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Returning Home: Unhcr'S Strategies For Repatriation For And Reintegration

Tania N. Domenech
University of Central Florida



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RETURNING HOME: UNHCR'S STRATEGIES FOR REPATRIATION &
REINTEGRATION

By

TANIA N. DOMENECH
B.A. University of Puerto Rico, 2003

A thesis submitted in partial fulfillment of the requirements for the degree of Master of
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ABSTRACT

Under what conditions is the United Nations High Commissioner for Refugees (UNHCR) able to successfully repatriate and reintegrate refugees to their country of origin? This work aims to evaluate the success of UNHCR's initiative to sponsor the repatriation and reintegration of political refugees who voluntarily chose to return to their homeland. The study of political refugees is essential in International Relations, since it entails the failure of preventing ethnic violence and civil unrest. Overall, the emergence of refugees is the product of the inability of conflict prevention. Voluntary repatriation and reintegration of these refugees provides a message of mending relations, state rebuilding and hope. Successful repatriation is the return of refugees with the expectation of a safe return to society. Successful reintegration however ensures their inclusion in society. Therefore, both terms may be related, but must be discussed separately. This inclusion is essential to reconciliation, and the formation of a peaceful, stable society. Hence, this research will bring a better understanding of victims of conflict, the inability of the state to protect its citizens, and possible patterns of repatriation, reintegration and conflict resolution. To answer the question of the success of UNHCR's policies of repatriation and reintegration, I will use two cross-regional case studies: Guatemala and Afghanistan. I will address the hardship undergone by political refugees, the policies they have encountered from UNHCR, and the scenario of voluntary repatriation patterns. I will then evaluate the conditions on the ground to which refugees are returning. Clearly, if these have a high violence rate, a sustainable life and successful reintegration is very unlikely.

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CHAPTER I

Introduction

Research Question

The study of political refugees is essential in International Relations. It entails the failure of preventing ethnic violence and civil unrest, since the emergence of refugees is the product of the inability of conflict prevention. This work aims to evaluate the success of UNHCR's initiative to sponsor the repatriation and reintegration of political refugees who voluntarily chose to return to their homeland in two cases: Guatemala and Afghanistan, and why have the results differed so much. Hence, the following question arises: Under what conditions and strategies is the United Nations High Commissioner for Refugees (UNHCR) able to successfully repatriate and reintegrate refugees to their country of origin? This question arises from the similarity of refugee situation in both situations and how repatriation efforts veered into different plans of action that despite having the same purpose had very diverse results. Hence, this thesis will evaluate which repatriation tactic is more effective and why.

Significance of This Topic

In the year 2003 alone the number of Refugees and Asylum Seekers was of 11,900,000 people.¹ This does not account for the internally displaced population (IDP's). Clearly this Diaspora is a product of internal conflict and often of state-led

violence that has scaled to a fatal extent. As a result refugees migrate to seek their survival, often to foreign lands. Here they not only constitute a humanitarian issue, but an economic one as well. International Organizations and host countries incur in expenditures when providing shelter, food, medical attention and at times educational programs for refugees.

The international community's failure to avoid these conflicts has led to the intervention after the conflict has erupted in a massive scale. This displacement is a result of humans' worst actions: Ethnic cleansing, genocide or any form of persecution that threatens human life.² Refugees, therefore represent the fear, misery and suffering that most of us fail to see when we study violence.

Another aspect of refugees that is often overlooked is that movement of people is part of a globalization pattern. As the world becomes more interdependent, we will see how the emergence of refugees affects us all. Refugees may indirectly become key players in domestic issues to the host country, since refugee camps have proven to become an economic burden for it.³ A consequence of the perception of refugees having a negative impact in a host county has been disparity in Asylum policies and ethnic discrimination, as we will see in the case of Afghans in Pakistan. Another impact is the acquiring of a heterogeneous society. For instance, Afghan refugees in Pakistan were known to have economic and environmental impact in Pakistan, and there was a fear that the longer they remained in Pakistan, they would likely become or form an influential political force.⁴ A local example has been the impact of the influx of Cuban refugees in South Florida and their role in urban development and to the representation of Latin participation in politics.⁵ Like any Diaspora, refugees will change the face of the society

they chose to migrate to. Some examples of refugees that have had key impact in their country of asylum have been James Joban (the Architect of the White House), Albert Einstein, Frederic Chopin, Isabel Allende or Clara Zetkin (Female activist and founder of International Women's Day).⁶

Voluntary repatriation and reintegration of these refugees provides a message of mending relations, state re-building and hope. Successful repatriation is the return of refugees with the expectation of a safe return to society. Successful reintegration however ensures their inclusion in society. Therefore, both terms may be related, but must be discussed separately. This inclusion is essential to reconciliation, and the formation of a peaceful, stable society. Hence, this research brings a better understanding of victims of conflict, the inability of the state to protect its citizens, and possible patterns of repatriation, reintegration and conflict resolution. Perhaps the most influential lesson in this thesis will be the analysis of the true consequences in reintegration. By questioning the method employed at each reintegration case, we will find out why reintegration was quite successful in the case of Guatemala and unsuccessful in Afghanistan.

Theoretical Context

According to the UN 1951 Convention on the status of refugees, they are defined as individuals who have fled their country of origin with a well founded fear of persecution due to political opinion, ethnicity, religion or social group they belong to and are therefore unable (or unwilling) to return to their country.⁷ The UNHCR *Handbook on*

Repatriation also defines repatriation as the returning to a country of origin with the assumption of conflict resolution and the end of refugees' "well founded fear of persecution".

Political refugees are clearly a product of ethnic violence, war or state-led violence. When attempts of conflict resolution fail to prevent this violence, the rational human action will be to seek survival. A wave of forced migration emerges as a consequence of the lack of conflict prevention and/or resolution. When confronted with a significant amount of refugees, UNHCR sees itself with three possible solutions: (1) Voluntary repatriation and reintegration, (2) Integration into host country and (3) Resettlement to a third country. The last two solutions are often employed when conflict resolution in the country of origin has not yet been achieved. For the scope of this thesis however, I limit the research to *voluntary* repatriation organized and funded by UNHCR's long-term repatriation and reintegration programs. The purpose for this focus is to evaluate the effectiveness of UNHCR-funded programs. To achieve this, there must be a clear distinction between repatriation and reintegration. As I had mentioned earlier, repatriation simply involves movement. Reintegration on the other hand, implies greater equality, successful mending of differences and a sustainable livelihood for returnees. Hence, reintegration is defined as the inclusion of returnees into the protection of the state's legal system, equal protection and equal access to public goods, such as access to health, education, food and political involvement.⁸

To answer the question of the success of UNHCR's policies of repatriation and reintegration, I have used two cross-regional case studies: Guatemala and Afghanistan. I have addressed the hardship undergone by political refugees, the policies they have

encountered from UNHCR, and the scenario of voluntary repatriation patterns. I then evaluated the conditions on the ground to which refugees are returning in terms of structural and behavioral violence, which I will discuss in detail in the methodology employed. Clearly, if these cases have a high violence rate, a sustainable life and successful reintegration is very unlikely. As the dependent variables for this research, repatriation and reintegration success relies on two main factors: (1) the conditions on the ground of the country of origin and (2) the efficiency of UNHCR's strategy.

Literature Review

The UNHCR⁹ provides a vast collection of numerical data on the amount of refugees worldwide as well as reports by its inspectors on the situation in refugee camps and repatriated areas. For this research, I made use of UNHCR's *Handbook on Voluntary Repatriation: International Projection* (1996), where I found the mandate of UNHCR's voluntary repatriation programs as well as the methods (or strategies) to be employed. Overall, UNHCR is responsible for seeking whatever solution is best and permanent for the refugee population. This is commonly achieved in cooperation with a third party (the state), whether it is the country of origin or another who is willing to integrate the Diaspora into its society (also known as resettlement). A key component of any repatriation model employed is that it must be voluntary and it should be facilitated and promoted once the conditions are safe for the return. Another component is the arrangement of conflict resolution with the country of origin, as well as constant

assistantship and monitoring of the conditions of returnees. These conditions for repatriation are key to the evaluation of strategies employed in each case study.

UNHCR also provides an extensive list of online publications on the situation of the countries in conflict (or countries of origin) as well of host countries. Through reports by UNHCR inspectors, they inform of the limitations and success stories of groups returning and reintegrating, or integrating into a host country. These reports served as a guide to determine the degree of success for reintegration.

To complement the UNHCR reports, *Afghanistan Research and Evaluation Unit (AREU)* and publications by the *US Committee for Refugees (USCR)* offer insightful details on the disadvantages of the process of return and the lack of ability for returnees to have a sustainable life. They also point out the limitations encountered by UNHCR when addressing refugees' needs.

Another critique of the existing asylum policies is the work of Arthur C. Helton (2002). He argues the importance of refugee studies has been overlooked, even though it is clearly a significant and growing issue. He analyzes global policies and makes suggestions for new approaches (especially from the US). He argues that the importance of refugees has been disregarded but it needs to be a priority in the agenda. By attacking the problem of forced migration, the root comes down to the need of international cooperation before the crises occur. He concludes his book by suggesting the re-organization of humanitarian agencies in the US to deal with this growing matter. This work is essential for this research, since it provides a study of existing policies of asylum and its limitations. It also suggests solutions to the core of the problem of the indifference towards refugee populations.

Stephen J. Steadman's and Fred Tanner (2003) provide another perspective of a new set of problems refugees encounter. They argue that despite International Organizations and NGO's efforts to aid refugees, some host countries (in a bilateral relationship) have manipulated diasporas for their own advantage. In fact, the book's contributors analyze how International Organizations have indirectly contributed to this manipulation. There are 3 case studies in this book: Cambodian refugees along the Thai border in the 1970s and 1980s, Afghan refugees in Pakistan in the 1980s and 1990s, and Rwandan refugees in Eastern Zaire from 1994–96. They conclude manipulation is allowed to occur because the international refugee regime and major states have not identified a consistent approach to stopping it. In the post-Cold War era the United Nations and its members have chosen to treat the issue as a humanitarian problem instead of a security problem. In other words, the main target to avoid forced migration should be to take preventive measures to avoid conflicts, persecution and ethnic violence. However, conflicts are not prevented, and the aftermath falls into patronizing humanitarian relief instead of aiming for security and preventive action. This work, along with Helton's, helped question the role of UNHCR as a real solution to the refugee situation.

As an example of the impact returnees have had in past situations, I took into account the work of Lynellyn D. Long and Ellen Oxfeld (2004). The book offers an anthropological approach through ethnography of several case studies of refugees. The book mostly addresses the impact return movements have had in the country of origin as well as returnees' state of mind. They discuss the impact a life in exile has had and how these experiences shape attitudes when returning to the country of origin in different

panoramas: social, political economic and cultural. Return is argued within the literature to be a way to mend past differences. However, this book addresses the other side of the story; the re-fueling of pre-existing ethnic hatreds and how this makes repatriation a nightmare, rather than a reconstruction of the homeland. Case studies include Ethiopia, Eritrea, Vietnam, China, Philippines, German Jews, Nicaragua and Sarajevo. The theoretical context of this book has been essential to this research, since it analyzed the general impact of repatriation not limited to the role of UNHCR.

Marjoleine Zieck (2004) analyzes the legal meaning of voluntary repatriation employed by the UNHCR, its place within the framework of universal refugee law, and whether or not it deserves to be called an “ideal” solution. It provides a brief historical analysis of the birth of UNHCR’s mandate for voluntary repatriation, its evolution over the past 45 years, as well as four case studies: the voluntary repatriation of Cambodian refugees in 1980 and, again, in 1992 and 1993; of Iraqi (Kurdish) refugees in 1991; and of Mozambican refugees (from Malawi) in 1993 to 1995. This book served as a framework for the explanation and analysis of UNHCR’s role in Guatemalan and Afghan Repatriation.

