural policies that promote and encourage ethnic diversity while simultaneously fostering a sense of allegiance to the state are of fundamental importance.[51] A final venue for ethnic accommodation is the pursuit of policies for economic development that concurrently promote the inclusion of all ethnic groups in the work force.[52] Each of these alternatives offers a wide range of possibilities for accommodation. However, determining exactly which strategies will be the most successful at creating the conditions required for the reintegration of the refugees and the maintenance of long term peace necessitates the involvement of the refugees.

Partition, whereby the country is divided into ethnically defined and controlled regions, is one strategy for accommodating ethnic diversity through constitutional mediums.[53] Although it has the benefit of eliminating ethnic conflict through the creation of ethnically homogenous territories, the population transfers that this entails are both impractical and immoral. Even though partition may be seen as the simplest solution to ethnic hatreds, it is detrimental to the repatriation of the refugees, as well as any hopes of future peace. If these groups do not learn to accept one another, their mutual hatreds will

persist and the conflict that was once intrastate will eventually spread across the partitioned borders. Indeed, partition has rarely been seen as anything other than a temporary solution to a crisis.[54] The antagonisms must be dealt with in a manner that encourages peaceful interaction between the groups, not blatant avoidance.

Unquestionably, appropriate democratization of the existing state is the best means to accommodate ethnic diversity because it allows the society to be reconstructed in a fashion suitable for ethnic cooperation.[55] Most simply, it dilutes the animosities that partition deepens. There are two basic models for establishing democratic governance in deeply divided societies, as highlighted in Chapter Two: consociationalism and powersharing. The first, consociational democracy, is endowed with four basic characteristics according to Arend Lijphart. One, there is a great coalition of all ethnic groups. Two, there is a mutual veto in decision making. Three, there is ethnic proportionality in the allocation of certain political opportunities and offices. Four, there is ethnic autonomy which is commonly expressed through federalism.[56] In comparison, powersharing employs similar principles, but with a slightly different twist.

Through arrangements for powersharing, the different ethnic groups jointly exercise governmental power, particularly executive power. However, their collective exercise of power does not require that the groups come together in a grand coalition, rather that they are all represented and collectively arrive at political decisions by means of a bargaining process. There is an element of give and take that allows differences to be reconciled within the political arena without disrupting the political process. Generally, powersharing only permits a minority veto to guard against democracy giving way to the tyranny of the majority. Powersharing also allows for a level of group autonomy to

facilitate the fulfillment of the group's distinctive interests. Finally, this version of democracy provides for proportionality in political representation, public service appointments, and in the allocation of public funds.[57] Although both consociationalism and powersharing may slow down the decision making process because of the emphasis they each place on a high level of cooperation and consensus, they protect the vital interests of all groups and thereby eliminate the need to resort to violence.

Democracy is a sufficiently flexible form of government to permit some degree of ethnic autonomy without the expression of self-determination seriously destabilizing the state.[58] To accommodate ethnic difference, democracy can be varied in a number of ways. Essentially, it can be tailored to the needs of a particular situation and later be modified through peaceful initiatives if the dynamics of the society begin to shift. The principles enshrined in democracy are of fundamental importance in securing the success of the repatriation, as well as the peace process. However, democratic principles and respect for human rights must not only be expressed in the political operations of the society, they must also be fostered in the minds of its citizens. Thereby, the right of the refugees to return to their homeland will be realized and the potential assistance they can provide in the reconstruction of their society will be capitalized upon.

Conclusion

The refugee crisis is a problem to be solved, but the refugees themselves are people with rights, duties, dreams, and aspirations. Consequently, repatriation is not merely about resolving their crisis, it is about restoring their lives.[59] If their repatriation is not intimately tied to the peace process, their crisis cannot fully be resolved, nor their lives fully restored. As has been expressed throughout this thesis, the returning refugees

have a crucial role to play in the establishment of long term peaceful relations between all ethnic groups. Thus, their repatriation must be seen as being more than purely symbolic of the desire of the different groups to live together in peace. Essentially, it must be recognized that they are capable of making valuable contributions to the on-going peace process. Since it is their safety and their future which is at stake when they return, the refugees not only desire, but need, to be active contributors to the reconstruction of their society.[60]

Successful repatriation and long term peace are inseparable entities in ethnically divided societies. The issues examined in this chapter merely highlight a fraction of the factors that may help or hinder the attainment of these goals. Neither can truly be realized without the concurrent realization of the other, so the underlying intention of the international community in seeking to assist in the reconstruction of these societies must be to devise the most appropriate strategies for pursuing both goals concurrently. Thus, any act that contributes to the attainment of one must also be guaranteed to contribute to the attainment of the other. Obtaining these goals necessitates conceiving of their actualization simultaneously, through the same initiatives. The repatriation operation itself stands as the first such initiative, but from this point all activities either to reintegrate the refugees or to rebuild the society must be tied together in a mutually complementary fashion.

Ensuring that the repatriation of the refugees meets with the highest level of success entails that the root causes of the problem be dealt with through the restructuring of the society.[61] There is no tried and true method for achieving this feat because every situation is unique as a consequence of the specific factors that have shaped the conflict.

However, this chapter has attempted to identify certain common issues worthy of consideration in all circumstances; for example, the entrenchment of democratic principles for peacefully mitigating ethnic tensions in all instances. However, the exact form democracy will assume is dependent upon a number of variables unique to the society.[62] Another fundamental measure for diminishing the prospects for future violence is to restructure the society in such a way that it provides the leaders of the different ethnic groups with greater incentives for fostering cooperation, than for perpetuating hostilities.[63]

Somalia has demonstrated the insufficiency of peace initiatives that fail to assume a holistic approach and to recognize the centrality of repatriation to the peace process. The provision of humanitarian assistance and military intervention to bring the Somali situation under control has met with mixed results because there is much more to rebuilding a war-torn society than these activities. The economic and administrative collapse of the state must be addressed before there can even be any hope for peace. In addition, there must be established measures for dealing with the masses of refugees resulting from this conflict in the context of stabilizing the society. Consequently despite the piecemeal efforts of the international community, the country remains quite volatile.[64]

Unquestionably, as this chapter has demonstrated, there are certain strategies that are more favourable to the successful linkage of repatriation to the peace process than others. Nonetheless, since there is no exemplary case manifesting the capabilities for repatriation to lead to long term peace, the international community must proceed through trial and error.[65] It must acknowledge those techniques which have most successfully linked the two in specific cases, seek to understand how and why certain techniques work

better than others, and continue to explore the future potentialities of these initiatives. Ideally, these techniques would be brought into a society before the conflict assumes the face of violence. Situations likely to become volatile are often identifiable through strategies of international monitoring and early warning.[66] Thus, it is possible for the international community to intervene sooner rather than later, and help these societies restructure themselves for long term peace prior to the outbreak of devastating violence.

In recent years, the success of repatriation operations has been growing exponentially and it is time to build upon these positive outcomes. For example, in Myanmar alone, more than ninety per cent of the refugees who fled regional unrest in 1991-1992 have already returned home. This has signified the largest organized repatriation in Asia and allowed for the closing of twenty refugee camps in Bangladesh.[67] Evidently, repatriation can achieve a tremendous level of success as long as the conditions in the homeland are as conducive to their return as possible, and this necessitates that their return be intimately connected to the peace process in every instance. Furthermore, as Sadako Ogata, UN High Commissioner for Refugees, expresses in reference to the current work of her office:

> . . .we're taking people back to countries that are still war torn and poverty stricken. For our efforts to succeed they [the refugees] must be assured of some kind of security and a better future.[58]

The refugees of the 1990s are rarely returning to a stable environment. Instead, they are returning to one in need of an established peace to which they bring valuable resources to contribute. Thus, they must receive a high level of international support throughout their repatriation so that they may feel confident in their return and in the future of their country. In turn, they will be committed to its reconstruction and to the long term peace.

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Chapter 5

Conclusion

The contemporary phenomenon of mass refugee movements is largely driven by unrestrained bouts of ethnic violence whose wrath, and/or its effects, has world wide significance. Hence, ethnic conflict and its resultant refugee crisis represent two global dilemmas of mammoth proportions which the international community is currently struggling to resolve. Clearly, as has been the overarching contention of this thesis, an international response to the refugee crisis requires effective management of existing ethnic conflicts and ethnic tensions which are likely to give rise to such. The causal relationship between these two events is undeniable, demanding that their response express a high degree of duality and integration. Even though the international community has given great attention to these issues, the actions taken thus far have been insufficient to end the human suffering they provoke or the threats they pose to world peace and security. Thus, there is a continued need to examine these issues at length and to maintain global interest in their resolution.

The devastation brought about by ethnic conflict is tremendous and it is not only the refugees who suffer as a consequence of its existence.[1] However, seeking a solution to the effects of ethnic conflict on these individuals has been the focus of this analysis and it must continue to be a source of academic inquiry. Indeed, the problem of ethnic conflict cannot even be discussed without due reference to the refugees which are produced by its occurrence. In turn, the resolution of the contemporary refugee crisis cannot take place without consideration of ethnic violence as its primary root cause.[2] Thus, a concerted approach to these issues is the only logical undertaking.

The international and national ramifications of ethnic conflict and refugee movements are enormous. Consequently, failure to acknowledge and act upon the interconnectedness of their existence is detrimental to the societies directly affected by their presence in combination with the global community to which we all belong. Many of the countries plagued by these problems do not have the political will, resources, and/or stability necessary to address them with any degree of effectiveness.[3] Hence, it is an international responsibility to oversee, and assist in every way possible, the reconstruction of ethnically war-torn societies despite their distinctively internal quality. Responsibility for managing the refugee crisis has long been recognized as an area of international jurisdiction. However, it must be realized that the international community cannot fulfill its duty to protect and assist the world's refugee population unless it delves into the domestic jurisdiction of states by seeking to resolve the ethnic conflict which is the catalyst for their predicament. The refugee crisis and the internal sources from which it is derived can no longer be thought of or approached as separate entities. Subsequently, the right of the international community to intervene in the domestic affairs of the state must be upheld when circumstances require internalized international activity for the betterment of human existence and the safeguarding of international peace and security.

It is impractical and immoral for state sovereignty to remain a sacred principle of international behaviour when the state is directly violating the most basic human rights of its own citizens with an intent to rid its territory of the presence of those they deem to be undesirable. International respect for state sovereignty is equally unwarranted where the state's governing authorities have become so weakened that they are unable to protect their citizens from practices of ethnic cleansing and genocide. In the first instance, the

international community needs to intervene and make the state aware that such activities will not be permitted; that is, that the conflict will be brought to an end and the refugees returned. Further, that the international community will ensure their ability to re-establish their lives and assist them in that pursuit. In the second instance, the international community needs to intervene and assume a trusteeship role, whereby it will assist the state in the management of its own affairs until it reaches a level of stability that enables it to govern effectively. In either instance, the crisis plaguing the prosperity of the state and its people cannot be brought to a durable end without international action.[4]

Sovereignty continues to be a valuable principle in contemporary international relations. However, it is clearly one that has been blatantly abused and misused in recent years. Thus, it needs to be conceived of as a right, but also, and more importantly, as a duty.[5] With the fulfillment of every duty, there are privileges, and it is only by fulfilling the duty to govern responsibly and to protect its own citizens, that a state should be granted the privilege of national sovereignty. It must be remembered that the people living within the boundaries of the state also have rights, including the rights to life, liberty, and freedom of movement which are all violated by acts of ethnic cleansing or genocide.[6] Moreover, it must be remembered that the array of international agreements on these rights endows the international community with a sense of responsibility for ensuring that all states abide by the stipulated conditions of the documents to which they have willingly become party. The right of the state to sovereignty must not be permitted to supersede the basic human rights of the people over which it exercises authority.

