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## VOLUNTARY REPATRIATION AS A STRATEGY FOR PEACE

By Frederick C. Cuny\*

There are three solutions to refugee crises, assimilation of the refugees into the country of asylum, resettlement to a third country and voluntary repatriation. Of the three, voluntary repatriation is considered the preferable solution.

In current practice, efforts to achieve a voluntary repatriation, at least when assisted by the United Nations, must wait until the conflict, or conditions that caused the refugees to flee, is resolved. The United Nations office responsible for assisting voluntary repatriation, the U.N. High Commissioner for Refugees, requires that a tripartite agreement between the country of origin, the country of asylum and the High Commissioner be concluded before the U.N. can assist the refugees to return. Because the High Commissioner is an officer of the United Nations, which is an international organization, he must deal through governments. This means that the government of the country of origin must agree to the repatriation as well as verification that the refugees are well treated after their return. Otherwise, the High Commissioner cannot provide assistance or aid the refugees in any way.

The reality of the situation, especially in Africa limits HCR's participation. Often the civil wars that generate refugees evolve into long-term, low-intensity conflicts lasting for years, even decades. Often insurgent forces control much of the countryside, with several maintaining not only military control, but effective civil administration in their areas. In these circumstances, it is often relatively safe for refugees to repatriate and, given even limited assistance, many might choose to do so, especially if it becomes clear that they do not have other options for ending their refugee status. However, because the United Nations cannot deal with insurgent movements (known as "non-recognized entities") the principal source of assistance to those wishing to repatriate is closed.

Refugees languishing on a border constitute a major impediment to peace. Not only do they generally support the insurgent movements back in their homelands, they often become bases for guerrillas and sometimes provoke military retaliation into the country of asylum. For the host countries, the cost of maintaining refugees can be high. In the poorer countries, this serves to penalize economic development directly by diverting cash to support the refugees and, indirectly, by forcing the governments to increase their military budgets to prevent punitive incursions or retaliation from their neighbors.

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Given this state of affairs, of a long-term, unresolved refugee situations, is it not time to consider voluntary repatriation in a new light? Is it necessary that international organizations should always take a passive approach in this field? Are there not situations where we should actively promote the return of refugees even during conflicts? And most importantly, are there ways in which supporting voluntary repatriation of refugees can reduce international confrontations along tense borders, secure or expand areas of peace and stability in the countries where they repatriate and possibly lead to talks between parties that could provide the basis for discussions that would resolve basic issues of a conflict.

The record of spontaneous repatriation shows that refugees are relatively safe, both during their journey and once they have reestablished their lives in their home country. In 1985, approximately 54,000 refugees left eastern Sudan and returned to the Tigray Province of Ethiopia at the height of the drought and famine, and during a period of stepped-up military activity. The return was aided by REST, the Relief Society of Tigray and "covered" by the Tigrayan People's Liberation Front (TPLF). Despite widespread fears that many would die enroute, either from starvation or from Ethiopian bombing, it appears that most made it in good health and have done well since their return. In fact, the following year, an additional 90,000 refugees were encouraged to repatriate. The UNHCR was unable to assist the returnees in this repatriation (in fact, both UNHCR and the U.S. Government actively opposed the return) and only limited assistance was made available, principally from the Sudanese Government. While the international assistance agencies thought that they knew better than the refugees what the risks were, the refugees were determined to make the journey anyway. The lesson here is that generally the refugees know best. It is they who must evaluate the risks and make the choice. In most cases, especially where refugee camps are located adjacent to the border, they will have better lines of communication back to their homelands and can more effectively evaluate whether they can return safely.

Everyone agrees that refugees have the "right to return". International law as well as the Universal Declaration of the Rights of Man, reaffirm this principle. Yet, do we not also have an obligation to help people voluntarily repatriate, if the choice is made of their own free will. To provide assistance if they remain refugees but not to provide assistance if they wish to return home, is not only counterproductive, in real terms it is also denying people the right granted them under international law.

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\* Voluntary Repatriation, UNHCR, 1985. A working paper prepared for the Round Table on Voluntary Repatriation.

The record shows that most repatriations are spontaneous and unaided. In a report by the UNHCR\*, it was noted that upwards of ten times the number of officially assisted voluntary repatriations occur spontaneously and unassisted.

The mere act of going home may serve to promote a reduction of conflict and promote peace. Recently in El Salvador, thousands of refugees living in Honduras began spontaneously returning to their homes in conflict zones. In some areas, reoccupation of sites was so extensive that the Salvadoran Government was forced to reduce the number of aerial bombing sorties by up to 30% in order to keep from killing civilians. In some areas, the returnees have warned both sides that their area is to be considered a hands-off, no-conflict zone.\*

Taking a more active stance and encouraging spontaneous repatriation could conceivably provide entrees for peace talks. The return of the Tigrayan refugees mentioned earlier received great publicity when it was clear that the refugees would be returning even without official assistance. Many governments quietly urged the Ethiopian Government not to bomb the columns of returning refugees and pointed out that if large numbers of innocent civilians were killed, it could hurt the relief efforts underway to fight the famine in other parts of the country. Had the return been coordinated with an intensive campaign of further peace initiatives during the lull in the bombing, it might have been possible to establish the beginnings of meaningful peace talks between the two factions.

Unassisted, spontaneous repatriation often creates conditions that lead to official voluntary repatriation. Once large numbers of refugees begin moving, governments are often faced with fait accompli and find it in their best interest to take the lead in the matter, modify their terms and enter into tripartite agreements with HCR.

Assisting spontaneous returnees, also offers avenues which could reduce conflicts and create zones of stability. Currently, for example, small groups of Guatemalans are beginning to repatriate quietly to their country from Mexico. Many of the refugees in Mexico fled because others in their villages were fleeing, not because of direct death threats against them. Many younger people who were pre-teenagers when they left the country are now in their late teens and could be joining the work force back in Guatemala were an aided repatriation to occur. If international agencies working in Guatemala were to identify areas where the returnees could be settled peacefully, and provide development assistance,

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\* Washington Post, The Salvadoran Refugees are Taking Their Hearts and Minds Home, August 11, 1986.

conflict-free zones could conceivably be created and "protected" by encouraging a large number of agencies to work in the area and serve as observers. There is some evidence to show that even death squads are reluctant to carry out their murderous activities in the presence of foreign humanitarian agencies. Since the new democratic government of President Vinicio Cerezo has welcomed the return of refugees and linked it to amnesty for all parties, a program that actively tests this concept should be tried. By increasing the conflict-free zones and promoting development within them, the international community is directly supporting the attempts of the new Government of Guatemala to firmly establish democracy and non-violent control throughout the country.

This is not to say that the obstacles to repatriation are not great and that the risks are not high. Furthermore, it must be stressed that all repatriations must be voluntary, and not forced, either at gunpoint or by cutting refugees rations to a point where it would be better healthwise for them to return. However, given the fact that spontaneous repatriation is far greater than repatriation under HCR guidelines is an indicator that something is amiss in the international relief system. Perhaps what we need is not an agency that deals with governments, but an agency that deals with people.