The US Committee for refugees (an NGO) has published several publications on the situation and statistics (qualitative and quantitative studies) of refugees around the world. Its publication, *El Retorno*, describes into depth the risks Guatemalan returnees confront and presents a contradicting perspective of UNHCR’s optimism. According to the USCR, the vision of conflict resolution was far fetched. Despite the government’s agreements to limit military power towards civilians, returnees found quite the opposite. Conflict and ethnic differences are still present and threaten the Maya way of life. This

publication will serve as additional analysis to the repatriation model employed in Guatemala.

For further data on the case of Guatemalan refugees, Elizabeth Ferris has published several works on Central American refugees and the conflicting policies they have encountered. For example, Mexico has been known for generous asylum policies, and feels an obligation to aid victims of violence from its neighboring countries. However, Mexico's own economic problems have caused ambiguous policies. In the US, on the other hand, Ferris argues that Central American refugees are often deported and their asylum application is commonly denied because of the fact that they choose not to stay in Mexico. This demonstrated economic intentions and not political. Ferris also discusses the many internal problems and pressure of the Mexican Commission for Refugee Aid (COMAR) that provides aid and political representation.

Allan Burns, (1994) also provides anthropological study of the Guatemalan Maya refugee population in Indian Town, Florida. He includes interviews with refugees, reports on the conditions they live in and opinions on the idea of repatriation (return to Guatemala) for them. Overall he studies the cultural adaptation and "melting" pot of cultures of this Diaspora in South Florida. Burns also analyses the US position on the situation for refugees and concludes it is one of "interference and ignorance," since it has supported the Guatemalan government and even trained its army (since the overthrow of Jacobo Arbenz Guzmán in the 1950's) and often does not recognize the Maya as refugees, but as immigrants seeking economic betterment. The fact that most of their family members were killed in ethnic violence "was not enough to prove persecution or

to qualify for asylum.” Burns’ work will provide the perspective of repatriation for Guatemalans in the US.

Commission for Historical Clarification has published *Guatemala Memory of Silence: Report of the Commission for Historical Clarification*, where it provides an examination of the causes, origins and effect of the internal armed confrontation and on more than 9,000 interviews. It presents the methods of the violence, its consequences and effects. The conclusions are then presented and are followed by recommendations to the United Nations. The report provides historical clarification of the atrocities committed in Guatemala by the National Army after the overthrow of Jacobo Arbenz Guzmán, and aims to promote an open dialogue of events. The commission therefore pointed out the weakness of the Guatemalan government and strongly criticized North American role in its support. The report also provides data on the proportion of people killed in the civil war and the forces responsible for the human rights violations. This analysis is essential to understand the pattern of genocide in Guatemala as well as the actions taken to resolve and mend internal relationships, since the CEH has played an active role in the supervision of mending relations.

For the case of Afghanistan’s background, I will refer to the work of Larry Goodson in his book *Afghanistan’s Endless War: State failure, Regional Politics and the Rise of the Taliban*. Goodson discusses the aftermath of the Cold War era and how conflicts never ceased after this disruption. He also discussed in detail how historical factors have shaped Afghan society and its destruction.

Afghanistan Research and Evaluation Unit (AREU) has performed numerous evaluations on the returnee situation in Afghanistan. It also addresses the limitations

undergone by UNHCR due to the unexpected amount of returnees and the ongoing pressure of its donors. They assess the focus of humanitarian intervention in Afghanistan has focused in the immediate survival of returnees and has not taken into account that state rebuilding is needed (and is often a pre-condition) for social stability. Within these studies I found a clear explanation of how external factors led to the failure of UNHCR's strategy in Afghan repatriation.

UNHCR's publications also provide an extensive collection of reports on the repatriation patterns in Afghanistan. The framework of these patterns is discussed into detail as well as the impact in the local socio-economic aspects. These reports will serve as a glance into the reported situation. However, for the purpose of this research, I extended the image of the situation by providing a deeper analysis of the levels of violence in each country of origin. To do so, I employed an empirical method of a "violence indicator" as proposed by Gernot Kohler and Norman Alcock (1976). This measurement provided a clear perspective for the conditions in the ground of each country. The indicators are classified into two levels: Structural Violence and Behavioral Violence. The first measured conditions that lower life expectancy due to the state's failure to protect citizens from life-threatening danger or from the lack of resources. The latter indicates armed conflict. For the purpose of this research the same criteria will be used to measure the conditions of each case at the time of repatriation until today.

For the gathering of this data, I have used statistical and demographical information from The World Health Organization (WHO), since it provides country reports on the deaths related to malnutrition, exposure or lack of resources for each country. This helped account for structural violence. Along with the UNHCR field

reports of the situation of repatriated areas, this has been a main source of measuring the conditions at the country of origin.

Another source for the gathering of data reflecting the situation in the ground was Marshal's database of Political Violence (2005). Here, Marshal offers a comprehensive account of every outbreak of political violence from 1946 to 2004. This data set includes the nature of the conflict, dates, number of casualties, magnitude of the impact it had in society and the states involved. This data accounted for the behavioral violence in the country of repatriation.

Overall, existing research has gathered and evaluated numerical data on the amount of refugees, the impact of forced migration for refugees and host countries, or the causes of forced migration. As for the issue of reintegration, the data is limited to briefing notes and situation reports by UNHCR field officials in particular regions of interest to UNHCR. I have found no formal and inclusive analysis of the actual situation of returnees after repatriation patterns took place that evaluates structural and behavioral violence, thereby evaluating the safety of returnees and stability of the country.

Significance of my contribution

This study questions the methodology of repatriation and reintegration patterns, and how human life is affected by the complexity of these situations. It will also question the effectiveness of International Organizations' role in conflict resolution and permanent solutions such as repatriation.

Previous literature discusses social, legal situation of refugees, or merely describe the integration into their original or into a different society. Publications by the UNHCR's Evaluation and Policy Analysis Unit (EPAU) describe how the process of repatriation was carried out and provide a limited explanation of reintegration. These studies exist for very few cases, including Guatemala, Rwanda and South East Asia. These are concluded with suggestions for future repatriation models. However, I intend to provide a comparative analysis of different regions and how the repatriation and reintegration process remains today and its success rate. That is, to what extent and in which circumstances has reintegration been a success? This study also provides an up to date analysis of the returnee situation in the countries of origin.

Research Design

This thesis employs case studies of Guatemala and Afghanistan. I have employed cross-regional case studies to test the hypotheses in diverse environments. These two cases have similar situations in a cross-cultural setting that make these countries worth analyzing. First, the origin of the conflict dates back to the Cold War period and they have been argued to be pawns of Cold War strategies and foreign intervention that disrupted each country's stability and led to prolonged civil wars.¹⁰ Second, UNHCR has carried out intensive and relatively successful repatriation strategies involving millions of refugees from these three countries. Third, these three cases provide a regional representation of some of the most severe (yet often neglected) cases of war and forced migration in their region, since none of them received foreign intervention to prevent the

conflict(s) that created the diasporas. Most importantly, all three cases involve a rural population whose sustainable livelihoods were destroyed by extended civil war. At the time of repatriation, these refugees found themselves with the similar situation: No suitable land to resume their lifestyle as land laborers.

After extensive analysis of the strategy employed by UNHCR, it was found that strategies proposed to follow fixed guidelines in both cases. Therefore, by using these two cases, I will be controlling for the policy proposed. In reality, the strategies demonstrated to have disparity in the treatment of returnees despite the proposed actions required by the UNHCR mandate for voluntary repatriation. In addition, both cases have been categorized as a type “3 intensity” at their highest level of warfare according to the Peace Research Institute of Norway.¹¹ Therefore, both conflicts account for a similar number of casualties and for a similar scale of violence. In summary, the study of these two cases will maximize variation for the primary explanatory factor (which is the condition in the ground of the country of origin) and will in turn minimize the variation for the control variables (which are UNHCR strategies and type of conflict). This way, I will be able to effectively evaluate the effect of the chosen strategies by UNHCR in different conditions.

The thesis has five chapters, including this introduction. The second chapter will discuss UNHCR’s Mandate in detail and provide examples of how it has fulfilled (or failed to do so in certain instances) its goals for voluntary repatriation and reintegration. It will also discuss the repatriation program employed in each case and a discussion of their effectiveness. In both cases UNHCR employed strategies of mediation and peace accords before commencing repatriation, monitoring human rights, providing education,

medical attention and aiding the development of humane standards of living. All of these steps and their effect on establishing a suitable environment for return will be analyzed.

The next two chapters (chapters 3 and 4) provide the analysis of the individual cases. I address each case study in the same pattern. I briefly discuss cultural and social issues that make the persecuted population different from the oppressors. I also address the history of the conflict or persecution, foreign intervention, and consequences of the conflict: number of casualties, number of internally and externally displaced. I briefly address where the displaced population sought refuge, the patterns of intervention of UNHCR and when applicable, of the cooperation with the local government and NGO's. Finally, the conditions in the ground after repatriation were evaluated based on the model of measurement of violence by Gernot Kohler & Norman Alcock (1976). Violence is seen as a key factor for the proper integration of returnees, since it determines the degree of safety upon return. This rate of violence was evaluated for each case and will determine the ability (or lack of) for returnees to rebuild their homes and to achieve a successful reintegration. Violence was main indicator for the condition in the ground and was stratified according to Kohler and Alcock's model of structural and behavioral violence.

The equation for structural violence (as used by Kohler and Alcock) is as follows:

$$V = \frac{P_n}{E_n} - \frac{P_n}{C}$$

Where P_n = Population of the sample (country)

E_n = Life Expectancy of the sample (country)

C = Egalitarian Life Expectancy

V = Structural Violence

Despite variations in other literature in violence indicators, Kohler and Alcock's model is uncomplicated and broad enough to obtain the general grasp of life threatening conditions that lower life expectancy in each country. I chose an egalitarian (or global) value of life expectancy to have a common baseline of comparison at the international level for the situation in these two countries. With this equation, a positive value of "V" indicates a higher level of structural violence, while a negative value would indicate a lower level when compared to the global standard. The Egalitarian life expectancy "C" was obtained through previous investigations by WHO, where a "Health-Adjusted Life Expectancy" (HALE) was obtained. HALE is based on life expectancy at birth but includes an adjustment for time spent in poor health. It is most easily understood as the equivalent number of years in full health that a newborn can expect to live based on current rates of ill-health and mortality.¹² Behavioral violence levels according to previous quantification methods will also be used to picture the likelihood of stability, since this will have a direct impact in the livelihood of returnees.

The last chapter will provide a summation of all the data found and conclusions on the relationship of UNHCR's strategy, today's outcome of reintegration of former refugees, and what leads to the failure of reintegration.

Conclusion

The findings of the repatriation and reintegration success rate ultimately relied in the stability of the country of origin. On the other hand, stability in the country of origin

relies on the success of conflict resolution and the establishing of peaceful relations among citizens and government. Conflict resolution and an end to ethnic violence have been recognized as a key components for the conditions of return according to UNHCR's mandate. Hence, without peace the success of reintegration is unlikely.

In general, I found varied results of reintegration success rate. Guatemala has proven to be a more controlled project with the formation of the *Comisión de Escalrecimiento Histórico (CEH)* as an agent of defense to victims and returnees and for the clarification of events that took place in the civil war. With this agency in control, Guatemala aimed for the reconstruction of relationships before opening its arms to massive returnee movement. Afghanistan on the other hand, commenced massive repatriation without the insurance of socio-political stability. The equivalent of the CEH in Afghanistan is the *Afghanistan Research and Evaluation Unit (AREU)*, which has been analyzing the degree of stability and sustainability after mass repatriation has taken place. With the quantification of structural violence, it was clear that the difference in Health-Adjusted Life Expectancy in the two cases was quite different. Structural violence in Afghanistan was significantly higher than in Guatemala. Therefore, the following thesis was reached: The Afghan encashment program proved to be an ineffective way for achieving reintegration, due to the lack of proper monitoring and insurance of stability prior to repatriation. On the other hand, Guatemala's "hands-on" escort and monitoring programs were more appropriate ways of reintegrating returnees.