The international community cannot afford, morally or practically, to turn a blind eye to what is happening in a number of states where social, economic, and political

relations are being devastated by ethnic violence. Regardless of whether it acknowledges this reality or not, the international community has a large stake in the resolution of these conflicts. We are increasingly realizing our existence as members of the *global village* and this is leading to a recognition that what takes place in one state affects us all in some capacity. However, for a multiplicity of reasons, we remain hesitant to intervene in the resolution of domestic matters, even those which jeopardize our common human existence.[7] Nevertheless, it is time to put these inhibitions to rest by formulating justified norms of international intervention that clarify the conditions under which this should occur and how it is to be carried out. The task of the international community in establishing its rightful presence in domestic situations of ethnic conflict as a peacekeeper, a peacemaker, and/or a peacebuilder is beginning, but it is progressing slowly and often remains contingent upon the agreement of state authorities to accept an international presence.[8]

It seems that the upcoming years, those moving us into the next millennium, will stand as a time of truth for the capability of the international community to protect the global population from the devastation of war and unnecessary human suffering. Hopefully, it will emerge from this moment of truth victorious; that is, with new found strategies for, and commitment to, fostering an ethic of global peace.[9] This author remains optimistic about its potentialities, but concerned over its hesitancy in adopting the new role which it must necessarily assume. This new role is that of a peace monitor and promoter on the international and national scene. It has become blatantly evident that ensuring peaceful relations between states is no longer sufficient to deem our global existence to be a state free of the devastation of war or the threat thereof. This is because

war has taken on a new face, largely one that is unfamiliar and a great perpetuator of human suffering.[10] The internalized nature of the proliferating *ethnic wars* are particularly alarming because they represent an area of conflict resolution that has, thus far, been beyond the capabilities of international action as a consequence of limited experience in internal peacebuilding.

In its efforts to assist in the reconstruction of ethnically war-torn societies, the international community cannot deny the importance of the successful repatriation and reintegration of those driven from their homeland by the conflict. Without doubt, it seems that this form of conflict, more so than all others, requires their return for the proclaimed peace to have any real meaning. The xenophobic sentiments which give rise to these conflicts can stretch across countries, even continents.[11] The limitlessness of ethnic hatred is dangerous and prone to spill over wherever there are ethnic kin existing outside of the state. The fact that these conflicts are centred on the objective of ridding a territory of a people makes them especially destructive to the attainment of peaceful human relations and to the advancement of the human species itself.[12] Consequently, the destructive forces of these conflicts can never be put to rest until the refugees have had their right to remain restored, and this will not happen without international assistance and reinforcement of that right. This requires the continued expansion of international involvement in these conflicts with a heightened recognition of the value of repatriation to the peace process.

As a consequence of the highly emotional and psychological component of ethnic conflict, there is a clear need for the refugees to be successfully repatriated and reintegrated into their former societies. Indeed, as has been consistently stated, peace cannot truly exist in these areas until the reintegration of the refugees has been completed

in a climate of acceptance on the part of their fellow citizens. It is crucial that their return be received positively by all groups party to the conflict in order for their repatriation, in combination with the peace, to be sustained. This necessitates that great attention be paid to the conduct of all facets of their return and reintegration.[13] Undoubtedly, failing to return the refugees to their home communities from which they were wrongly expelled is to fulfill the desires of extremists for the realization of an ethnically pure state. Thus, the return of the refugees must express global acknowledgement of the fact that the pursuit of a state free of ethnic rivals is impractical, immoral, dangerous, and, subsequently, internationally unacceptable.

In situations of ethnic conflict, repatriation has unsurpassable and irreplaceable value on both a token and a practical level. It is of token significance in that their return represents an acceptance and willingness of all groups to cohabit in peace. Whereas, its practical value is the product of the fact that masses of refugees cannot, nor should they have to be, permanently relocated elsewhere.[14] Successfully executed repatriation operations may assist in the attainment and maintenance of long term peace in the areas to which the refugees are returning, in addition to acting as a deterrent force in other states. Naturally, an underlying goal in rebuilding any ethnically war-torn society is to avoid a ripple effect in terms of aggrieved ethnic groups in other states taking the route of violence to pursue the utopian goal of an ethnically homogenous state.

The international community needs to make all ethnic groups engaged in or contemplating such activities as ethnic cleansing aware of the inevitable failure of their initiatives. That is, that the international community will ensure that all resulting refugees will have their right to remain restored and respected through whatever international

action deemed to be necessary. In order for the violence to come to an end, it is of the utmost importance that extremists, and those under their command, realize that their goal of an ethnically homogenous state is inherently unattainable.[15] Further, that this goal is considered to be immoral and worthy of international reprimand. The unacceptability of violence as a tool for ethnic groups to achieve their political, economic, and/or social goals must be reinforced with an emphasis on the fact that the international community will not stand for domestic practices of genocide or ethnic cleansing.

This thesis has discussed the issues of repatriation and ethnic conflict with the intent of demonstrating the most important link between them: the restoration of an undeniable human right, the right to remain in one's own country, and the establishment of long term peace. This link is obviously of fundamental importance to the resolution of the problems associated with both the refugee crisis and the presence of ethnic violence in modern society. However, it will not be actualized in any meaningful capacity unless the search for the ideal linkage is at the core of efforts to resolve each problem. Indeed, what is most needed is further inquiry into the conditions that will successfully link the activities directed at resolving each issue. The product of this inquiry would strengthen any proposed or ongoing repatriation or peacebuilding initiatives by recognizing that they must be executed in concert with, not in separate spheres from, one another.

The practical, humanitarian, and moral benefits of exploring the intimate relationship between ethnic conflict and refugee movements, in terms of the best strategies and optimal conditions for their concurrent and intertwined resolution, are endless. For example, the practical benefits, as stated above, are embodied in the fact that it endows the efforts to resolve either problem with a greater probability for long term

success. In comparison, the humanitarian benefits are derived from the fact that it is easier to deal with those in need of humanitarian assistance as a collective body, as opposed to segmented groups.[16] The entire society then is capable of being reconstructed utilizing the same resources that would have provided those refugees living in camps with only a minimal level of subsistence. Resources go farther when they are locally distributed and act as investments in the economic infrastructure of a struggling society, than when they merely represent charitable donations of basic necessities to a segment of that society's population.[17] This is particularly so if those individuals comprising that segment of the population are currently living in refugee camps in another country with little opportunity for developing their own long term potential for economic stabilization and sustenance.

In conjunction with making resources go farther, another humanitarian benefit derived from the linkage of international activities to resolve an ethnic conflict situation and its resultant refugee crisis is that it allows the international community to direct a higher degree of attention to the plight of the internally displaced than would otherwise be possible.[18] Therefore, these individuals could receive a level of humanitarian assistance similar to that of their sibling refugee population. The moral benefits which are produced by the actualization of the linkage between the resolution of a refugee crisis and the ethnic conflict situation from which it was produced are self-evident. The atrocities which they have endured are morally unacceptable and cannot be permitted to continue. The return of the refugees, as an integral component of the peace process, manifests the need for the entire society to realize that what happened was morally wrong and will not be tolerated in the future. Moreover, it demonstrates the commitment of the international

community to the long term cultivation of a culture of ethnic tolerance and peace in these areas to all parties involved.

Although the benefits of coupling repatriation operations with peace initiatives in ethnically divided societies are tremendous, they will not be realized unless the international community remains passionate about these two issues and committed to finding the most durable solutions for both events. Thus, this thesis was written with the goal of perpetuating political and academic interest in these matters by expressing a sense of optimism in their eventual resolution through a recognition of the value of repatriation to the peace process in situations of ethnic conflict. Albeit refugee movements and outbursts of ethnic violence may currently seem to be internationally exhaustive events, they are not beyond the capacities of the international community. These dilemmas are resolvable and where international action has failed in this endeavour in the past, the cause has been the lack of recognition and implementation of the most appropriate solutions. These are highly delicate and volatile situations, so their solutions must be devised and executed with the greatest of care to all major details. The ultimate intent of this examination has been to contribute to the actualization of a more coherent and effective international response to two of the most important global issues of the decade. Thus, the remainder of this chapter will focus on the identification of a number of important areas requiring future research and international action.

Generating an entrenched sense of international and domestic recognition of the value of repatriation to the peace process in all societies emerging from a violent conflict, particularly an ethnic one, is the first step in bringing the theoretical linkage of repatriation and peace initiatives into practical application. Political factors at both the

international and the national level are among the greatest inhibitors to the successful resolution of refugee crises and instances of ethnic conflict.[19] Thus, it is these political factors which must be overcome through a realization of the benefits to be had by all as a consequence of their resolution. The international community is composed of independent states and the actions that it takes are the product of the desires and perceived interests of these states.[20] Subsequently, all states need to be made aware of their own interest in resolving violent ethnic disputes and in positing repatriation to be an indispensable component of the peace process. It is the political will of states which will determine the route the international community will choose to pursue on these issues in the upcoming years.[21] Consequently, it is the responsibility of all those academics, policy makers, community activists, and other individuals interested in ending the suffering associated with the refugee crisis and organized violence of any kind, to continue to heighten domestic and international awareness of the significance of these problems to their political interest. Furthermore, to ensure that the search for the most appropriate means for integrating efforts to resolve these two problems simultaneously endures the frustrations of failures and expands upon the benefits of successes.

Once the international community has an intrinsic awareness of its non-negotiable duty to resolve the refugee crisis and the ethnic conflict situation from which it was generated by devising the best possible solution for all affected parties, it will be in a much better position to assume the proactive role that is demanded by these problems. Early warning mechanisms are invaluable tools for the prediction of future devastation. However, their worth has been substantially reduced as a consequence of the failure of the international community to act upon the information they have provided.[22] For

example, in Rwanda, the international community had been warned months in advance of the impending genocide, but there was widespread reluctance to get involved in another African venture because of what had happened in the Congo. Consequently, international action came too late, and the struggle to rebuild the society after-the-fact is proving to be a very difficult task. It is most unfortunate that a concept such as early warning, embodying tremendous potential for the avoidance of mass human suffering and threats to international peace and security, has been used so minimally. As soon as the indications of a likely volatile situation are made available to the international community, action must be taken without the slightest hesitation. Timing is everything and the best time to diffuse a conflict situation is before it erupts into seemingly unstoppable violence.[23] Even though making the transition from early warning to *early action* is often delayed by political factors to the detriment of entire societies and the international community's ability to repair the damage, it is a natural and logical process. Furthermore, it is one that must be pursued for the sake of humanity.