CHAPTER II

UNHCR's Mandate and Strategies

This chapter discusses the guidelines for voluntary repatriation as stated in UNHCR's mandate. For the focus of this research the analysis of the implementation of these steps will be analyzed from the insurance of safety in terms of structural and behavioral violence. In order to do so, I have pointed out the strategies that may or may not have placed a risk for returnees. It is important to specify that strategies are not necessarily a direct cause for detrimental conditions of returnees. The cause for unsuccessful reintegration and stability may often be a result of unexpected or unwanted developments. However, it was common to find lack of proper analysis and prospects for the future before promoting and initiating mass returns.

UNHCR's Mandate for Voluntary Repatriation

UNHCR seeks permanent solutions for refugees by assisting, host countries and countries of origin (as well as NGO's) to facilitate the movement and protection of returnees. This is, of course, in the case that the UNHCR deems the conditions in the ground as "suitable" and "safe" for return. One critical condition for return is for it to be voluntary, and the entities participating have a role of facilitating and promoting a safe return. The personal decision to return therefore implies there is no longer fear of persecution in the country of origin. Involuntary repatriation (or Deportation) to unsafe areas is prohibited in UNHCR's mandate.

The mandate also states UNHCR will only promote voluntary repatriation if the country of origin agrees of the active role of UNHCR in the repatriation process. The “active role” consists of the following activities:

1. Establishing and ensuring the voluntary nature of the return
2. Promoting governments’ assistance and involvement in the process
3. Establishing the assurance of conflict resolution
4. Education among the refugee population of the current conditions at the country of origin
5. Constant monitoring of the return process and the results
6. Assistance in the reintegration process. Aid could be monetary, material or political and will include the funding and organization of transportation and establishment for returnees.

The insurance of safety and security, as discussed by the mandate, includes the full acceptance of the returnees by the National Authorities, full restoration of their rights and the equal access to physical security (which mean physical protection from armed conflict or remaining landmines), material security (to be able to have sustainable livelihoods), and the eradication of all discrimination.

In summary, the role UNHCR plays in voluntary repatriation is ideally one of seeking permanent solutions, promotion and facilitation of return. For the promotion of solutions, UNHCR follows certain criteria:

1. Aim to resolve the root causes of the forced migration with national, regional and international efforts.

2. Creating a humanitarian, non-political space that will engage in peaceful dialogue for the resolution of the root causes.
3. Consultation and involvement of the refugee population in the decision-making process, thereby making them an active part of the process
4. The will of the country of origin must be followed.
5. The cooperation of the international community to promote the conditions of return must be achieved.

In addition, the promotion of repatriation must have the following essential pre-conditions:

1. Voluntary character
2. A general improvement of the situation of the country of origin
3. Formal guarantee (i.e. Agreement, Treaty...) of the country of origin's improvement for the a safe return and integration
4. UNHCR's complete access to refugees and returnees
5. The terms and conditions of return must be fully discussed in a formal repatriation agreement between UNHCR and the country of origin.

Recently, UNHCR has modified its repatriation tactics into more stratified procedures. The *Handbook for Repatriation and Reintegration Activities* (2003) offers seven modules to be employed in each situation, each of them with a different approach according to the country's or the refugees' needs. Even though no repatriation model has been organized using these new modules, these are meant to be courses of action for future. The modules include detailed examples of what previous models might teach us

for the future. For instance, modules 2 and 3 make reference to examples of the case of Afghanistan, and certain policies employed have provided the framework for new and improved approaches for future repatriation planning.

In theory, the involvement of UNHCR in the repatriation and reintegration process present the ideal approach to benefit refugees who want to return. On the other hand, the reality of these two cases may at times suggest otherwise due to socio-political and economic limitations.

Afghanistan

The movement of refugees to host countries such as Pakistan and Iran began in 1978, after the Saur Revolution. Today, movement along the borders in search for safety and employment is still frequent. In 1988 a Bilateral Agreement was signed between Afghanistan and Pakistan. Later, agreements were made between the UN, Afghanistan and Pakistan that ensured the voluntary nature of the return and defined the general characteristics of the assistance that would be provided to returnees.¹³ This repatriation agreement is still effective and will end by the Summer of 2006. In Iran, the agreement ended May 2005 and due to a larger integration of refugees into Iranian society, repatriation has not reached a massive scale.¹⁴ Over 700,000 Afghans returned home from Iran and Pakistan during the first nine months of 2004 alone. The total number of returns since March 2002 has reached over 3.5 million.

Strategies in Afghan repatriation were initiated with the assumption that the necessary pre-conditions mentioned above were achieved. However, Afghanistan has been living a lifestyle where the use of force and violence was the way to solve disputes

and assertion of power.¹⁵ These patterns have been nearly impossible to eradicate in Afghan society, especially with the US's reinforcement of the "warlord strategy" to combat the Taliban and its supporters. Unfortunately, the US led intervention has unveiled a problem when trying to eradicate another one. With the reinforcement of the warlord regime, peace, stability and the monitoring of human rights have been and will continue to be difficult according to Human Rights Watch. In addition, the Taliban has shown a significant wave of insurrection even at the time of repatriation. The cooperation of the international community has proven to be one of the most difficult tasks in Afghanistan, since despite efforts of the Bonn Agreement signed in December 2001 neighboring countries have continued to support the Taliban.

The complete access to returnees by the UNHCR also proved to be impossible in Afghanistan due to the vast amount of movement along the Afghan-Pakistani border. Keeping track of returnees was not properly accomplished with the Encashment Program of Return in Pakistan after the end of Soviet occupation. The encashment was often a grant of US \$100.00 and 300 kilograms of wheat to cover expenses and nutrition for the trip back to Afghanistan. At times, due to economic restraints, the cash grant was lowered to \$30.00 USD. This did not ensure the actual return or the time of return. After the grant, there was a "deregistration" of the refugee and the end of assistance, thereby offering an apparently cost effective method of promoting repatriation.

Refugees who took the encashment grant either remained in Pakistan after taking the cash and food or attempted to return to Afghanistan. Some of the returnees often returned to Pakistan due to the lack of establishing sustainable livelihoods and because a high level of socio-political instability.¹⁶ Without the proper monitoring, hardship is even

more intense. Once they had been deregistered, refugees had no protection from UNHCR and became clandestine immigrants in Pakistan. Clandestine communities have been tolerated in Pakistan, yet refugees often have no access to employment, health or education.¹⁷ Therefore, the encashment strategy has not only adversely affected returnees, but also the refugees living at the host countries. By 1988, conditions in Afghanistan were not safe enough for the food distribution and the ongoing drought made subsistence farming impossible. Hence, the notorious pattern of “recyclers” began a cycle that would create a barrier for further improvement of the management of repatriation programs. The recycling of UNHCR repatriation packages led to stricter and costly screening processes to avoid the misuse of the system. For instance, in some encashment centers today, iris-screening tests are implemented to make sure refugees have not received assistance previously.¹⁸

An evaluation of UNHCR’s encashment program employed in Afghanistan argues it will aid refugees who voluntarily want to return even when conditions are not favorable. In the case of Afghanistan however, the fact that refugees in Pakistan often had no source of income made the encashment a source of “fast cash” and food. Policy evaluation also stresses out the advantages of reinforcing individual decision-making among refugees.¹⁹ However, among the active roles assigned to the UNHCR, a constant monitoring of the return process and the results is difficult (if not impossible) with the encashment program. Attempts for a better monitoring of repatriation has been directed to avoid recyclers and not to assess the situation in Afghanistan nor to insure proper reintegration.

The complete destruction of the country’s infrastructure and private homes meant returnees were coming back to be homeless and to have no facilities for healthcare or

education for children. To respond to this serious issue, UNHCR and Afghan authorities build 100,000 shelters that housed 1.5 million returnees. In 2004, 22 million (USD) were assigned for the construction of 20,500 more shelters. To fight the poverty issue, UNHCR has also organized local “cash for work” programs where returnees were paid for construction labor of the shelters.²⁰

A strategy for reintegration that proved to be successful was the “cash-for-work” program. For instance, with the repatriation package, refugees often received woven blankets done by returnees themselves and purchased by the UNHCR to be given out to future returnees. This not only generated employment and cash flow among returnees, but it also integrated them into the economy. Multi fuel stoves were also manufactured and sold by returnees and provided to those who were to return.²¹

Despite the recognition of lack of security and the intensification of hostility towards electoral, governmental and humanitarian workers, the plans for repatriation are still present. With the past limitations and setbacks, UNHCR has reinvented the course of action for this year. Within its publication for *Global Appeal for 2005*,²² it presents a proposal for the course of action for future repatriations. They propose deeper protection and monitoring of refugees by strengthening relations with the Afghan Independent Human Rights Commission, NGO’s and other UN groups. They also propose the training of law enforcers in refugee and human rights to avoid future occurrence of gender-based violence. Encashment strategies will still be employed, with limitations to the most needy individuals. UNHCR states in the report it plans on reducing the material and monetary aid and replacing it for a protection-oriented program by offering more legal aid centers for refugees and asylum seekers, and establishing networks to promote

the advocacy of refugee protection. Access to proper health care, clean water and children's education will remain a priority for 2005. Also, there will be an emphasis on the promotion of empowerment strategies that will encourage deeper self-sufficiency of individuals. As seen in the proposed budget, the two activities with higher funding are protection, monitoring and coordination and health:

Budget, 2005 (USD)	
Activities and Services	Annual Program
Protection, monitoring and coordination	9,055,754
Community services	454,322
Domestic needs	434,873
Education	3,452,947
Food	39,332
Health	4,501,940
Legal assistance	1,616,191
Operational support (to agencies)	1,425,989
Sanitation	138,222
Transport/logistics	284,471
Water (non-agricultural)	568,513
Total Operations	21,972,554
Program support	2,498,161
Total	24,470,715

*Proposed budget for activities in Afghan repatriation
Source: UNHCR Global Appeal 2005*

Allocations of these funds are limited to UNHCR and do not include budget from other NGO's and International Organizations. For instance, UN World food program has projected 168.3 million (USD) will be assigned to Afghanistan this year.²³

In Iran there is clearly a smaller population of Afghan refugees. As mentioned earlier, repatriation from Iran has also been less numerous since refugees were highly integrated in Iranian labor and society. In addition, the absence of camps has caused the refugee population to spread throughout Iran in search of employment and well-being. However, due to the increasing pressure of governmental policies aimed to restrict further Afghan integration, UNHCR has had to increase its repatriation efforts in the country.

Shelters will also be reduced to 10,000 units and reserved for the most vulnerable populations.²⁴ UNHCR will also promote the return of professionals that had fled Afghanistan, thereby trying to reverse the problems caused by the country's "brain drain." It also proposes to increase the cash-for-work programs and to promote income-generating activities that include all women and men.

In Islamabad, Pakistan plans stand for the shutting down of all the refugee camps inside the western tribal belt, the area along Afghanistan's borders. Recent reports for June 2005 state that around 83% of camp residents in Waziristan have chosen to repatriate after a series of military invasions and harassment by Pakistani authorities in mid-2004 in search for extremist terrorist organizations. Unto this pressure, UNHCR has agreed to promote either the relocation or the repatriation of refugees from camps along this region.

Guatemala

The first attempt for repatriation in Guatemala took place in 1986 as an initiative of the Guatemalan government and monitored by the army. However, this movement turned out to be a strategy from the army to keep the population under direct control and to suppress insurrection and political activism. A second attempt was made. This time, the exiled at Mexico and the Guatemalan government negotiated a unified movement of returnees at with the requests and conditions of refugees themselves. Here, the Guatemalan government and refugees took the first few steps for mending relations.