In order for the devastation and human suffering brought about by ethnic violence and mass exoduses in the contemporary era to become a shadowy mark upon human history, as opposed to a persevering aspect of human existence, prevention must become the solution.[24] This necessitates acting in accordance with early warning predictions, as well as nurturing a global culture that denounces violence as a tactic of dispute resolution. The *lose-lose* dimension of ethnic conflict and the *win-win* dimension of ethnic cooperation and tolerance must be recognized within all ranks of society so that potential extremists are less likely to possess the desire and mass following necessary to execute their goals. Ethnic conflict is a force of unnecessary and unwarranted destruction in

modern society that must be recognized for what it is in this time of post-Cold War politics and proliferating democratization.[25] Ethnic violence, it must be realized, serves no purpose other than to hinder further the development capabilities and future prospects of the state and its people. Little is to be gained from its occurrence while everything of value, particularly harmonious social relations, is at risk of being lost. The negative aspects of ethnic conflict by far outweigh the positives, and this irrefutable fact is what needs to be instilled in the minds of all citizens, especially ethnic leaders.

Ethnic conflicts, in terms of social disagreements along ethnic lines, are part and parcel of any society, as are class and gender related disputes.[26] Those factors which denote a vital aspect of one's identity, representing noteworthy societal cleavages, naturally give rise to episodes of conflict because they cause the members of the group to have common concerns and collectively pursue different goals and objectives. Generally, these disputes are over political, social, cultural, and/or economic issues which are rooted in ethnic difference.[27] Hence, they may readily be reconciled through the society's established mechanisms for dispute resolution. However, when the conflict takes a xenophobic or ethnonationalist stance of one or more ethnic groups desiring a sense of separateness from the others, it becomes much more likely that it will assume a violent front. This is because this dimension of ethnic conflict expresses a problem with ethnic difference itself, not just with the specific interests of different ethnic groups.[28] Hence, the pressing need to demonstrate to all those groups party to an ethnic conflict situation that the conflict itself is really founded in tangible issues that affect the group, or are perceived thereto, in some fundamental way. Decreasing the possibility of ethnic difference, in and of itself, acting as a driving force for some of the most brutish and

horrific conflicts to mark the face of human history must remain among one of the highest goals of international and domestic political activity.

The strategies necessary for deterring the prevalence of violence in ethnically divided societies are not unattainable; however, they demand a more coherent international response to the phenomenon of ethnic conflict and its resultant refugee crisis than currently exists. Hence, the need to build the infrastructure for all applicable international agencies to engage in a comprehensive and cooperative effort to manage and, eventually, resolve these issues. In conjunction, partnerships need to be established between these international agencies and the relevant regional bodies. As a result, the efforts of all individuals, agencies, and organizations working to resolve these issues will meet with the maximum degree of success. Departmentalization serves the practical purpose of dividing up the work of the international community and promoting a high degree of specialization in fields of vital importance to its members. However, if there is not an established means for these specialized spheres to unite their activities in the pursuit of common and interlinked objectives, then their intense specialization may be more of a hindrance than an aid to the resolution of the most demanding global issues.[29]

Refugee movements and instances of ethnic conflict should not be dealt with in isolation when they are fundamentally connected. Thus, those international and regional bodies working to bring peace to these areas and to return the refugees to their former communities must be in constant communication with one another. This will assist them in seeking to ensure the success of each other's activities and to minimize the duplication of efforts. Thus, there is an obvious need for an overarching supervisory committee to guide the reconstruction of ethnically war-torn societies in terms of integrating the efforts

of all applicable agencies to maximize the employment of their resources. This gap in the international response to ethnic conflict situations and the refugee crises they provoke is one that must be explored in greater detail and remedied through the appropriate mediums.

In regards to the matter of *pre-conflict resolution repatriation operations,* there is evidently a need to establish international norms, structures, and procedures for safely returning the refugees to their homeland before the conflict has been brought to an end.[30] The practice of repatriating masses of refugees in the midst of a conflict situation is occurring too frequently for the lack of a direct international stance on the conditions thereof to be acceptable. Repatriation must not be sought because it is the best solution to the burdens imposed upon the international community and host countries by the refugee crisis. Instead, it must be sought because it is the best solution to their crisis and because it is recognized as integral to the generation of peace in their former societies.[31] With this view of repatriation, the return of the refugees can begin before the conflict has ceased, and it is likely that this early move toward peace will stimulate the conditions conducive to a lasting peace. Early repatriation is not what is detrimental to the plight of the refugees and the fragile peace beginning to be formed. In contrast, it is lack of political commitment to intertwining the repatriation operation into the larger peace initiative and to the effective protection of those who have returned which is likely to bring about dire consequences for all. Thus, to avoid the dangers of premature repatriation, any effort to return the refugees must be pursued for the appropriate reasons and with a high level of organization, including plans for the long term maintenance of their return.[32]

When the repatriation takes place prior to the termination of violence, it must be accompanied by an adequate level of in-country protection through the declaration of safe havens, protected zones, or other such areas.[33] Moreover, these declared areas of safe existence for returnees must be protected with expressed international commitment to their ability to remain safely in their own countries in a practical sense of established channels for aid distribution and a military presence on their behalf. Although safe havens and protected zones represent great ideas for the attainment of early resolution of the refugee crisis, at least in its external dimension, and initiation of the peace process, their successful application requires that more effective strategies be found for their implementation.

The concept of in-country protection behind such techniques as safe havens and protected zones is a valuable one, putting the rights of the refugees to return to their homeland and act as contributors to the attainment of peace above all others.[34] However, it cannot be expected that the international vision of this concept is sufficient to ensure its fulfillment of the desired objectives, nor its resolution of the refugee crisis. In-country protection is not an easy fix to the refugee problem; rather its proper execution is likely to be more complicated than dealing with the needs of the refugees outside of the country of origin. This is due to the fact that it necessitates a linkage with the peace process and the reconciliation of existing ethnic tensions. Regardless of the difficulties characteristic of the provision of in-country protection, it is a tactic of the most vital significance to the reconstruction of ethnically war-torn societies and to the protection of human rights globally.[35] For these reasons, in-country protection must be strengthened and increased through the most viable venues.

Even after their return, the fate of the refugee population in an ethnic conflict situation remains an international responsibility until their society has been stabilized and their ability to exercise their right to remain assured.[36] Thus, their right to remain must be supported by the international community through whatever strategies deemed necessary. Without such support, their plight is likely to be worsened at the discretion of the international bodies intended to assist them and to bring peace to their ethnically divided regions. Repatriation is about resolving the refugee crisis in a manner that is best suited for all those affected by the crisis, but particularly for the future of the refugees themselves. Their return to their homeland endows them with the opportunity to help their country rise from the ashes of ethnic conflict and reposition itself toward ethnic tolerance and peace. Hence, repatriation holds the potential of being much more than a solution to the refugee crisis if its potentialities are capitalized upon by the efforts to bring a lasting peace to areas devastated by ethnic violence.

Unquestionably, the ability of a society to recover from the wrath of ethnic violence that has induced mass human suffering and shattered all existing social, economic, and political potentials for overall advancement is dependent upon the return of the refugees and their contribution to its reconstruction. Thus, much is to be gained by all as a consequence of their return in a climate of undying support on the part of the international community and a willingness to accept their return on the part of the local population. International action will also be required to achieve this later criterion by heightening the awareness of their right to return and the benefits which will come with an acceptance of that return.[37] Moreover, with a warning of the consequences that will follow a denial of that right by any group. These situations remain volatile for many

months, years, even decades after their stated resolution and the international community must, subsequently, act as a guiding presence continually steering the society in the direction of ethnic tolerance and peace.

In the case of the Cambodian peacebuilding effort, there is a persistent need for international action to keep the peace on track and to continue to rebuild all aspects of the society. It is becoming increasingly evident that the reforms associated with the 1992-1993 peace operation that culminated in the June 1993 election were only the beginning. There is still much more that needs to be done to stabilize the society and to facilitate the reintegration of the refugees. The United Nations Transitional Authority in Cambodia (UNTAC) was a notable attempt at a comprehensive peacebuilding effort that included the repatriation of 365,000 refugees. This repatriation occurred under particularly difficult circumstances because the social, economic, and political infrastructure of the state had been devastated by 22 years of conflict. Although there was little stability for them to return to, the refugees came home at a rate of nearly 1,000 a day. Despite the initial success of the UNTAC mission, there is an ongoing need for concerted international action in the reconstruction of this society.[38]

Great alarm should be raised over the changing context of asylum provision in recent years. The transition to temporary asylum seems to be an unstoppable force capable of eroding the traditional principles of protection and assistance characteristic of the refugee philosophy expressed in the 1951 Convention Relating to the Status of Refugees. Although this transition is not in itself a negative event in the evolution of the international refugee response, concern should be raised over the possibilities it holds for the severe neglect of the duty to protect the world's refugees.[39] The concept of temporary

asylum is not at fault for the wrongful treatment of refugees or for their forced return to unsafe conditions. In contrast, it is the decline in the willingness of states and the international community to assist and protect the refugees to the best of their ability which is to blame for this.

Temporary asylum manifests an important development in the international refugee response in situations of ethnic conflict by providing all parties involved with an assurance that action will be taken to establish the conditions necessary for successful return and reintegration.[40] It makes all ethnic groups aware of the fact that practices of ethnic cleansing are unacceptable and, moreover, incapable of generating or sustaining the utopian vision of an ethnically pure state. Furthermore, the acknowledgement of the refugees that their existence outside of their own state is only a temporary one, perpetuates their sense of attachment to their homeland and perceived stake in what takes place there. Thus, even within the refugee camps they will have the motivation and, with the assistance of the international community, the ability to prepare themselves to make maximum contribution to the reconstruction of their homeland when they return. This will require the availability of educational programs, as well as those initiatives aimed at keeping the refugees optimistic about the prospects of their return. This will lead to a culture conducive to ethnic tolerance and peace that can begin long before the refugees return and attempt to reconcile their differences with those who remained behind.