UNHCR intervened in 1993, where unlike the case of Afghanistan, transportation from the host country to the country of origin was provided (not just promoted) by

UNHCR. The returnees were also accompanied by health workers and foreign observers and escorted to their new settlement by Guatemalan government officials, UNHCR, the Red Cross and the *Comisiones Permanentes* (representatives of refugees).²⁵ UNHCR was also directly involved in community training programs that included vocational studies, and awareness of the aftermath of war (such as land mine awareness). Within the communities, women's integration has received strong emphasis as one of UNHCR's main goals. However, at the time of the first repatriation wave, many argued the political climate in Guatemala was suitable for flight rather than return. Human rights abuses were still present at the time of repatriation.

In order to watch over the security in the region, UNHCR assigned officers to the repatriated areas to file reports of the situation. For example, Roberto Mignone reported the returnee situation at Cuarto Pueblo, where refugees were back to restore their land. Thanks to the UNHCR and CECI of Canada, small farming projects have been established. Mignone reports of the cheerful fiestas in the village and how happy the population seems to be despite incidents of still un-detonated land mines posing a threat to the communities.

The evaluation and policy analysis center for UNHCR presents limitations undergone by the Guatemala operation. Paula Worby argues the constant change in management personnel presented obstacles when properly addressing the problems that needed to be solved. On the other hand, frequent and prolonged visits (and reports) from UNHCR officials to repatriated areas ensured UNHCR was fully informed of the situations.

Strategies in Guatemala focused on protection and were grouped into three main categories. The use of mediation and newly established commissions to ease conflicts and differences between returnees and the government and/or their other Guatemalan citizens in part as a strategy of prevention against future displacements;

1. Promotion of the exercise of other basic civil rights through personal and land documentation;
2. Prevention of human rights violations, monitoring of human rights cases and subsequent follow-up;
3. Prevention of human rights violations, monitoring of human rights cases and subsequent follow-up.

With the establishment of the Comisión de Esclarecimiento Histórico (CEH, or “Truth Commission”) in 1994, historical investigation of Guatemala’s war has changed the face of reconciliation. As CEH’s main purpose, it has broken with the patterns of silence and fear of former victims and empowered them to speak out and mobilize themselves. According to CEH, this is the first and most important step for true reconciliation of Guatemalan society. It has offered thousands of Guatemalans an opportunity to denounce the abuses they had suffered and the forensic anthropologists have allowed families to give decent burials to their loved ones. Together, the two efforts have provided overwhelming proof regarding the scope and nature of the killing that took place. The local rights groups, meanwhile, have had a few significant court victories and, in the process, have done more than anyone to make Guatemala's justice system begin to fulfill its function as the guarantor of human rights.

CHAPTER III

Afghanistan

Introduction

Afghanistan has been devastated with 23 years of war and over 5 years of a drought that makes the establishment of sustainable lives virtually impossible, especially for the rural population. Nonetheless, UNHCR has been overwhelmed with the vast amount of returnees. For such a massive return, researchers and scholars have questioned why these refugees returned. Extensive investigation from Afghanistan Research and Evaluation Unit (AREU) has explained why would refugees return to such instability and poverty. They conclude the main reasons for return were the following:

- The wish to return home due to negative experiences in exile.
- Assistance package given by UNHCR was a form of income. This promoted what they call “recyclers”, or people who claimed to want to return, collected the assistance, went to Afghanistan and returned to the host country.
- Expectations were too optimistic. Aid was promised for the reconstruction of Afghanistan and there was a promise of stability re-enforced by an international military presence.
- Pressure and harassment were common at the countries of asylum, especially in Pakistan. Overall, the acceptance of refugees was a religious and humanitarian action; not a legal obligation.

The main problem plaguing the repatriation and reintegration pattern in Afghanistan has been the vast amount of returnees for a small budget. The promised international aid did not arrive at the expected time or never arrived at all. In addition, donors were mainly interested in the mere survival of returnees, not on state re-building. This proved to be a flawed approach, since stability and the assurance of security are essential for the reintegration of returnees. Consequently, UNHCR saw itself failing to comply with its own mandate.

On the other hand, a massive-scale return had several implications for the international community. First, it gave the Afghan government a vote of confidence and an unfounded pretense of stability. It also justified the intervention for the overthrow of the Taliban and gave a deeper sense of validity to the international organizations involved. For the host countries (mostly Pakistan and Iran), Afghan repatriation meant a reduction of the “economic burden” refugees represented. Therefore, mass repatriation increased at a rate that would destabilize Afghan society.

As in the case of Guatemala, the distinction between economic migrants and refugees is a thin line that is often crossed. Nonetheless, Afghanistan’s ongoing drought and the aftermath of 23 years of war left the agricultural sector in ruins and the rural population was consequently unable to make a living once they returned. This has created an ongoing dilemma in the classification of who is a refugee and who is an economic migrant.

Historical Background²⁶

Afghan history has been shaped according to its location. It lies in the route between India, Iran and serves as the gateway to central Asia. Afghan rugged terrains isolate tribal unities, thereby creating a diverse cultural affinity and hindering national unity. As travelers passed through the region, urban centers began to emerge. The region Afghanistan was then conquered by the Persian King Darius I and later by Alexander the Great on his way to India. After Alexander's death, the region went from dynasty to dynasty. This period also brought religious diversity. Buddhism was introduced in the 2nd Century B.C. Islamic conquests began in the 7th Century and marked the beginning of unity efforts that today make up most of the Afghan state. Afghans had received the name of "Durrani", a term that is still used today.

Emir Dost Muhammad came to power in 1826 as a strong and prominent leader, yet soon encountered problems with foreign influence. The British, in hopes of controlling the route to India, tried to replace him with a former Emir who was supportive of British motives and policies. This intervention led to the Afghan War from 1838 to 1842. Despite the temporary overthrow of Dost Muhammad, rebel groups in Kabul helped restore the existing government. An alliance was later signed with the British.

Another foreign intervention was from Russians who claimed portions of northern Afghanistan. This and more territorial disputes with the British led to a second war in Afghanistan in 1878. Border agreements were later negotiated with Russia, Persia and British India. However, with the Anglo-Russian agreement of 1907, Afghan independence was granted with the condition that Britain would have control on foreign affairs. In 1919, Emir Amanullah attempted to break with British influence and invaded

India. This was known as the third Afghan War and the outcome granted Afghanistan full control of its foreign affairs.

Amanullah also attempted the modernization of Afghanistan by adopting western ideals. He reduced the influence of religious leaders in governmental affairs and increased freedom for women. This motivated opposition among tribes and eventually led to his removal in 1929. Power was briefly taken by a tribal leader but was later defeated by Amanullah's cousin, Muhammad Nadir Khan who was proclaimed Shah.

Afghanistan was affected by a drought and severe economic hardship. As a consequence, a group of young militants accused King Muhammad Zahir Khan of mishandling the economy. This group then proclaimed a republic with Lt. Muhammed Dahud Khan in power. In 1978 he was ousted and a Marxist regime was established with close ties to the USSR. However, in 1979, the head of state was killed and the regime toppled, hence the developing of the Afghanistan War (1979 to 1989). The USSR consequently invaded and a Soviet-supported president was put into power. During this time, the Mujahidin guerrilla movement, or "Islamic warriors" were an avid opposition to the soviet forces and to their supporters. This made them a strategic group for the Cold War politics of the time and for the weakening of the Soviet Union. As a consequence, the Mujahidin were supported by aid from US, Saudi Arabia, Pakistan and Iran. They gained full control of the rugged mountains and rural areas. The Soviets on the other hand initially had control of the urban sectors. Despite Afghan victory, the war took an enormous toll on the economy, human life and overall, caused a wave of massive human displacement. Over 1 million Afghans died and 5 million sought refuge in neighboring countries - mainly Pakistan and Iran. At the time, over 2% of the county was covered in

landmines, thereby making it difficult for civilians to return to their homes. Also, guerrilla forces were not able to properly unite for the nation's reconstruction. Afghanistan therefore became a patchwork of individually ruled areas that constantly opposed the newly established government under Burhanuddin Rabbani. This created the favorable panorama for the rise of the Taliban regime a militia of Pashtun Islamic fundamentalists.

In 1994 the Taliban gained power. By 1996, a power-sharing accord was signed. However, the Taliban intervened militarily, taking control of Kabul and proclaimed the "Islamic Emirate of Afghanistan", imposing fundamentalist and extremely restrictive laws. Internal conflict continued, as the Taliban enforced authoritarian laws that made Fundamental Islam an absolute power. Despite UN's economic sanctions and the lack of international recognition as a legitimate power, the Taliban continued to gain control. By then, constant warfare and drought brought dire conditions to Afghanistan.

Post 9/11, the U.S. developed interest in Afghanistan, since Bin Laden was thought to be hiding here. The US demanded the surrender of Bin Laden, yet the Taliban refused to hand him over. Several thousand U.S. troops began entering the country in November, mainly to concentrate on the search for bin Laden and Taliban leader Mullah Muhammad Omar and to deal with the remaining pockets of their forces. Additionally, a clandestine opposition to the Taliban known as the Northern Alliance, with the help of U.S. air support, took over successfully the cities of Mazar-i-Sharif and Kabul. On December 7, the Taliban regime fell, and its troops fled their last stronghold, Kandahar. However, al-Qaeda members and other Mujahideen who had earlier fought with and

supported the Taliban continued to fight for the control of Afghanistan. This forced U.S. and allied troops to remain in Afghanistan.

In June 2002, Hamid Karzai, a Pashtun (the dominant ethnic group in the country) became president and a multiparty republic replaced an interim government that had been established in Dec. 2001. The U.S. and NATO maintained troops to combat the remnants of the Taliban and al-Qaeda. However, attacks on American-led forces intensified since the war, and warlords continued to have regional control. In a highly aggressive and uncharacteristic move, Karzai attempted to restrain one of the most powerful warlords, Ismail Khan, by removing him from Herat, a western province, in 2004. Violent protests followed Khan's ouster.

By October of 2004, Afghanistan held its first democratic elections for president. Former king Muhammad Zarzai Khan had returned from exile to lead the interim government and was later elected as president. Opposition was still a treat. In fact, his vice president was assassinated and an attempt was done to kill the newly elected president. However, there has been a relative stabilization on the region, and UNHCR has estimated that over 3 million Afghan refugees have voluntarily returned to their hometown to rebuild Afghanistan. Reconstruction has been slowly progressing; therefore it is difficult to control rural areas. In January of 2004, a new constitution was passed that grants rights to minority groups. However, tensions continue among the Pashtun majority and other ethnic groups

The country itself largely reverted to the control of the regional warlords who held power before the Taliban. Therefore, a strong central government is still in formation and not in control. Britain, Canada, and other NATO nations provided forces

for various military, peacekeeping, and humanitarian operations. Other nations also agreed to contribute humanitarian aid. The United Nations estimated that \$28.5 billion would be needed over the next years to effectively rebuild Afghanistan, yet this amount has not been gathered.

Today, security in Afghanistan remains questionable. Human rights abuses have continued with a high concentration in most of the northern region. There is also a high incidence of illegal taxation, occupation of land and discrimination against minority groups. In addition, returnees in the northern rural region have no property and often cannot sustain their families.²⁷

Afghan Social structure²⁸

Afghanistan's history of the last years has been a history of war and devastation. The country's ancient culture, the treasures of the past, (which still exist despite the destruction caused by the Taliban), were almost forgotten. Social life also was badly affected; only very slowly can Afghanistan re-discover its own identity, which never resembled the Taliban's fundamentalism.²⁹

According to Valentine Moghadam (1993) modernization and women's rights in Afghanistan has depended on two factors: the patriarchal nature of society and a weak central State. A strong state has the ability of influencing society, regulating social relations and resources. Afghanistan has not been able to do any of this due to the strong ties and loyalty to the local tribal culture and because of the geographical boundaries that made communication and human contact difficult. The government under the monarchy often called for modernization and especially for women's rights that failed.