The benefits embodied in the movement toward temporary asylum are plentiful; however, they will not be realized unless they stand out as its primary goals. In addition, there must be an active pursuit, on the part of the international community, for the conditions most conducive to repatriation. Temporary asylum must be seen as an

indispensable venue of protection for the refugees until they may safely exercise their right to remain. By ensuring the eventual enabling of that right, the international community commits itself to the pursuance of durability in terms of both peace and repatriation. Thus, temporary asylum must denote not only the responsibility to assist and protect the refugees while they are in exile, but also to ensure their capability to return to and to remain in their country of origin.[41] Consequently, if selected with the interests of the refugees and the resolution of the ethnic conflict that induced their plight at heart, the emphasis on temporary asylum is likely to require more effort and resources from the international community and host countries, than an emphasis on external settlement. The provision of temporary asylum must not be conceived of as, or permitted to become, a tactic to absolve states of their asylum duties or the international community of its responsibility to deal effectively with the practical and humanitarian aspects of the refugee crisis.[42]

The provision of asylum is a reactive measure to address the humanitarian needs of a refugee population once they have been driven from their homeland. Traditionally, it has manifested the need to react to the factors which have caused them to flee by seeking their resettlement elsewhere.[43] This protected them from a re-exposure to such threatening forces. The recent shift toward a focus on temporary asylum and repatriation as the most appropriate solutions for managing the refugee crisis is causing a complete overhaul of international refugee philosophy. Most importantly, it is reconceptualizing the crisis in a manner that places the impetus for solution on the country of origin and advances the return of the refugees to be the exercise of a fundamental and undeniable human right.[44] Thus, the emerging refugee philosophy expresses a need for the pursuance of proactive

strategies in devising solutions to their dilemma. Temporary asylum is still a manifestation of reactivity because it serves as a waiting period for the preparation and implementation of the repatriation operation. Whereas, repatriation marks the beginning of a proactive role, on the part of the refugees and the international community, by the initiation of activities to cultivate and sustain the conditions necessary for their safe return and long term reintegration. This paradigm shift in international refugee philosophy holds great potential for treating the root causes of refugee crises in conjunction with the visible wounds.

With the emphasis on proactive, homeland-oriented solutions rapidly gaining strength and support, the plight of the internally displaced is bound to assume ever greater significance in the resolution of the refugee crisis. Their plight is far too similar to that of the refugees to be disregarded in the design and implementation of activities aimed at reintegrating the refugees and dealing with the root causes of their displacement.[45] Hence, in the years to come, it is logical to predict, that there will be an undeniable need to manage the problem of displacement in its entirety. This will necessitate dealing with the predicament of the externally and internally displaced as a collective grouping to at least the minimal degree of a high level of integration in the efforts to resolve the problems faced by both groups. These two populations of displaced persons stand parallel to one another and, as a consequence, the successful resolution of their plight will become increasingly contingent upon concurrency. Thus, finding the most suitable means for linking the management of the crises faced by each must be seen as an endeavour of fundamental human significance. Without question, the ability of the international community to deal effectively with the problems of internal and external displacement is

likely to be seriously challenged in the future if international responsibility for dealing with the problem of internal displacement is not advanced and acted upon through integration with efforts to resolve the refugee crisis.

Decreasing the magnitude of the perceived differences, both theoretically and in efforts to resolve their common dilemma, between the predicament of internally displaced persons and that of refugees must become a primary goal of the activities to rebuild ethnically war-torn societies. Indeed, the recognition of the need to deal with the duality of their situation is highly determinative of the long term success of these activities.[46] These two displaced populations are intimately similar and connected, with one representing a much larger pool of individuals to potentially become the other. The avoidance of the possibility of the 30 million internally displaced persons suddenly becoming refugees is, without question, a major priority.[47] At present, the refugee crisis has swamped the international and domestic capabilities of those working to resolve it and the tremendous size of the world's internally displaced population represents an ever present threat to an already struggling international refugee response. Hence, a greater level of international attention needs to be granted to the plight of the internally displaced, particularly within the context of managing its sibling refugee crisis and the resolution of ethnic conflict situations.

As has been the focus of Chapter Three, UNHCR is the most important source of change for improving the international refugee response and increasing the potential benefits of repatriation to the peace process in ethnically divided societies. It is through this agency that the official international refugee response begins and ends, and it is subsequently through structural and philosophical changes in this agency that it may be

made more effective. Although the hindrances, capabilities, and future prospects of UNHCR were analyzed in greater detail in Chapter Three, its ability to structure its repatriation operations, in so far as to better the potentialities for their successful linkage to the larger peace process, is worthy of further mention and future exploration. Traditionally, UNHCR has not been thought of as a peacebuilding agency; however, its repatriation operations are thrusting it into this role in which it must seek to coordinate its activities with the other applicable peacebuilding and humanitarian bodies.[48]

With regard to the restructuring of UNHCR, the major focus must be the maximization of the agency's capabilities. This necessitates the initiation of reforms that better allow it to respond to the current dynamics of the refugee crisis, including its aspects of mass exodus, closed borders, temporary asylum, and repatriation. Furthermore, it must be endowed with a new vision of its goals; principally, preventing future refugee flows through permanent, or at least long term, resolution of the causal factors. Thereby, its mandate will encompass the treatment of the causes in conjunction with the symptoms.[49] This transition in its operations and manner of conceiving of its own existence will lead the agency to perceive of itself, and to be perceived of by others, as much more than a refugee agency. In turn, this new vision of its duties and potentialities will cause it to play a much broader role in the resolution of ethnic conflict situations. A reorientation of the activities and objectives of UNHCR is already being witnessed, and it is likely that the changes taking place will be expanded upon in the future as the refugee crisis demands greater flexibility and innovation.[50]

As an agency contributing to the resolution of the root causes of refugee movements, UNHCR is an invaluable contributor to the generation and sustenance of a

culture of ethnic tolerance and peace. Thus, its repatriation operations, through their entailment of strategies for reintegration, are, in themselves, an integral component of the peace process.[51] The awareness of the value of repatriation to the peace process in societies devastated by ethnic violence is growing, but recognition of the work of UNHCR in creating and implementing the possibilities for it to make this valuable contribution has been insufficient. Even within the agency itself, there does not appear to be adequate acknowledgement or realization of its duties as a peacebuilder in its repatriation operations. Hence, UNHCR and the international community as a whole need to focus more attention on the agency's role within the broader context of promoting the conditions conducive to the enjoyment of international peace and security. The agency is well aware of the fact that its repatriation initiatives will not be sustained unless they include strategies for reintegration, and it is these strategies that most intimately tie its activities to the pursuit of a lasting peace in these areas. This is because it is through these reintegration activities that it assists in the reconstruction of the society at a variety of levels, encompassing educational programs, localized economic development, and more.[52]

Few global problems can be dealt with in isolation from others. Indeed, the refugee crisis cannot be dealt with in the absence of consideration of the ethnic conflict situation from which it was borne. Thus, there is an irrefutable need for the institutionalization of procedures for the integration of international efforts to resolve the major problems facing our world and the spin-offs thereof. In reality, the refugee crisis in situations of ethnic conflict is actually a symptom or a consequence of the more deep-seated problem of manipulation and/or oppression of ethnic difference.[53] Thus, UNHCR

cannot even hope to resolve the crisis unless it works in accordance with those other bodies seeking to bring peace to the affected region. The efforts to resolve a conflict situation and repair the damages that it has caused must fit together like pieces of a puzzle. Each piece has a special worth and the puzzle cannot be completed without it, nor can any single piece actualize its value through separation from the others. UNHCR is a fundamental agency, full of potential for devising durable solutions to the global refugee crisis. However, it cannot conduct its work to the best of its ability unless it has the support of all other applicable agencies. Further, it cannot do this unless it recognizes itself as an agency dedicated to the resolution of the refugee crisis that has valuable contributions to make to the attainment and maintenance of peace in the areas from which the refugees have fled.

Within the contexts of repatriation and ethnic conflict resolution, there are a number of avenues to be examined by scientists and social scientists alike. Thus, this chapter will conclude by highlighting the future prospects for examination of two such issues, whose importance to the effective resolution of the refugee crisis and the problem of ethnic conflict were alluded to earlier in this thesis. The first area in need of further study centres on the environmental factors associated with these problems including the presence of land mines, deforestation, soil disruption, and the conduct of mass movements of people. For example, in the case of the latter issue, there is a need to look at the environmental implications of a mass exodus and a mass return in order to curb the negative factors likely to arise from each. In the case of return, where it is more probable that the movement will have some degree of organization, potential environmental disasters associated therewith must be anticipated and precautionary measures taken.

Essentially, repatriation operations and those to rebuild an ethnically war-torn society must take environmental factors into consideration by seeking to return the refugees to those areas that are capable of sustaining them, as well as the existing population. Furthermore, they must be returned at a rate that the terrain along the venues for transportation can withstand. If these considerations are pursued, ethnic tensions are less prone to exacerbation through the presence of severe environmental damage provoked by a mass repatriation.[54] The environmental implications of a mass exodus and the ecological burdens posed by the presence of large refugee populations are clearly acknowledged by the international community; however, it is time to realize and account for the environmental implications of a mass return.[55]

The second area in need of further inquiry is centred on the demographic factors of refugee populations and ethnic warrior communities. As has been stated, in an ethnic conflict situation, it is the men who tend to stay behind and fight while the women and children flee. Thus, when the reconstruction of the society is being sought, the needs of the refugee population and those who remained behind, and subsequently, became directly involved in the violence, will be substantially different. The experiences that they have had and their perceptions about the reconstruction of their society are likely to vary greatly, and will, therefore, require the attention of those designing and implementing the repatriation and peacebuilding activities. In terms of the returning refugee population, 80 per cent of whom are estimated to be women and children, there is an obvious need to examine the impact of their return upon gender roles, gender-based social relations, and the connection between gender and development.[56]

Their existence in exile has forced many refugee women to gain a new found independence that often enables them to return with valuable new skills and an expectation to be a part of the workforce and the overall reconstruction effort. These new roles, although enriching the lives of these women and the societies to which they return, may be met with great obstruction and rejection.[57] Thus, they hold the potentiality to seriously disrupt an already unstable society by demanding its adaptation to new gender roles and responsibilities. Thus, greater inquiry is required into the prospects for easing the transition of gender roles in times of great instability and change. The demographic factors of the modern refugee crisis, and, hence, of those returning, clearly need to be examined in greater detail. Thereby, repatriation operations and peacebuilding activities can be better suited to the needs of these individuals and the societies to which they are returning.

As a final conclusion, this thesis must express an element of optimism in the capabilities of the international community to end the unnecessary human suffering characteristic of ethnic violence and the refugee movements produced by such. Neither problem is beyond resolvability, only in need of more appropriate solutions and innovative strategies for their implementation. Thus, commitment to the cause of humanitarianism and world peace must be perpetuated in spite of the scars left by ethnic hatred and violence. Undoubtedly, nothing will be accomplished without the will of those who have the power to resolve the issue at hand. Hence, the need to steer away from the pessimism surrounding the successful resolution of ethnic conflict and its resultant refugee crisis that is so easy to accept in light of recent media coverage and perceptions of the *resolution resistant* nature of these issues. Surely, a belief that the refugees cannot

be successfully repatriated and reintegrated, or that a lasting peace is incapable of being established, holds the potential of becoming a self-fulfilling prophecy realized by declining international commitment. Naturally, if it is thought to be a hopeless cause, commitment to the resolution of these global dilemmas will be minimal. This would ensure that, indeed, it is a hopeless cause.

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Appendix 1 - Glossary of Terms

This alphabetical glossary provides brief definitions for terms central to the thesis within the context of how they are applied throughout the work.