Afghanistan's pre-Taliban society was commonly fragmented into tribes (*Gablia*) or communal groups (*Gawm*). Therefore, ethnic, religious and tribal divisions maintained local independence and often showed reluctance towards a central government. Geography helps isolate these communities and consolidate differences, since the rugged terrain has made it costly and hard for communications between central government and tribes. Among the 5 most prominent groups are the Pashtuns (which are the majority), Persian speaking Tajiks, the Hazaras, the Uzbeks and the Baluchs.³⁰ Urban sectors were formed as facilitators of transit for trade, and markets among local tribes were not integrated. Therefore, there was a lack of formation of a central national economy. Nationalism and the concept of Nation-State are absent within most of the population. As a consequence, modernizing attempts had ended up in tribal rebellion towards center authority.

The Pre-Taliban regime was also characterized by foreign intrusion, since Afghanistan was a pawn of the former USSR and US cold war. Despite a truce in February 1989, the pro-Soviet government of President Najibullah was left in charge. By mid-April 1992 Najibullah was overthrown and Islamic rebels advanced on the capital. Different rebel groups began fighting one another for control. In the middle of the chaos of competing factions, the Taliban (consisting of Islamic students) seized control of Kabul in September 1996. This take-over completely disrupted Afghan way of life by imposing unwanted and severe fundamentalist laws (including stoning for adultery and severing hands for theft). Women were banned from the work force and from school. They were also required to cover themselves from head to foot in public. By fall 1998, the Taliban controlled about 90% of the country and, with its devastating tactics and

human rights abuses, had turned itself into an international exile. Only three countries, Pakistan, Saudi Arabia, and the UAE, recognized the Taliban as Afghanistan's legitimate government.³¹

The Refugee Population

Afghan refugees account for the largest population of interest for the UNHCR, due to the massive number of displaced people – internally and externally. UNHCR’s statistical report (2004) estimated over 2,136,000 from 1994 to 2003, therefore accounting for the largest group of refugees in recent history.

Origin of major refugee populations in 2003 (ten largest groups)	
Afghanistan	2,136,000
Sudan	606,200
Burundi	531,600
DR Congo	453,400
Palestinians	427,900
Somalia	402,200
Iraq	368,500
Viet Nam	363,200
Liberia	353,300
Angola	329,600

Origin of major refugee populations in 2003 (ten largest groups)

Source: UNHCR Statistical Report, 2004

Just like Afghan culture is not uniform, neither has been the refugee population. Pashtuns composed 80% of refugees in Pakistan. In Pakistani camps, there was higher health care than in the war-torn Afghanistan. Families averaged from 8 to 9 members. In Afghanistan they averaged 6 due to a higher mortality rate among children.³²

In Pakistan, men at times integrate into the local work force, while women remain in camps. Seclusion of women is related to “honor” and preservation of personal identity in the presence of external pressure. This was mostly due to the religious environment in Pakistan that intensified the pre-existing Afghan patriarchal society. Consequently, men received most of the food and women were likely to be malnourished and depended on charity.³³ Therefore UN World Food Program had an unintended unequal distribution. UNHCR also encountered resistance of health care towards women. Depression and mental instability in women was common due to experiences lived. They are prone to hate towards men and low expectations of the world. In addition, the limited amount of education girls received encouraged more gender inferiority.³⁴

On the other hand, there has also been a sense of dislike to the Afghan population within Pakistani society, which has contributed to disparities in political asylum policies. The local shortage of employment often makes Pakistanis argue that Afghan immigrants are overtaking the local labor.³⁵ In addition, access to public services or legal representation was limited. For instance in some camps, refugees were required to contribute financially to maintain their own schools, water supply and health services.³⁶ Pressure from local authorities have also played an influential role in the rate of repatriation of Afghans. As quoted from a report from the Reuters foundation, the head of the political administration in North Waziristan, (the region along the Pakistani-Afghan border) Tariq Hayat, stated all Afghans – whether in camps or within all of Pakistan would have to leave eventually.³⁷ In addition, by mid-2004, a series of military interventions took place in Waziristan by Pakistani forces that were searching for Islamic militants, suspected to be Al-Qaeda militants. The conflict left behind hundreds of

casualties.³⁸ This led to the displacement of over 20,000 refugees, where most of them returned to Afghanistan.³⁹ Statements and actions like these make Afghans unwelcome and harassed, thereby increasing the likelihood of repatriation despite the unsafe conditions in Afghanistan. Unto this pressure, UNHCR has agreed to promote either the relocation or the repatriation of refugees from camps along this region.

In Iran, refugees were not required to settle in camps; they could live where they found work, thereby integrating into local society. They also shared a common language (Dari) and religion (Shia Islam). Like Iranian citizens, they also had access to healthcare, basic education and subsidized food. There were however, restrictions on physical movement, since permits were required for travel within the country. This integration to Iranian society has led for a smaller number in repatriation in comparison to Pakistan.⁴⁰ (See Figure 2)

Repatriation from Iran has also been less numerous since refugees were highly integrated in Iranian labor and society. One key factor that has made the number of returnees from Pakistan greater has been the weak surveillance along the borders.⁴¹ In addition, the absence of camps in Iran has caused the refugee population to spread throughout Iran in search of employment and well-being. However, due to the increasing pressure of governmental policies aimed to restrict further Afghan integration, UNHCR has had to increase its repatriation efforts in the country. Examples of these policies have been the increasing restriction for Afghan labor and work permits, reduction of access to health centers and fees for education services.⁴²

Repatriation

Over 3.5 million Afghans have voluntarily repatriated since 2001, when an apparent political and socio-economic stability was announced. For a brief time, repatriation movements were detained after increasing violence towards humanitarian workers in Afghanistan led to the assassination of a UNHCR official. Repatriation resumed when additional security for UNHCR officials was ensured and agreements ensuring safety were reached with the government.⁴³ This incident demonstrated high levels of violence were still present at the time of repatriation.

Since the beginning of these repatriation patterns, UNHCR has served as an arbitrary assistant and observer for the millions displaced because of war. Repatriation and reintegration in Afghanistan is restricted to massive movement of returnees and this implies the rebuilding of one's life and the reformation of a nation. It has been argued this implication is the key reason for the pressure from outside donors. The “assurance” of Afghan reformation justifies US and coalition intervention as “successful”. As a result, encouraging messages of repatriation have been misleading refugees into high expectations of the current situation.⁴⁴ The shortage of housing and the destruction of the pre-existing ones have led to the building of over 100,000 temporary shelters that host over 500,000 returnees. Later, in 2004, UNHCR allocated \$22 million to finance the construction of 20,500 new shelters.

Rural Afghan areas are prone to higher unemployment rates (thereby poverty) than in the cities. UNHCR has also worked with the central government to make sure most areas have a "cash for work" employment program as well as vocational programs to help returnees' reintegration in Afghan society. Although there have been signs of a

movement for stability, some areas remain uncertain and unaccounted for. This is an obstacle for the remaining refugees at the host countries, mostly Pakistan and Iran, to repatriate. Therefore, further measures for the well being of refugees include negotiations with host countries for permanent solutions for refugees who choose not to return to Afghanistan. In the case of future voluntary repatriations, UNHCR encourages tri-partite agreements among the host country, Afghanistan and UNHCR.⁴⁵

UNHCR's aim for repatriation implies durable solutions to conflicts in the country of origin as well as the reassurance of reintegration. This of course, depends on the conditions on the ground: whether or not there is a degree of political and socio-economic stability. Therefore, UNHCR's methods and policies for repatriation depend entirely on the nature and pace of such stability.⁴⁶ In the case that UNHCR deems the condition in the ground as suitable for repatriation, it will proceed with the organization of return and development programs. In accordance with its mandate, UNHCR should focus on protection and solutions. In the case of Afghanistan, it focuses and promotes agreements between Iran, Pakistan and Afghanistan. However, the focus on the planning itself has often neglected monitoring of the situation of returnees. By not having a clear understanding of the consequences of return UNHCR is restrained from fulfilling its legal task for the returnees.⁴⁷ A common cause for criticism for UNHCR's involvement has been the dire conditions to which refugees return. According to UNHCR evaluations, Afghans who decide to return will do so with or without UNHCR's help.⁴⁸ The agency therefore serves as a mediator and facilitator for those who decide to repatriate.

As mentioned in Chapter 1, repatriation strategies have recently acquired a stratification of approaches to be followed. In the cases discussed in this work, strategies

have been devised for each situation and each population's needs. In the case of Afghan repatriation from Iran included a tripartite agreement signed in 2002. UNHCR deals directly with the Iranian immigration authority (BAFIA) that accounts for refugees and transports them to the border. UNHCR performs interviews insuring that the repatriation is voluntary and supervises transportation of returnees.

With the case of Afghan refugees in Iran, there are two mainstreams of movement for repatriation. Those who have considerable resources and solid economic standing have the means to take this risk. These often do not go to the UNHCR for help in the return process, and often have less problems when rebuilding their lives and acquiring sustainable livelihoods. On the other hand, there is the group with hardly any resources who have little to lose by going home. Members of both groups have already started to return and sometimes see themselves returning to Iran.⁴⁹ Another tendency among refugees in Iran has been integration, since many enjoy economic stability and therefore do not deem repatriation as a rational choice. Also, the uncertainty of what to expect in Afghanistan provokes a restrained attitude towards return.

Peace-building attempts & their results

In December 2001, the Bonn Agreement settled for an interim power sharing arrangement, the creation of a new constitution, and elections in 2004. It also set an agenda for security, peace process, establishment of peace-building institutions in Afghanistan and the watch for human rights. For example, the Afghan Transitional Authority (ATA) in June 2002 provided a framework for a sustained peace-building

process in Afghanistan, assisted by the United Nations Assistance Mission to Afghanistan (UNAMA).

There were limitations to the Bonn Agreement. For example, it did not include agreements with neighboring countries that provided aid to Afghan military factions. Therefore, the remnants of Al-Qaida and the Taliban remained supported and active. Also, the damage made by the Taliban regime was overwhelming. The parliament, courts, schools and health centers had been destroyed, and land mines are still present in random areas. Infrastructure was virtually non-existent and it would take years to rebuild. Additionally, the establishment of a unified and civilian political culture was essential for the elements of the Bonn Agreement to be effective. Given the previous pattern of fragmentation and the lack of a strong central government in Afghanistan, the Bonn Agreement proved to be insufficient.

When the US-led invasion of Afghanistan began, despite the removal of the Taliban regime, a consequence was the empowerment of warlords. This empowerment made the Afghan Transitional Administration's aim of establishing a civilian government nearly impossible as well as the eradication of arms. With warlords, loyalty is once again dedicated to the region; not to the national leaders and institutions. Therefore, warlords now represent the primary threat to peace and stability in the country as well as to Human Rights monitoring. In Kabul, the monitoring of the situation has been easier due to the absence of warlord-ruled regions. Therefore, International Security Assistance Force (ISAF) and the heavy international presence has been possible in the capital. The rural areas however, remain under warlord influence. Here, U.N. officials often have little ability to protect persons at risk of human rights abuses. Vulnerable women and

minorities, displaced persons and even Afghan government officials have virtually no one to turn to when their lives or safety are threatened.⁵⁰

The new constitution grants political rights for women such as equal rights and duties under law. Also ¼ of the seats in the lower house of parliament (the *Wolesi Jirga*) are reserved for women. At the upper house (*Meshrano Jirga*), 1/6 is reserved for women as well. In the practice, however, social expectations of the role of women and the conservative social nature make it difficult for women to be active in politics.

According to reports by Human Rights Watch and The World Today, female aid workers, government officials, and journalists face harassment, violent attacks, and death threats. Those who challenge the powerful, conservative elements of the country's political structures are targeted because they can be made into chilling examples for other women considering political activity.⁵¹

Economy in Afghanistan Today

With agriculture as the main economic activity, Afghanistan has been adversely affected with the constant warfare and drought. Fields were turned into war zones and some remain with landmines today, thereby reducing the possibility of farmland development. Subsistence crops include wheat and other grains, cotton, sugar beets, fruits, and nuts. However, Afghan farmers have resorted to the illegal cultivation of opium since it provides a higher pay. Livestock is also essential in the economy; especially sheep due to their wool. The textile industry relies in the independent production of hand-woven carpets. Despite limitations, the flow of foreign aid has significantly improved economic development, especially within the agrarian sector.

However, Afghanistan's standards of living remain low, unemployment high and there is a lack of basic necessities that will be discussed in a latter section of this chapter. These necessities include housing, education, jobs and proper medical attention.⁵²

Findings

Structural Violence

According to the World Health organization, Afghanistan's health status is among the lowest in the world. In the year 2003 alone, 591,441 died of malaria, while 10,489 died of tuberculosis. (This accounts for the reported cases only and for the most common incestuous diseases) The population with access to safe drinking water is of a mere 24%. In addition to Afghanistan's drought problem, the lack of access to clean water accounts for various health hazards.⁵³

Indicators of coverage with primary health care		
Population with access to safe drinking water (%)	24	1999
Population with adequate excreta disposal facilities (%)	12	1998
Pregnant women attended by trained personnel (%)	16	2003
Deliveries attended by trained personnel (%)	14	2003
Married women (15-49) using contraceptives (%)	10	2003

Indicators of coverage with primary health care

**Source: WHO, 2003*

The data for the evaluation of structural violence had to be limited to the data gathered in 2004 for the year 2003, since WHO does not have the HALE figures for an egalitarian (or worldwide) value for more recent years. Therefore, for the results to be consistent with the same time frame, the value of life expectancy used in the equation was for the year 2003. The average life expectancy for males and females worldwide is of 59.3. Afghanistan accounts for the one of lowest life expectancies in the world (35.5).

Afghanistan's population for 2003 is of 23,897,00. When applying this data to the equation for structural violence, the value $V = 270,170.1$.

Behavioral (Armed) Violence

In a series of Armed conflict datasets, Wallensteen, Peter et al. have coded the intensity of conflicts since 1989 in three ordinal variables: (1) Minor conflict; (2) Intermediate; (3) Full Scale War:

Levels of Violence	
Level 1 (Minor)	More than 25 deaths per year
Level 2 (Intermediate)	More than 25 deaths per year & a total history of 1,000 deaths
Level 3 (War)	1,000 or more deaths per year

Measurements for Behavioral Violence
Source: Wallensteen et. al.

In the case of Afghanistan, from 1989 to 2001, violence levels have remained as War. Data for 2002 is missing in the series of studies, yet for 2003, the level of violence decreased to a level 2. Therefore, in 2003 the death toll decreased from more than 1,000 battle deaths to a toll of 25 to 1,000. Despite this decrease, there is still a significant level of violence that coincides with drought and high health risks and make Afghanistan unsuitable for returnees to fully reintegrate, let alone feel safe, in their society.

CHAPTER IV

Guatemala

Introduction

Massive Maya migrations took place as the direct result of the persecution during the 36-year long civil war. Allan Burns offers an extensive study on the Maya refugees in his book *Maya in Exile*. He states that by 1981 there were over 600,000 refugees leaving Guatemala. Most were either internally displaced within Guatemalan camps for them to be watched closely by the army, some sought refuge in Mexican refugee camps, while others crossed the border to the US. Despite their trajectory, they share a common purpose; not driven by economic betterment, but by the need of survival and to seek a peaceful life where they could enjoy their Maya legacy. Today, despite their location, most Maya refugees are observant of changes in society, but always conscious and proud of their heritage (Burns, 1993). Trends of Maya refugees have shifted in two directions. They have either integrated into the society of their host country or they have accomplished repatriation and the rebuilding of what used to be their home. Figures by the UN High Commissioner for refugees (UNHCR) estimate they had sponsored 2,036 people to return to their home by July of 1999 (UNHCR, 1999).

In general, According to Allan Burns (1993) and Elizabeth Ferris (1984) the North American position on Guatemala has been argued to be one of interference and ignorance. For example, it has supplied weapons and trained the government's army yet it condemns it as a Human Rights violator. Its intervention in 1954 is by far the most evident demonstration of either the lack of knowledge of Guatemalan society or an act of

self-interest (Burns, 1993). On the other hand, Mexico has also had limitations and ambiguity in its asylum policies due to its own economic crisis, as Ferris (1984), Kibreab (2002) and Labato (2003) suggest.

Another attempt initiated by Mexican and Guatemalan agencies and the UNHCR, has been a repatriation program, which according to Paula Worby (2000) may be considered an unprecedented case of international generosity when compared to the spending in other return operations. These new organizational repatriation models might serve as important examples for post conflict reconstruction and nation building (Janowski, 2002).

Historical Background

The origins of this conflict go back to the election of President Jacobo Arbenz Guzmán, democratically elected in 1944. Although a former military officer, he permitted free expression, legalized unions, encouraged more political parties and initiated socio-economic reforms such as land reforms. Lands were redistributed to peasant cooperatives, starting by Arbenz's own land. His aim for Guatemala was to acquire a more balanced economy with a level of independence and for the end of *caudillismo*, or a government fixated on strong leader. Arbenz publicly declared his intentions were to modernize Guatemala through a strong, independent and capitalist economy (Immerman, 1981).

Among other controversial reforms was the Labor code that established minimum wage and higher standards for work conditions. Large employers like United Fruit Company saw this as a pro communist reform and as a major threat to this *latifundio*, or

powerful landowners. The McCarthyism of the cold war era resulted in a “Guilt by Association” accusation of Arbenz (Immerman, 1981). US refused to sell Guatemalan government arms, so they had no more option than to buy from the USSR. This made the US believe even more the Communist rumor and consolidated a reason for intervention.

Richard Immerman also points out that in 1954, the CIA collaborated on the overthrow of the democratically elected government of Guatemala. The US trained and armed the coup movement that overthrew Arbenz. The unfortunate result was an increasingly militarized government in Guatemala full of corruption. The coup mostly meant for Guatemala a “set back” in the economy as well as in the social and political facet. The new military dictatorship was established with Venicio Cerezo on power and Guatemala subsequently suffered over 36 years of civil war, where Maya groups suffered persecution by the government’s military that alleged they were harboring the *Unión Revolucionaria Nacional Guatemalteca* (URNG). URNG members emerged mostly from former followers and supporters of the democratically elected government of Arbenz Guzmán. According to reports from the *Comisión de Esclarecimiento Histórico* (Historical Clarification Commission or CEH), over 200,000 civilians died and 440 Maya villages were wiped from the map. In two years, there were already 100,000 to 150,000 reported cases of deaths or “disappearances” and Cerezo’s leadership was characterized as discriminatory, genocidal and as reluctant to negotiations for peace.⁵⁴ Also, General Rios Montt was quoted in the New York Times of July 18, 1982 as telling an audience of indigenous Guatemalans, "If you are with us, we'll feed you; if not, we'll kill you." (2004)

The CEH released its report based on examination of the causes and origins of the internal armed confrontation and on more than 9,000 interviews. It presents the methods

of the violence and its consequences and effects. The conclusions are then presented and are followed by recommendations to the United Nations. It concluded that the Guatemalan Army and its paramilitary groups committed 93% of the human rights crimes. (See Figure 2) Only three percent was attributed to the URNG. A staggering 83% of the victims were Maya (See Figure 3). The commission strongly criticizes the Guatemalan government in nature and the North American role in its support. Like the case of Afghanistan, the weakness of the state and its inability to promote consensus among its heterogeneous population led to prolonged civil war.⁵⁵

Formal negotiations for peace accords were initiated in 1990 and they included the demilitarization of society, starting with the URNG. They also called for civil liberties, empowerment and democratization. As a result, Guatemala has undergone efforts to create awareness of its ethnic, linguistic and cultural diversity. These peace accords meant the cessation of human rights violations, and the creation of the UN-funded CEH, which covered all aspects of historical and forensic anthropological evidence for the civil war period and presents all evidence to the UN. It also had the authority to oversee reparation initiatives by the government. With this, there was a higher reintegration and monitoring in Guatemala. CEH's conclusions revealed nearly 200,000 victims were killed or disappeared and out of these 93% were Maya Indians. They also unraveled 93% of the genocide was performed by the state's army.

The Refugee Population

Guatemalans found at the Mexican border are commonly peasants. Over all about 100,000 Guatemalan refugees live along the southern borders and were often harassed by

military incidents of Guatemalan army searching for URNG members. Among the 40 camps the official refugee count by 1986 was of 40,000. Yet there were an estimated 60,000 refugees that had not been reported (Ferris, 1984). Although Maya refugees in Mexico have been placed in refugee camps, reports from UNHCR show a great degree of social integration in Mexican society. Examples of this integration include the granting of naturalization and land titles to Maya refugees by the Mexican government⁵⁶. In Campeche and Quintana Roo, all seven refugee settlements were officially recognized as Mexican villages, and local municipal authorities were established through elections. All twelve communal credit schemes were systematically registered, which gave members full access to other Mexican credit institutions. In Chiapas, the authorities assumed responsibility for all basic health and education services in the refugee settlements. Some support was provided for infrastructure in settlements on undisputed land. Refugees were now able to purchase plots of land as a result of the Government's decision to allow them to settle permanently where they had been living in Chiapas.

Camps such as El Sexto Sol not only provide the Maya community with a safe haven, but also with the opportunity to integrate in the local economy by establishing agricultural, weaving and artisan cooperatives that provide a secure market for their products⁵⁷. As another indication of their integration to Mexican society, Maya refugees have greatly contributed to the Mexican cultural heritage and to the agricultural economy. For example, they helped restore Maya ruins of Edzna in Campeche and in 1996 contributed to 12% of the agricultural harvest⁵⁸.

Overall, Mexican camps are characterized by maintaining respect for the integrity of the community, since refugees are given a basis for self-government. This was very

successful in avoiding bureaucratization of the operations of medical, food and educational assistance. The limited budget of the Mexican Commission for Refugees (COMAR) would not have allowed them to have a presence in each of the settlements. A system of self-regulation of food and assistance was allowed, reposing on self-organization of the Indian communities.

Mexico has held a tradition of integration and open hands to political refugees. According to accounts by the Organization of American States, in the history of Mexico, there have been five cases of asylum being granted on a massive scale:

Date	Event	Estimated Amount of Refugees
1930's	After the Spanish civil war	76,000
Late 1940's	After the exodus caused by McCarthyism in the United States	Unknown
Early 1970's	Chilean refugees from the Pinochet Regime	Unknown
Late 1970's	Refugees from the civil war in El Salvador	180,000
Early 1980's	Refugees from the counter-insurgency war in Guatemala	80,000

Asylum grant patterns in Mexico

Source: Ortíz Monasterio "Guatemalan Refugees in Mexico: A happy ending." OAS.

Article 2 of the Mexican constitution that says textually: "Slavery is forbidden in the United States of Mexico. Foreign slaves who enter national territory will automatically obtain their freedom and be protected by the laws of the land." This clause extends to Political refugees entering the country, therefore, granting a safe haven for Salvadorian and Maya Refugees in the 1970's and 1980's. Therefore, generally

speaking, refugees that have chosen to go to Mexico have been well received (Goldberg, 2001). However, economic limitations in Mexico call for stricter immigration policies. This has caused a somewhat ambiguous procedure towards refugees.