Asylum - The term asylum refers to the provision of protection for those qualifying for refugee status. Hence, it denotes the enjoyment of a state of refuge in another country; that is, sanctuary from the threatening forces which have provoked one's flight from his/her homeland. Although internationally-granted in principle, asylum, and the benefits derived therefrom, is actually afforded to refugees by a particular state. Under the 1951 Convention Relating to the Status of Refugees, those considered to be refugees are deemed to have an undeniable right to asylum. However, as discussed at length in this thesis, permanent asylum is no longer a sacred aspect of the international refugee response.

Closed Borders Phenomenon - The closed borders phenomenon refers to those practices whereby states enact legislation and/or adopt policies and procedures which deliberately decrease access to the country by potential refugees and other immigrants. Thereby, such practices increase the difficulty of international migratory movements, particularly those of the distressed and threatened refugee population. A common example of a closed borders approach to immigration is stringently applying the narrow definition of a refugee contained in the 1951 Convention Relating to the Status of Refugees. The phenomenon itself is a response to both global migratory pressures and domestic xenophobic sentiments. The magnitude of this phenomenon is enormous, with its existence standing as a major contributory factor to the reorientation of the international refugee response and the recent focus on repatriation as the preferred solution to the refugee crisis.

Early Warning - The concept of early warning manifests the idea that the international community can prevent, or at least better prepare itself to deal with, a crisis situation in any area of the world. Hence, the instruments of early warning, whether it be the employment of human rights monitors or the interpretation of satellite readings, are directed at strengthening the international response to a crisis event. These instruments do so by endowing the international community with an awareness of the probability of the event. Thus, early warning is valued, primarily, for its predictive capabilities. Despite the developments in this area, the findings of early warning techniques have, unfortunately, tended to be neglected, discounted, or debated, when they should have been acted upon.

Ethnicity - Ethnicity, as a source of one's identity, is generally the product of designated cultural features, as opposed to biologically-based traits. These cultural features, whether they be grounded in a common language or history, unite the members of the group in a primitive and overarching manner. Consequently, ethnicity is a powerful source of collective solidarity, unification, and action, which is capable of penetrating all other social cleavages when the group's interests are thought to be at stake.

Ethnonationalism - The term ethnonationalism refers to a particular strain of nationalism that is marked by the desire of an ethnic community to have absolute authority over its own political, economic, and social affairs. Therefore, it denotes the pursuit of statehood on the part of an ethnic nation.

Ethnic Cleansing - As an activity of genocide, ethnic cleansing denotes the deliberate and systemic extermination of an ethnic group. The atrocities associated with such acts include torture, rape, and murder. The general intent of ethnic cleansing is to rid a geographic area, whether it be a state or an entire region, of an undesirable or rival ethnic group. Thereby, the ethnic group conducting the cleansing process can reign supreme over the affairs of the state and its ethnically homogenous people. A key goal of many of these tactics is to induce mass outflows of the unwanted. Hence, the production of refugees is generally the source from which the international community is most tangibly affected by ethnic cleansing initiatives. Another central aspect of ethnic cleansing is the involvement of the state, whether it be in a sponsorship role or a stance of passivity to the events taking place.

Ethnic Conflict - Ethnic conflict describes a particular sort of social dispute which embodies a central element of serious disagreement rooted in ethnic difference. Subsequently, ethnic conflict operates on a broad spectrum, ranging from civil disputes to unrestrained violence. The factors determining which way the ethnic conflict pendulum will swing are complex and typically related to the historical and political processes, as well as the values, of a given society.

Ethnic Entrepreneurs - Ethnic entrepreneurs are commonly regarded as those individuals seeking to exploit existing ethnic tensions for personal gain, whether it be of a financial, political, or psychological nature. For example, financial gains are likely to be derived from prospects for increased wealth by the stimulation of a conflict situation, while political gains are likely to be derived from the potential for a rise to political power or the maintenance of one's current political position. In comparison, psychological gains are likely to be derived from a realization of the group's goals and/or superiority.

Forced Repatriation - The coerced return of a refugee population to their country of origin is generally conceived of as a forced repatriation. Such movements are highly problematic for the effectiveness of the international refugee response and commonly occur as a consequence of the deliberate, or at least permitted, creation of inhospitable, even threatening, conditions in the host country. Such circumstances are often the result of growing resentment among the host country population towards the burdens imposed on their society by the presence of the refugees.

Homeland-Oriented Approach - As the international refugee response struggles to respond to the changing dynamics of the post-Cold War era, particularly the rise of state sponsored or tolerated acts of ethnic cleansing or genocide, it is reorienting its focus. The growing prominence of the homeland-oriented approach is an integral aspect of this

reorientation. Since the emphasis on the solution to the refugee crisis is increasingly repatriation, the international community must deal directly with the refugees' country of origin in its efforts to resolve their plight. This is leading to a recognition of the level of blame which the homeland can realistically be expected to assume. The international community and host countries are no longer the sole actors in rectifying the injustice experienced by the world's refugee population. The country of origin is currently a central actor and a central focus in international attempts to successfully restore the right to freedom of movement in its fullest sense.

Human Rights - Human rights are those rights common to all members of the human species by nature of their human existence. For the purposes of this thesis, the term human rights refers specifically to established international standards, such as those embodied in the Universal Declaration of Human Rights and the two international covenants on Civil and Political Rights and Economic, Social, and Cultural Rights.

In-Country Protection - In-country protection, as the term suggests, refers to the protection of a threatened population within the confines of the affected country's territorial borders. Thus, it manifests the idea of an international refugee response which operates within, rather than outside of, the refugees' country of origin. In-country protection is principally conducted through two mediums: the pronouncement of safe havens or protected zones. In the first instance, safe havens refer to the international declaration of designated areas where it is supposedly possible for all inhabitants to exist without their safety being jeopardized by the wrath of the conflict. In comparison, protected zones refer to areas officially under the protection of the international community. Thereby, it is thought that the safety of those individuals living in these areas may be ensured by a formal international presence. The key idea behind in-country protection is that individuals should not have to flee their homeland to seek refuge from the persistent forces of internalized threat. Further, that it is possible for the international community to afford an adequate level of protection to those in need within the affected state.

Internally Displaced Persons - Those individuals, appropriately coined internally displaced persons, that face remarkably similar conditions to those of refugees and exhibit a similar need for international protection and assistance. Although, like refugees, they have been driven from their home communities in search of safety from the threatening forces, their pursuit of refuge has not taken them beyond the territorial borders of their own state. Thus, it is their internal existence which distinctively separates their plight from that of refugees, and subsequently limits the capability of the international community to deal with their predicament.

International Community - The term international community incorporates all those individuals, states, agencies, and organizations which are concerned with, and interact to resolve, global issues. However, for the purposes of this thesis, it principally refers to states, regional bodies, non-governmental actors, and the United Nations as these

participants in the international system are connected to the resolution of the refugee crisis and the instances of ethnic conflict from which it often results.

International Refugee Philosophy - The concept of an international refugee philosophy refers to the underlying values and assumptions which characterize the shape of the international refugee response.

International Refugee Response - The international refugee response denotes the collective activities of all those actors involved in the treatment and resolution of the refugee crisis. Generally, it is coordinated and expressed through the work of the United Nations High Commissioner for Refugees (UNHCR).

Interstate Conflict - A conflict situation which occurs between two or more states is considered to be an interstate conflict. It is these instances of conflict for which the contemporary international system, as represented in the operations of the United Nations, was originally designed to address.

Intrastate Conflict - A conflict situation which occurs between different groups within a state is referred to as an intrastate conflict. Mitigating these volatile disputes remains an activity of unfamiliarity to the international community. However, their recent prevalence is inducing the international community to find out more about these conflicts and to establish its role in the conduct of their resolution.

Non-Refoulement - The principle of non-refoulement is a classical aspect of international refugee philosophy and response. Essentially, this principle, as enshrined in the 1951 Convention Relating to the Status of Refugees, prohibits states from returning those individuals with a genuine claim to refugee status to their country of origin. Therein, it protects the complementary right of the refugees to asylum.

Organized Repatriation - When the international community, in conjunction with all affected parties, is directly involved in the planning and implementation of a repatriation operation, the return of the refugees is regarded as a formal or organized repatriation. These return movements are marked by a degree of acceptance on the part of the country of origin and a level of structure that is likely to heighten the sustainability of the return. In these instances, the repatriation of the refugees and the conditions under which this takes place are negotiated in advance. Thereby, enabling the interests and concerns of all major groups to be considered and accounted for in the design of the repatriation operation. Although this is the ideal situation for a return movement, as a consequence of complex circumstantial factors, it is often an impossible venue.

Peacekeeping - The term peacekeeping refers to the activities of the international community which are directed at preserving a state of declared peace in a given area. The general purpose of peacekeeping operations is to prevent the disputants from engaging in violent activities; that is, to enforce the peace agreement. This goal is usually achieved through the employment of an international military presence which keeps the warring

parties separated from one another. Thereby, all sides have an opportunity to cool off and accept the declared peace. Consequently, the prospects for a reoccurrence of violence are reduced. Although peacekeeping initiatives are of tremendous value in safeguarding a fragile peace, elements of peacebuilding are required to perpetuate the peace and give its declared existence real meaning.

Peacemaking - The activities of a peacemaking initiative mark the beginning of an internationally-facilitated peace process. Indeed, it is at this first stage that the disputants are formally brought together under a neutral setting to talk peace. Thus, through techniques of negotiation and mediation, the warring parties are assisted by the international community in their efforts to find a common ground and end the suffering associated with the conflict. Essentially, the purpose of peacemaking is to establish the terms of the peace and the concessions that will be made for its realization. The appropriate execution of this stage of the peace process, known as peacemaking, is critical for the sustainable resolution of the conflict, however, it is plagued by an array of challenges, including hidden agendas and uncompromising stances.

Post-Conflict Peacebuilding - The practice of post-conflict peacebuilding stresses the importance of the entire reconstruction of a war-torn society. Hence, it denotes a comprehensive international approach to those initiatives intended not only to establish a peaceful state of social relations, but to increase the prospects for the longevity of the peace itself. The concept of post-conflict peacebuilding manifests the reality that a peace cannot simply be created; that it must nurtured and sustained through entrenchment in all facets of society. Thus, the goals of post-conflict peacebuilding are achieved through a variety of techniques, the majority of which are directed at restructuring the political, economic, and social infrastructure of the state to favour practices of tolerance and to foster the development of a culture of peace.

Preventive Deployment - The concept of preventive deployment refers to the deployment of international troops to an area thought to be seriously at risk of slipping into a violent conflict situation. It is thought that the presence of these troops will serve as a deterrent force, capable of warding off violence until tensions have lessened and the factors likely to give rise to the conflict have been sufficiently diluted.

Preventive Diplomacy - Measures of preventive diplomacy are cumulatively expressed in the practice of international diplomatic intervention in a conflict situation on the verge of violent eruption. A common example is the employment of the United Nations' *good offices*. The central idea of preventive diplomacy is to use the neutral channels of diplomacy to assist the disputant parties in the resolution of their dilemma before it reaches crisis proportions. Thus, the logical underlying assumption of preventive diplomacy is that a conflict situation can best be diffused at a level of manageability; that it is avoidable if action is taken early enough and if the parties to the dispute are willing to work out their problems through peaceful mediums.

Refugee - The legal definition of a refugee, as stated in the 1951 Convention Relating to the Status of Refugees, presents a restrictive model which is discussed, but not employed by this thesis. In contrast, the term refugee is broadly applied to genuine and *de facto* refugees, those not falling under the narrow guidelines of the 1951 Convention definition. Thus, this thesis utilizes the term refugee to denote all those individuals who have been forced to flee their country because their life and/or liberty was seriously at risk, and their domestic government was unwilling or unable to protect them from such threats.

Refugee Camps - Refugee camps are the designated areas in host countries which temporarily house, typically large, refugee populations. These camps tend to be isolating and under-resourced, leaving the inhabiting refugees with minimal prospects for stability and advancement. Despite their inherent disadvantages, the massive scale on which contemporary refugee movements occur, and the limited capabilities of many host countries to support these populations, often makes the establishment of refugee camps the most viable option for the protection of the refugees.

Reintegration - The term reintegration denotes the process by which the refugees re-establish their presence in their homeland. Thus, it is comprised of a diversity of activities directed at facilitating the refugees' re-assumption of their lives. Strategies of reintegration are logically broad in scope, ranging from initiatives in the realms of education, economic development, community relations, and land distribution.

Repatriation - In its most basic sense, the term repatriation describes the act of returning. Specifically, it is the act of a refugee population returning to its homeland. The factors shaping a return movement and its long term success are numerous and intrinsically linked. Hence, to understand the occurrence of a repatriation initiative, one must understand such factors as the conditions of the host country, the psyche of the refugees, the nature of the causal forces of their existence in exile, and the prospects, actual or perceived, embodied in their return to their country of origin.

Right to Freedom of Movement - The right to freedom of movement refers to the ability to travel, free of unjustified restraint, within and outside of one's own country.

Right to Remain - The right to remain denotes one's ability to live in the chosen area of their own country. Thus, it protects the citizens of the state from arbitrary expulsion, a common tactic of ethnic cleansing. Hence, the right to remain reinforces the right to return, thereby enabling repatriation to be a key focus in the international refugee response.

Right to Return - Recognition of the right to return is the basis of all repatriation operations. It is grounded in the idea that no one can be forced out of their country without juste cause. Therein, acknowledgement of this human right is a source for condemnation of those states which have violated it. Moreover, it is a source for international action directed at restoring the right through an assurance of the improvement of conditions in the country of origin.

Sovereignty - The concept of state sovereignty is at the core of the contemporary international system. As the most basic principle of international relations, it expresses the ultimate authority of the state over the conduct of its own affairs. The reality of state sovereignty is attributable to the fact that the state is the highest level of government in modern society. Although states frequently interact and enter into binding agreements with one another on an array of issues, such activities are the product of the wilful consent of individual states. Theoretically, the state is a supreme body and, subsequently, the key actor in international affairs. Nonetheless, despite the continued presence of the state as the focal point of global activity, it is slowly loosing its ability to govern its citizens with blatant disregard of international human rights standards. This current shift in perceptions of state sovereignty is largely due to the reality of domestic activities, particularly mass human rights violations, having international implications. Hence, emerging notions of state sovereignty are based on a recognition of the responsibilities which accompany such a privilege. These new ideas surrounding state sovereignty are pushing the international community towards norms of justified intervention in internal disputes and crisis situations.

Spontaneous Repatriation - The term spontaneous repatriation refers to the unorganized, and commonly unexpected, return of refugees to their country of origin. Spontaneous returns are influenced by a multiplicity of factors, including the refugees' perception of the viability of their return, miscommunication regarding the conditions in their homeland, desire for family reunification, and other personal motivations derived from one's attachment to his/her homeland. A spontaneous return may also be provoked by the dramatic worsening of conditions in the host country. In these instances, an apparent spontaneous repatriation is often a forced repatriation. Spontaneous repatriations pose several challenges for the international community in its efforts to establish a formal agreement for their return and a level of peace that is capable of sustaining it.

Temporary Asylum - The growing emphasis on temporary asylum is both a reaction to the massive scale, and root causes, of contemporary refugee movements and a driving force of the restructuring of the international refugee response. States are no longer willing or capable of accepting permanent responsibility for large influxes of refugees. Moreover, the recent focus on the preservation of the rights to return to and remain in one's homeland is facilitating the practice of temporary asylum by heightening the responsibilities of the country of origin in resolving the refugee crisis. Basically, temporary asylum is intended to provide an adequate level of protection and assistance to a refugee population while they are awaiting return to their homeland.

Voluntary Repatriation - The term voluntary repatriation represents the traditional view of return movements; that is, one that is centred on the individual refugees' decision to return. Although the voluntary aspect of return movements is of tremendous importance in the long term success of these movements, a high degree of personal choice is typically not a reality in current repatriation initiatives. In theory, the element of choice continues to be central to any repatriation operation, but, in practical application, the only real

choice tends to be that of return. Indeed, the circumstances in the host country, coupled with the growing practice of temporary asylum and the closed borders phenomenon, substantially reduces the quality of an individual's choice to return to his/her homeland.

Xenophobia - The rise of xenophobic sentiments around the globe is becoming a serious international problem; one that is of particular detriment to the refugee crisis. At its most basic level, xenophobia represents a fear or distrust of foreigners, those deemed to be different. In its most dangerous existence, xenophobia expresses intense ethnic hatreds which may lead to faceless violence. Xenophobic inclinations need to be addressed on a global scale, but it is in the reconstruction of ethnically war-torn societies that the treatment of these sentiments is the most pressing. Hence, the necessity of an emphasis on the promotion, generation, and preservation of a culture of peace and ethnic tolerance in those societies struggling to emerge from the devastation of ethnic violence.

Appendix 2 - Recommended Sites

Although this list of online resources only represents a fraction of the information which is to be found on the topics discussed in this thesis via the Internet, it is intended to provide the reader with a diversity of organizations to which he/she may consult for further understanding of the issues surrounding ethnic conflict and refugee movements in the modern era. It is hoped that this thesis has stimulated the reader to delve deeper into these matters, and that this list of briefly annotated sites will assist him/her in that pursuit.

African Centre for the Constructive Resolution of Disputes (ACCORD)
http://www.accord.org.za/

This organization, which operates out of the University of Durban Westville in South Africa, is involved in activities directed at conflict resolution, peacekeeping, and preventive diplomacy throughout the African continent.

Amnesty International
http://www.amnesty.org/

This organization seeks to identify and bring attention to human rights violations around the world.

Canadian Council for Refugees
http://www.web.net/~ccr/fronteng.htm

This organization is committed to protecting the rights of refugees in Canada and elsewhere.

CDR (Communications/Decisions/Results) Associations
http://www.mediate.org/start.htm

This non-profit organization specializes in the areas of conflict resolution, decision making assistance, and dispute resolution systems design.

Center for International Development and Conflict Management (CIDCM)
http://www.bsos.umd.edu/cidcm/

This research oriented organization focuses on an analysis of the needs of nations and the resolution of their conflicts.

Center for Peacemaking and Conflict Studies
http://www.fresno.edu/pacs/

This center works to promote greater understanding of the dynamics of conflict.

Center for the Study of Ethnic and Racial Violence (CSERV)
http://www.cserv.org/

The goal of CSERV is to assist in the development of better strategies for inter-group understanding and tolerance at a local, national, and international level.

Centre for Research in International Migration and Ethnic Relations
http://www.ceifo.su.se/

As an interdisciplinary research unit, this centre examines issues relating to migration and ethnicity from a diversity of perspectives.

ConflictNet
http://www.igc.org/igc/conflictnet/

This site promotes dialogue and information sharing on the subject of conflict resolution.

Conflict Transformation Program
http://www.emu.edu/units/ctp/ctp.htm

This program seeks to strengthen peacebuilding institutions and develop individual peace builders.

Contemporary Conflicts
http://www.cfcsc.dnd.ca/links/wars/index.html

This site highlights current interstate and intrastate conflicts.

Cultural Survival
http://www.cs.org/index.html

This organizations is committed to defending the human rights and cultural autonomy of indigenous peoples and oppressed minorities.

Culture of Peace
http://www.unesco.org/cpp/

This project of the United Nations Educational, Scientific and Cultural Organization (UNESCO) seeks to promote the cultivation of a mindset which is conducive to peaceful dispute resolution.

European Council on Refugees and Exiles
http://www.proasy/.de/ecre-e.htm

This organization acts as a forum for the cooperation of European nongovernmental organizations which are seeking to protect and assist refugees and asylum seekers.

European Research Centre on Migration and Ethnic Relations (ERCOMER)
http://www.ercomer.org/

ERCOMER, with an emphasis on scientific analysis, attempts to facilitate communication between researchers in the areas of migration and ethnic relations.

Forced Migration Projects
http://www.soros.org/fmp2/index.html

These action-oriented projects monitor the circumstances in the states of the former USSR to provide early warning information, and encourage early humanitarian responses to projected emergencies.

Humanitarianism and War Project
http://www.brown.edu/Departments/Watson_Institute/H_W/

With the goal of improving the global humanitarian system, this project is dedicated to an analysis of the experience of the international community in responding to complex emergencies.

Human Rights Watch
http://www.hrw.org/

This organization attempts to protect human rights globally through such direct activities as investigating alleged violations and supporting activists.

International Centre for Humanitarian Reporting
http://is.eunet.ch/ichr/about.html

The goal of the Centre is to encourage better reporting of humanitarian issues through the provision of resources which ensure the timely and accurate presentation of information.

International Committee of the Red Cross (ICRC)
http://www.icrc.org/

The mandate of the ICRC is to assist and protect the victims of war and internal violence.

International Organization for Migration (IOM)
http://www.iom.ch/iom/index.htm

As an intergovernmental body, IOM works with its partners in the international community to pursue practices of humane and orderly migration.

Internet Service on Conflict Resolution and Ethnicity (INCORE)
http://www.incore.ulst.ac.uk/

INCORE is intended to serve the needs of academic researchers, policy makers, and mediation practitioners dealing with issues surrounding conflict resolution and ethnicity.

Institute for Multi-Track Diplomacy
http://www.igc.apc.org/imtd/

The intent of this organizations is to enhance peacebuilding initiatives globally.

OneWorld
http://www.oneworld.org/index.html

OneWorld represents a partnership of over 100 organizations concerned with human rights and sustainable development.

Refugee News
http://members.tripod.com/~refugee news/index.htm

This site is intended to provide up-to-date news on refugees, asylum seekers, and their problems.

Refugee Studies Center
http://www.isp.acad.umn.edu/RSC/rsc.html

The work of the Center is focused on the collection of documents on issues surrounding refugees.