Local economy in Mexico itself has a serious unemployment issue. This presents a problem when trying to provide aid, security, food and jobs to nearly a quarter of a million refugees. The consequence has been a duality in policies towards refugees. For example, sudden massive deportations occurred on May 20th and July 19th of 1981 based on the argument that there was no way of knowing if these immigrants were seeking political refugee or economic opportunities. These circumstances appear to be impulsive decisions; they do not reflect the common Mexican policy, according to Elizabeth Ferris (1984). The effect within the Maya population has been negative. According to Kireab (2002) a sense of belonging intrinsic in refugees' state of mind. However, they often enjoy only a fraction of the benefits of the host state and therefore lack a sense of belonging when confronted with ambiguous policies.

As another result, refugees who have no access to the workforce tend to become an economic burden and they not always receive services. As a consequence, hunger, disease and mortality rates are significantly high in their camps. Another disadvantage of Mexico's refugee situation is the lack of funds for medical attention, as proven by a report done for the Forced Migration Review (Alonso et. al., 2001). The report indicates that for women, the situation in refugee camps along the Mexican-Guatemalan border is far worse than for males. They often are vulnerable to theft, harassment and sexual abuse. This is added to that fact that the journey from their homes due to conflict can be traumatic. Maternal mortality among these indigenous groups is the highest in Latin

America. The ratio for maternal mortality among Maya women is 211 per 100,000 live births, while for non-indigenous women it is 70 per 100,000 live births. Contraceptive rate is also inferior among the Maya refugees, and the camps have the second highest incidence of HIV/AIDS in Central America. Initiatives to ameliorate the situation have been taken by conjunctions with NGO's (like the Marie Stopes México) and the Mexican government.⁵⁹ The general results have been a higher education of women's issues (among women and men), the decrease of maternal mortality. The result of the high incidence of diseases in camps, also leads to isolation of refugees from the local Mexican population, since the Mexican government must take action to control outbreaks within its population as well.

Rodolfo Labato (2003) and Ferris (1984) argue that the open hands policy in the case of Mexico has presented ambiguity in policies and this indistinct pattern will continue due to internal economic restraints in Mexico. Unlike Ortíz Monasterio, Labato's work analyses the long-term effect of refugee integration in society. He predicts a possible elaboration of stricter policies due to economic and social constraints. He also states that Mexico's socio-economic status would have not permitted the integration of refugees if the UNHCR had not contributed. With further analysis of the role of UNHCR, Labato points out that although it is a NGO, it must have a strong political influence to achieve resolutions such as camp settlements and repatriations. Therefore, depending on the perspective of local Mexicans, UNHCR's humanitarian intervention may be seen as beneficial to Maya refugees, but also as a threat to Mexico's sovereignty and a drain in its economy.

On the other hand, the city of Quintana Roo recently issued a total of 322 land titles to former Guatemalan refugees who recently became Mexican citizens. It marks the first time the government has donated land for former refugees that have integrated to Mexican society. These recipients were some of the 18,000 Guatemalans who arrived in late 1984 and early 1985 after fleeing Guatemala. Although approximately 43,000 of them returned home to rebuild their lives, others chose to remain in Mexico. Guatemalans in Quintana Roo and Campeche have become naturalized citizens in a process that began in 1996 and ended in August 2001. This was thanks to the government initiative of 1996 known as "Migratory Stabilization Plan for Guatemalan Refugees," where close to 23,000 refugees decided stay in Mexico and to integrate locally⁶⁰.

Another report of the UNHCR by Mariana Echandi (2002), states that a total of 2,806 property deeds were granted to both naturalized and other Guatemalan refugees. For example, Rosalío Alvarado Nojo and his wife María Jorge received the property deed, which grants equal rights to men and women. "We're able to work in peace, thank God," said Rosalío. "Who would have thought that we would have been given this land?" María Jorge later said, "I feel very happy here. And for the rest of my life, I'll feel calm." With reforms such as these, Mexican authorities have successfully gained the trust and the social integration of Indigenous refugees.

Two hundred thousand out of 600,000 Maya refugees left to the US. Most refugees find themselves confronted with greater language barriers, and with such a huge bureaucracy as the US Citizenship and Immigration Services (USCIS, formerly known as the INS). This is perhaps one of the major reasons for not all of them to apply for

asylum, but to enter illegally. This causes problems when accounting for how many Mayas are present in the US. According to Burns, between 1983 and 1986 only 14 out of 1,475 claims were granted. Statistical reports from USCIS indicate that from 1986 to 1992 Central Americans filed for nearly half of all asylum applications (USCIS, 56). However, the number of individuals granted asylum is reported for Guatemala from 1996 to 2002 remained significantly low (USCIS, 2002).

Asylum cases filed with USCIS for Asylum – Cases approved, denied or referred after interview from April 1991 to September 2002

<i>Total number of cases submitted</i>	<i>Cases Approved</i>	<i>Cases Denied or referred</i>	<i>Percent of Approval</i>
40,313	3,544	36,771	8.80%

Source: US Committee for Refugees 2002 Report

According to USCIS reports, a small increment in number of asylum grants is due to the class action lawsuit of American Baptist Churches (ABC) v. Thornburg, which is mainly extended to Salvadorian and Guatemalan refugees. For the early 1990's, the settlement halted the deportation of Salvadoran and Guatemalan refugees and Congress allowed the granting of Temporary Protected Status (TPS). Later, the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA) was signed into law and established new procedures for Nicaraguans, Cubans and some Guatemalans and Salvadorians. NACARA allows certain “former Soviet block” countries to apply for suspension of deportation and are granted Lawful Permanent Residency (USCIS, 56). The extension of NACARA to Guatemala under the assumption that it is a “former Soviet block” reinforces Burn’s argument that US has demonstrated to be ignorant to the situation in Guatemala. I emphasize this because the overthrown government had stood

for the capitalization of Guatemalan economy as well as its economic independence. It never asserted to have communist links, nor there was ever any indication other than assumptions made by the US's cold war policies (Immerman, 633).

According to the UNHCR, there are serious limitations to NACARA applicants due to the overload of cases received in the USCIS. USCIS refers NACARA applicants to the Asylum division, which receives general asylum seekers, new arrivals to the US that claim to fear returning to their countries and oversees refugees. Unfortunately, NACARA applicants are not the priority. With the asylum workload growing, only 6,000 of NACARA cases will be completed each year from now on. It will therefore take 20 years for USCIS to adjudicate all the cases (USCIS, 2003).

Another obstacle that Maya Refugees found when entering the US was the time it takes to move from Guatemala to the American border. Many remained for long periods in towns in Mexico before moving on. This was mainly due to work or simply to maintain a low profile, since Guatemalan soldiers at times raided refugee camps in Mexico. This presents trouble for those who seek asylum in the US, since there is a one-year time limit (from the date the individual last left the country of persecution) to claim asylum in the US (USCIS, 2003).

Despite certain levels of disparity in policies, Maya refugees in the US, according to Burns, find convenience in the state of Florida. The climate somewhat resembles the coasts of Guatemala to where most of them had migrated before in search of work, since the Guatemalan rain forest was not suitable for farming. There is abundant work in the Florida fields and bearable living conditions. Despite difficult working conditions, they do not complain due to their fear of getting fired or of deportation. This same reason

labels them to most as “migrant workers” and not as refugees that are eager to preserve their culture and agricultural traditions. This was another set back in the legal arena of political asylum grants. According to Burns, US authorities argued that the main reason for Guatemalan migrations was economic hardship. The fact that family members were killed “was not enough to prove persecution or to qualify for asylum”. A new question arises. Why was it so difficult to convince the courts of the existing persecution in Guatemala? Ironically, the fact that they were eager to work presented an obstacle for the courts to believe they had been persecuted and face danger if they were to go back. However, when presenting a case to the Immigration Court, it all comes down to evidence. Personal statements and accounts do not constitute enough evidence of being a victim of ethnic persecution. Maya refugees often have no land titles to prove they were forced from their homes, police reports of violent incidents in their community, or any form of “hard evidence” to prove their asylum statements.

The major Maya community in the US is located at Indiantown, Florida. Living conditions are relatively better if compared to the Maya at Mexico. However, there is still a significant crime rate. Unfortunately, Maya agricultural workers are main targets of robberies since they rarely use banks and keep their wages at their homes or carry them.

Repatriation

The first attempt for repatriation took place in 1986 as an initiative of the Guatemalan government and monitored by the army. This attempt had relatively small success and returnees were set in camps that were constantly watched by the army.

Unfortunately, the result of this first attempt was a militarized establishment that suppressed popular movements and opposition.

With a second attempt, the refugees at Mexico and the Guatemalan government negotiated a second wave of repatriation that would be negotiated with the Guatemalan state and a unified movement of refugees in Mexico. This came to be known as *Comisiones Permanentes* and had a significant degree of success according to accounts of refugees themselves. This collective return was not yet funded or aided by UNHCR. Its terms were defined by refugees and agreed to be followed by the government. These terms included the access to land and credit for returnees to re-establish their agrarian way of life and to ensure their sustainability.

UNHCR interfered with the mass returns that began in 1993 in Ixcán-Quiché. This time, returnees were accompanied with UNHCR officials, members of NGO's and Governmental institutions. With the case of Internally Displaced Persons (IDP's), they organized the *Comunidades de Población en Resistencia* (Communities of Population in Resistance, CPR) and despite working and organizing themselves in hiding, they negotiated and paved the way for Maya resettlement and reparations. With such a high solidarity and organization of refugees, the negotiation achieved higher results than most repatriation and reintegration programs.⁶¹ For instance, the achievement of land resettlements, educational reforms and economic integration of IDP's and returnees has been a direct result of organized mass mobilization. On the other hand, those who remained in hiding and had no direct participation in the Maya political activism received no assistance. Their high activism also caused for the Maya to become a political voting force that was able to define local elections. In fact, in one of their general elections, a

prominent leader of the CPR was elected Mayor. Peace accords have also been promoted and the Maya have become advocates for peace and reconciliation processes. They have also taken an active role in education, health and the economy with the knowledge and experience they have acquired in exile.⁶²

The role of women in Maya activism has been key to the reinvention of Maya way of life. Within Maya culture, women's role is strongly linked to the future and survival of culture. As the carriers of children and their role as educators and homemakers, women have remained as the representatives of Maya tradition. For instance, the use of *traje*, the Maya traditional dress today is often limited to women. Men rarely dress in traditional clothing today. Weaving tradition among women has also created a cultural revitalization with the commercial marketing of Maya textiles. Political activism has also been inclusive towards women. Once resettled into their communities, women often united to create awareness of the need of women political, social and economic participation. In some communities however, women's activism has been repressed.⁶³

Even though Guatemala has gone a long way in reintegrating returnees, there are still limitations to the full access to equality for the Maya. Distrust and the fear of discrimination acts remain, since there has been a conversion of the Guerrilla movement into a political party. Furthermore, when expectations of return were not met, there was a slight tendency of withdrawal from the political space. Expectations for the full reintegration of returnees have had limitations, mostly due to economic restraints. Due to the agrarian nature of Maya way of life, most communities still depend on subsistence farming and outside aid. With the remote location of most of the Maya communities, the

access to other sources of employment and at times education is often limited. In addition, infrastructure and services (such as roads, justice, and health) are not always accessible to these communities. Hence, despite achievements of a degree of integration, the full integration and equality of returnees is yet on its way.⁶⁴

Until today, this has been a program that according to Paula Worby may be considered as an unprecedented case of international generosity when looking at the spending in other return operations (See Figure 7). She argues that in the context of the 1980's cold war approach to Central American politics, many international donors were interested in counteracting U.S. policy in the region seen as prolonging armed conflict and social confrontation.