Refugees International
http://www.refintl.org/

This organization seeks to provide early warning information to the international community in situations of mass exodus, and to act as an advocate for the affected refugees.

REFWORLD
http://www.unhcr.ch/refworld/refworld.htm

As the database of UNHCR, REFWORLD contains legal and policy-related documents, country reports, and refugee statistics.

ReliefWeb
http://wwwnotes.reliefweb.int/

This is a project of the United Nations Office for the Coordination of Humanitarian Affairs. Its purpose is to strengthen the response capacity of the humanitarian relief community.

The Association for the Study of Ethnicity and Nationalism (ASEN)
http://158.143.104.181/depts/european/asen/

ASEN is an interdisciplinary, non-political research association which examines ethnicity and nationalism.

The Carter Center
http://www.emory.edu/CARTER_CENTER/

This public policy institute is devoted to an analysis of humanitarian issues such as hunger and conflict.

The Correlates of War Project
http://www.umich.edu/~cowproj/

As a major academic research effort, this is an ongoing study of the conditions associated with the outbreak of war.

The Minorities at Risk Project
http://www.bsos.umd.edu/cidcm/mar/

This research project monitors and analyzes the status, and conflicts, of communal groups internationally.

The War-Torn Societies Project
http://www.unicc.org/unrisd/wsp/index.htm

The goal of this project is to enhance national and international understanding of and response to the complex task of rebuilding a war-torn society.

United Nations High Commissioner for Refugees
http://www.unhcr.ch/

It is the primary responsibility of this specialized agency of the United Nations to assist and protect the world's refugees.

Appendix 3 - Ten Largest Voluntary Repatriations of 1996

This chart highlights the ten largest return movements of 1996 within the context of contrasting the number of refugees who were assisted in their return by the United Nations High Commissioner for Refugees (UNHCR) with those who were not. From this presentation of data, the discrepancy between repatriation and organized, international assistance thereto is blatantly evident. Indeed, it is clear that, in most instances, only a fraction of the returning refugee population received assistance in their efforts to return to their homeland. The worst case is obviously Burundi, where the mass repatriation of 105, 653 refugees from the Democratic Republic of the Congo occurred without a single individual being assisted by UNHCR.

Although less extreme as the case in Burundi, and with the exclusion of the repatriation to Myanmar from Bangladesh, the remainder of these repatriations are marked by a similar lack of assistance on the part of UNHCR and the international community. Without doubt, this absence presents a major problem for ensuring the protection of the refugees and the viability of their return. Thankfully, the Myanmar repatriation stands out as a promising exception in the presentation of these repatriation statistics. As has been noted earlier in this thesis, the repatriation operation in Myanmar has met with great success. This success is largely attributable to the comprehensive organizational structure under which the repatriation took place and the high level of international involvement in the operation and the reintegration process.

As a *black sheep* in the data, the Myanmar repatriation represents a prime example of the successful implementation of repatriation as a solution to the refugee crisis. Consequently, it, in conjunction with the data concerning the other countries, expresses the need for greater assistance in and organization of these repatriation initiatives by UNHCR, as well as other relevant international and regional bodies. Despite the fact that a variety of factors may limit or inhibit the ability of UNHCR to engage itself in the organization and implementation of efforts for repatriation and reintegration, the long term success of these efforts and the well being of the returning refugees demands that it be actively involved. Thus, in demonstrating the glaring inadequacy of international assistance to returning refugee populations, this chart supports the recommendation of this thesis for increased international influence over these mass movements of return and the conditions under which they occur. Further, this chart is of great significance to this thesis because it conceptualizes the magnitude of the scale by which repatriation movements are currently taking place and the lack of international will and/or capability to act as a guiding presence in these returns.

The data presented in this chart is derived from the following source:

United Nations High Commissioner for Refugees. **Table 4: Voluntary Repatriation of Refugees During 1996 (50 Persons and Over).** Http://www.unhcr.ch/refworld/refbib/refstat/1997/table04.htm. Accessed November 12, 1997.

Ten Largest Voluntary Repatriations of 1996

Appendix 4 - Categories of Persons of Concern to UNHCR as of 1 January 1997

This chart illustrates the different populations with which the United Nations High Commissioner for Refugees (UNHCR) must concern itself. The three populations of primary concern, in order of size, are refugees, internally displaced persons, and returnees. Although the percentages demonstrate that refugees continue to be the central focus of UNHCR activity, other related groups of individuals are increasingly being brought under the mandate of this agency. This is because the changing dynamics of the refugee crisis are forcing the agency to adapt accordingly. Consequently, as this chart depicts, it can no longer simply concern itself with the members of the refugee population in its efforts to resolve their plight. The issues affecting the refugee crisis are complex and interlinked, necessitating a common, or at least integrated, response to the predicament faced by a host of individuals as a result of the crisis and the root causes of its existence. Thus, in a growing number of cases, UNHCR is assuming a level of responsibility for categories of persons which are directly connected to the refugees for which it has formal responsibility.

Although UNHCR is increasingly becoming more than a refugee agency, as evidenced by the distribution of its mandate presented in this chart, it needs to be recognized as such by itself and others. Thereby, its implementation of repatriation and reintegration operations will be conceived of as more than meagre solutions to the refugee crisis; that is, they will be acknowledged as activities augmenting the international pursuit for peace, stability, and respect for human rights. Hence, it is the expanding role of UNHCR which is largely responsible for its ability to make valuable contributions to the reconstruction of ethnically war-torn societies, as has been the focus of this thesis. After all, through its concern with those categories of persons which are affected by and which affect the state of the modern refugee crisis, UNHCR is demonstrating its capacity to reorient itself to better respond to the contemporary demands of the crisis and the international search for peace and security.

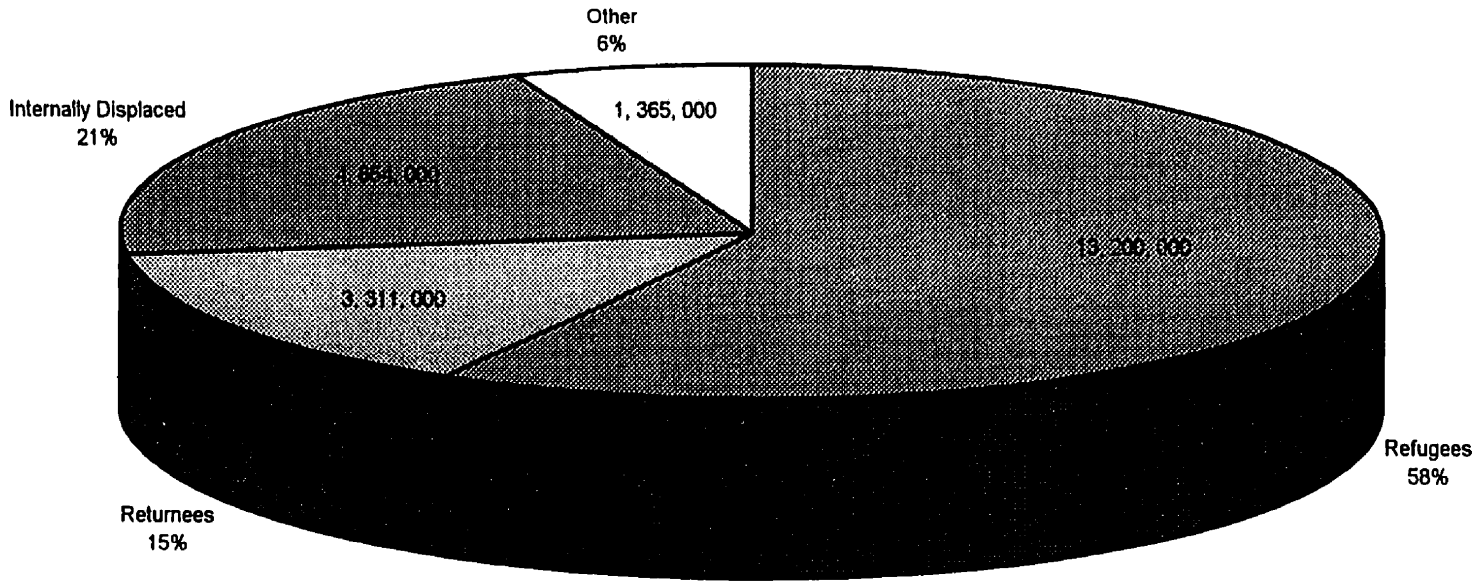
The expansion of UNHCR's roles and responsibilities expresses an array of positive potentialities. Nonetheless, as discussed at length in this thesis, it is an agency with limited resources and great obstacles to face. Indeed, it is a struggling agency, and the growing number and diversity of categories of persons with which it must concern itself are proving to be a source of further exertion. Thus, there is an obvious need for UNHCR to receive adequate support from the international community in the conduct of its duties. The refugee crisis is a major problem of global significance which is derived from the even larger problem of mass human rights violations. The scope of the refugee crisis has clearly expanded in recent years, and it is only logical that the work of UNHCR expand as well. The agency appears to be sufficiently dynamic and innovative to undertake the appropriate actions and responsibilities. However, whether it is weakened or strengthened by its work with unfamiliar categories of persons of concern, such as

returnees and internally displaced persons, will be dependent upon whether or not it receives the required degree of support from the international community.

The data presented in this chart is derived from the following source:

United Nations High Commissioner for Refugees. **UNHCR by Numbers: Populations of Concern: Who Does UNHCR Help?** Http://www.unhcr.ch/un&ref/numbers/table2.htm. Accessed October 22, 1997.

Categories of Persons of Concern to UNHCR as of 1 January 1997



Appendix 5 - Ten Largest Groups of Internally Displaced Persons of Concern to UNHCR in 1996

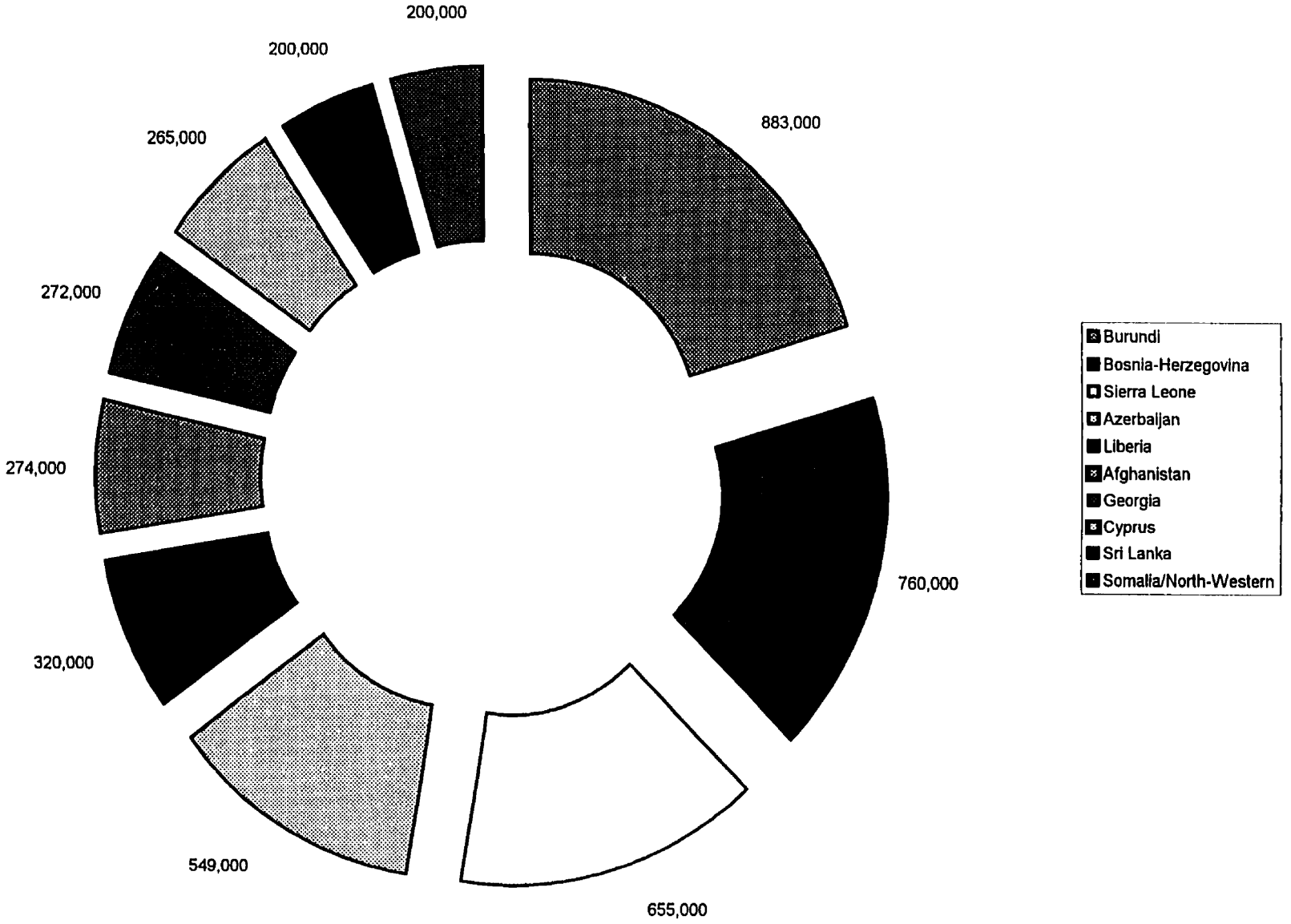
This chart presents the ten largest groups of internally displaced persons of concern to UNHCR in 1996 by country distinction. Although these numbers are not reflective of the entire internally displaced population in these areas, they do provide a degree of insight into the problem of internal displacement. Since these numbers only represent the segment of the internally displaced population with which UNHCR must concern itself, it must be noted that there are likely to be many more internally displaced persons struggling to survive within the borders of these countries. The problem of internal displacement is, evidently, enormous, and it is one that cannot be ignored by the international community; particularly, in the examination of a refugee crisis situation. Consequently, this presentation of data supports the assertions articulated in this thesis concerning the need for greater, theoretical and applied, integration of activities to deal with internally displaced persons and refugees. Further, it supports the need for international intervention in the domestic affairs of the state on behalf of the internally displaced population in situations of ethnic conflict.

The countries represented in this chart as housing masses of internally displaced persons are also areas from which major refugee flows have occurred. Subsequently, the connection between internally displaced persons and refugees is undeniable, as is the threat of internal displacement to world peace and security. As has been noted earlier in this thesis, internally displaced persons exist as potential refugees as long as their plight lacks adequate international attention. Consequently, their predicament must be accounted for in all efforts to rebuild ethnically war-torn societies and to direct repatriation operations to the achievement of that end. Their human suffering is, without doubt, as great as that of refugees. Therefore, irrelevant of the practical implications of their existence, the unacceptability of their experience demands humanitarian action. The key conclusion to be made from this chart is that a refugee crisis situation and the source from which it is generated cannot be successfully managed and resolved in the absence of simultaneous and intertwined initiatives to deal with the plight of the internally displaced.

The data presented in this chart is derived from the following source:

United Nations High Commissioner for Refugees. **UNHCR by Numbers: Table 4.** Http://www.unhcr.ch/un&ref/numbers/table4.htm. Accessed October 22, 1997.

Ten Largest Groups of Internally Displaced Persons of Concern to UNHCR in 1996



Appendix 6 - Intrastate Conflicts in the 1990s

This list of countries affected by inter-ethnic strife in the 1990s demonstrates the truly global nature of the problem. Therein, it highlights the pressing need for comprehensive international strategies for generating a culture of peace and ethnic tolerance. Although not all of these conflicts have led to devastating violence, they all share a common element of unsatisfactory accommodation of ethnic difference. Consequently, they have left at least one group with ethnic-based grievances which cannot be ignored by the state, and, in many instances, the international community.

Afghanistan***
Albania
Algeria**
Angola***
Armenia*
Australia
Azerbaijan*
Bangladesh**
Belgium
Bhutan
Bosnia***
Brazil
Britain
Burma (Myanmar)**
Burundi***
Cambodia***
Canada
Chad**
Chechnya
China*
Colombia
Croatia**
Cyprus
Diaoyutai Islands
Djibouti
East Timor**
Ecuador
Egypt
Ethiopia***
Fiji
Former Yugoslavia***
France
Georgia*
Germany

Greece
Guatemala***
Haiti
India***
Indonesia***
Iran**
Iraq**
Italy
Japan
Kashmir
Kenya*
Liberia**
Malaysia
Mali
Mauritania
Mexico
Middle East
Moldova*
Mozambique***
Nigeria**
Northern Ireland*
Pakistan***
Papua New Guinea*
Peru**
Philippines*
Portugal
Russia*
Rwanda****
Senegal
Serbia*
Sierra Leone***
Somalia***
South Africa***
Spain
Sri Lanka**
Sudan****
Tajikistan**
Tanzania
Togo
Turkey*
Uganda**
United States
Western Sahara
Zaire (Democratic Republic of the Congo)**

To emphasize the magnitude of these conflicts, casualty approximations have been included where available:

*Deaths estimated to be over 1,000
**Deaths estimated to be over 10,000
***Deaths estimated to be over 100,000
**** Deaths estimated to be over 1,000,000

The information presented in this list is derived from the following sources:

Canadian Forces College, Department of National Defence. **Contemporary Conflicts.** 1998. Http://www.cfcsc.dnd.ca/links/wars/index.html. Accessed February 13 1998.

Demographic, Environmental and Security Issues Project. **Ongoing Wars.** Last Updated January 1996. Http://www.igc.apc.org/desip/desip1.html#how many wars. Accessed February 13, 1998.

Gurr, Ted Robert and Barbara Harff. **Ethnic Conflict in World Politics.** San Francisco: Westview Press, Inc., 1994.

Richmond, Anthony H. **Global Apartheid: Refugees, Racism, and the New World Order.** Toronto: Oxford University Press, 1994.

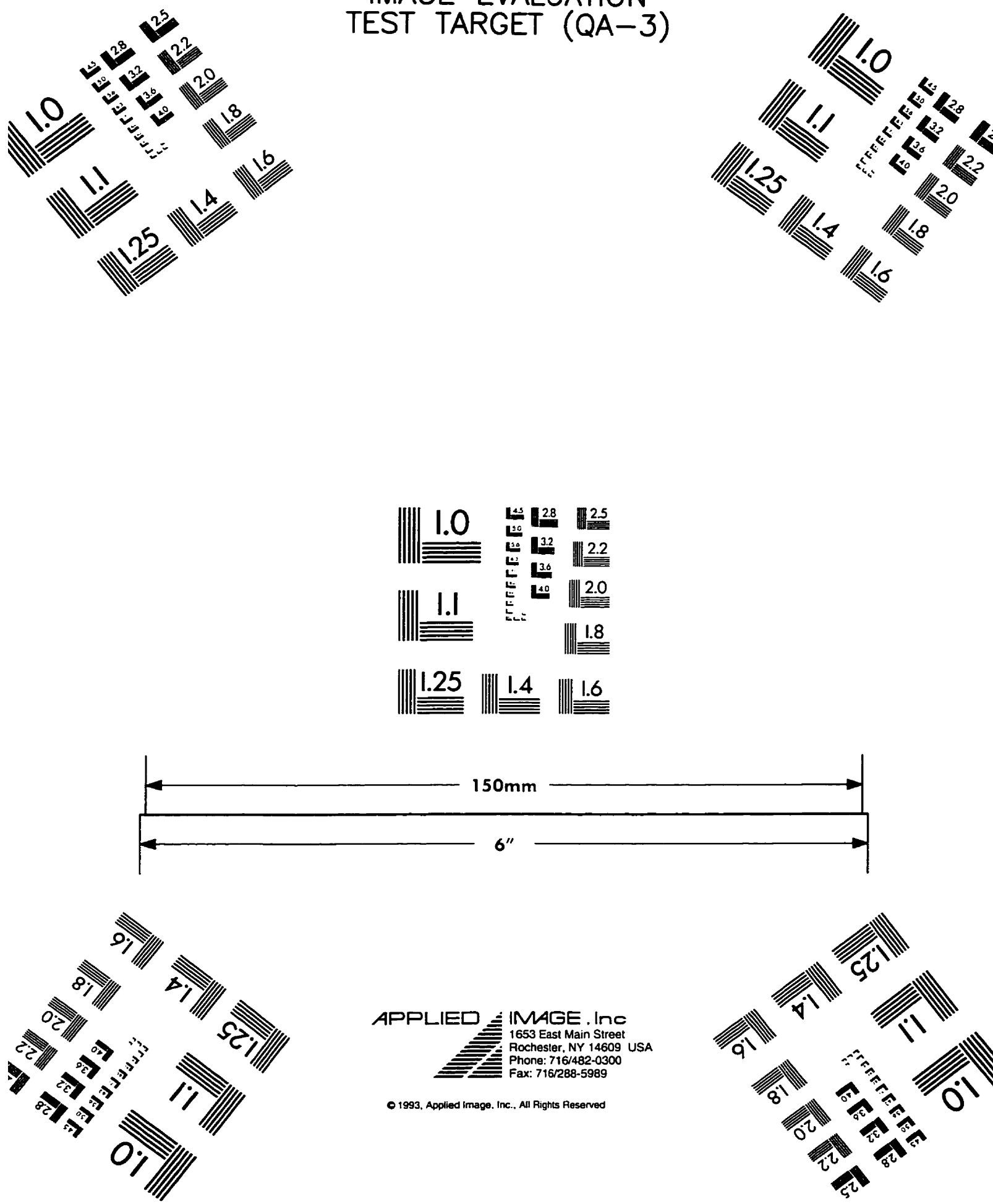


IMAGE EVALUATION
TEST TARGET (QA-3)
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