Returnees that had been in exile and internally displaced now play an essential role in being active participants in education, health and cultural programs, influenced by their experience outside of their homes. Despite pre-existing differences among the groups and dominant power structures, Maya repatriates have remained faithful to their communities and to the revitalization of their culture. However, limitations still make their resettlement an uphill battle. Most of these communities rely completely on subsistence farming and on outside aid to live on. Their communities lack the infrastructure, state services – such as justice, education and health – and proper trading and commercial routes. In addition, Guatemala remains as one of the countries with the most unequal distribution of land, where 2% of landowners control 72% of Guatemalan land. The responsibility of further developments lies on the state, but economic limitations make it difficult to achieve progress. However, there is a consensus within the international community and neighboring countries that the Guatemalan government

must officially recognize and repair moral and material damage caused to the Maya during the war. The returning of land to refugees and to the internally displaced has its limitations as well. Most of them have no proof of previous ownership and the Guatemalan government has no sufficient resources to provide most methods of repatriation. The CONTIERRA, (or the Legal Assistance and Resolution of Land Conflicts) has a mandate to resolve land conflicts, yet it is often limited by the slow and ineffective activity of the government's land title agency. Another problem that land repatriation has is how most internally displaced and refugees fear being persecuted if they reclaim their lands. Therefore, it is very unlikely for the restoration of property in the hands of the government to have a significant success.

Upon return, the lack of lands for the continuance of the traditional Mayan agrarian culture has been unlikely. As a consequence, many Maya peasants have had to move within Guatemala according to employment opportunities as seasonal laborers, therefore altering Maya identity.

Findings

Structural Violence

The data for the evaluation of structural violence had to be limited to the data gathered in 2004 for the year 2003, since WHO does not have the HALE figures for an egalitarian (or worldwide) value for more recent years. Therefore, for the results to be consistent with the same time frame, the value of life expectancy used in the equation was for the year 2003. The average life expectancy for males and females worldwide is of 59.3. Population in Guatemala by 2002 was 12,347,000, while life expectancy is

57.4. Hence, the value for structural violence is 6,892.05. According to the WHO, outbreaks in Guatemala have not been a significant threat to the healthy life expectancy. In addition, immunization programs initiated by the state and the total state expenditure for 2003 was of 47.5% of its GDP.

Behavioral Violence

Observations from the CEH determined violence could have been stratified into four periods. The first, from 1962 to 1970 targeted mainly the rural population, professors and students. From 1971 to 1977, community leaders, labor unions and students were the main target. The most violent stage was from 1978 to 1985, where the indigenous population was targeted entirely and Maya villages were wiped out. The last period (1986 to 1996) targeted all sectors of society.

Despite peace accords and NGO efforts to create awareness, tolerance and peace, the fear of persecution is still present in Guatemala, since former forces are still present in Guatemala. For instance, former president Rios Montt has not been prosecuted yet and is currently the president of the Guatemalan Congress. According to Armed conflict datasets by Peter Wallenstein et al. the magnitude of conflict in Guatemala reached level 3 in 1992, a year before UNHCR intervened in mass repatriation movements. The database does not account for violence before 1989. However, the Center For Systemic Peace categorizes conflict in Guatemala from 1964 to 1966 as “Sporadic Political Violence”⁶⁵. From 1966 to 1996, violence is categorized as “Substantial prolonged Warfare”⁶⁶ After 1996, conflict subsided to less than 25 deaths per year. Hence, unlike Afghanistan, repatriation in Guatemala is more likely due to the significant improvement

in peace negotiation and stability. In addition, the high levels of activism of former victims have indicated the opening of political space for returnees.

CHAPTER V

Conclusion

In Afghanistan, isolation in refugee camps, lack of employment and income, made the refugee population cross the borders constantly in search of temporary labor. This makes it extremely difficult to truly quantify and monitor refugees and their well-being. Despite UNHCR's efforts to improve repatriation and the proper quality of life for reintegration, Afghanistan proved to be such a large venture that it made these efforts ineffective due to the lack of funding and resources to sustain such a large population. In addition, the case of Afghanistan's encashment program proved to be an attempt to "deregister" refugees in Pakistan, rather than aid for repatriation and monitoring of the situation. Pressure by Pakistan to close refugee camps and to remove all Afghans from Pakistan makes Afghans unwelcome and harassed, thereby increasing the likelihood of repatriation despite the unsafe conditions in Afghanistan. Hence, a manner of intimidation to refugees has been taking place. Once deregistered, refugees left camps for clandestine societies where they had little or no access to health facilities, education, food or employment. Hence, the encashment program presented negative repercussions for returnees and refugees remaining in Pakistan. In addition, false expectations of the amount of aid to be "poured" into the rebuilding of Afghanistan caused large repatriations, even when the conditions were not suitable for such a large return. With the destruction of homes, there was not enough shelter for the vast amount of returnees that needed assistance. As a response, UNHCR employed the building of additional shelters through the "cash-for-work" program, which provided employment for returnees.

Arguments from policy analysis state the encashment program was less costly than other programs. However, the “recycler” problem proved the program lacked proper organization and monitoring of refugees. It also demonstrated the weak surveillance along the borders. Local infrastructure was virtually non-existent, it would take years to rebuild and the promised funds arrived late or did not arrive at all. Donors were mainly interested in the mere survival of returnees, not on state re-building.

Another threat to security was Afghanistan’s ongoing drought and the aftermath of 23 years of war left the agricultural sector in ruins and the rural population was consequently unable to make a living once they returned. This has created an ongoing dilemma in the classification of who is a refugee and who is an economic migrant.

When evaluating structural violence and taking into consideration previous quantification of behavioral violence, the environment in Afghanistan looks unsuitable for return and for reintegration into the socio economic arena. Lack of security due to high behavioral violence has been among the main threats to reintegration of returnees. The level of incidents has not reduced significantly and violence outbursts are still common, thereby lowering safety. Warlord regime reinforced by North American tactics to liquidate the Taliban will continue being an obstacle for the unification of the Afghan state and for proper stability. According to reports by Human Rights Watch and The World Today, female aid workers, government officials, and journalists face harassment, violent attacks, and death threats. In terms of structural violence, facilities, shelter and infrastructure are the main barriers for the insurance of safety. (Not to mention that 10% of the country is filled with land mines)

Despite the recognition of lack of security and the intensification of hostility towards electoral, governmental and humanitarian workers in Afghanistan, the plans for repatriation are still on their way and have been encouraged with monetary compensation. Hence, the pre-conditions established in UNHCR's mandate have not been met at the time of implementing repatriation. This had several implications including the disregard for the mandate, returnee safety and the proper reintegration, since there has been no emphasis on establishing stability. However, the disregard of stability prior to repatriation does not fall entirely on UNHCR activities. As mentioned earlier in this and in previous chapters, the interest of donors and of host countries seem to have a direct impact on how UNHCR decides to employ its strategies. In the case of Afghanistan it may be concluded that pressure to relieve Pakistan of the responsibility of caring for refugees and donor's interest in legitimizing outside intervention in the country have been key factors in this case.

The case of Guatemala proved to have a more efficient strategy and as a result, a different outcome. Guatemala had started its efforts to mend relations before UNHCR's intervention and initiated the return of victims. This initial attempt was strongly criticized since it was initiated and controlled by the army with the intention of establishing Indian societies that were controlled and overlooked by the government. With gradual international intervention this intention was overturned.

As with the case of Guatemala, violence was not entirely subdued and the political environment for the time of repatriation was deemed unsuitable according to Human Rights Watch. The difference with Guatemala was the type and degree of intervention from UNHCR and NGO's. For instance, the escorting of returnees to the

specific location of repatriation, and community training programs. Another factor present in Guatemalan repatriation was the direct participation and negotiation of returnees often through the *Comisiones Permanentes*. In addition, the establishment of the UN-sponsored *Comisión de Esclarecimiento Histórico* (CEH) ensured the investigation of events and underlying reasons for violence in Guatemala with the goal of creating national and international awareness of the necessity of conflict resolution in Guatemala. It also urged international intervention and called for the unification of victims and overall, their reintegration to society. These attempts for unification and mobilization were successful, since there was high solidarity and organization of refugees. As a result negotiations achieved higher results than most repatriation and reintegration programs. For instance, the achievement of land resettlements, educational reforms and economic integration of IDP's and returnees has been a direct result of organized mass mobilization. On the other hand, those who remained in hiding and had no direct participation in the Maya political activism received limited assistance. Therefore, mobilization and political participation of returnees presented a benefit for individuals as well as the mending of social and ethnic conflicts. The CEH covered all aspects of historical and forensic anthropological evidence for the civil war period and presents all evidence to the UN. It also had the authority to oversee reparation initiatives by the government. With this, there was a higher reintegration and monitoring in Guatemala. Structural violence in Guatemala was significantly lower than Afghanistan yet had a positive value of 6,892.05. Unlike Afghanistan, WHO reported no outstanding outbreaks and immunization programs initiated by the state and the total state expenditure for 2003 was of 47.5% of its GDP.

Once examining all these aspects of each case, overall the quantification of structural violence, demonstrated the difference in Health-Adjusted Life Expectancy in the two cases was quite different. Structural violence in Afghanistan was significantly higher than in Guatemala. Behavioral violence at the time of repatriation was also at high levels according to also the quantification of conflicts by the Center for systemic Peace and the Stockholm Peace Research Institute. Nonetheless, conflict in Guatemala was more controlled than the ongoing insurrection in Afghanistan. Hence, the likelihood for full reintegration of returnees to their society was higher in Guatemala than in Afghanistan.

With the strategy employed, it was clear the encashment program employed in Afghanistan was not suitable due to the deficiency of proper monitoring of safety and movement. Guatemala on the other hand proved to be a concrete and comprehensive assistance due to the proper integration of returnees in the process and of an emphasis in nation building.

APPENDIX: TABLES AND FIGURES

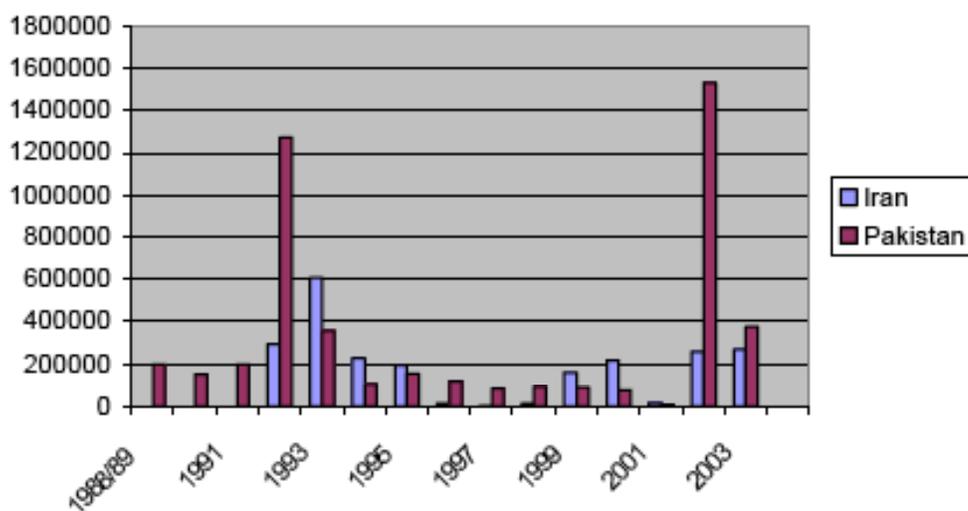
Refugees and Asylum Seekers from Afghanistan

Asylum Country	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Pakistan	1053000	1200000	1200000	1200000	1200000	1200000	2000000	2197821	1226569	1123647
Iran	1623331	1429038	1414659	1411759	1400722	1325724	1482000	482000	1104909	834699
Germany	0	0	0	0	0	0	0	0	52289	46975
Netherlands	2,050	3644	7830	12003	15958	20256	23629	26024	26001	26433
UK	110	820	1260	1915	3450	4645	5675	15065	20305	21718
Other	52658	45631	50487	50997	46985	51066	76032	88857	80221	82571
Total	2,731,149	2,679,133	2,674,236	2,676,674	2,667,115	2,601,691	3,587,336	2,809,767	2,510,294	2,136,043

Source: UNHCR Statistical Reports, 2003

FIGURE 1

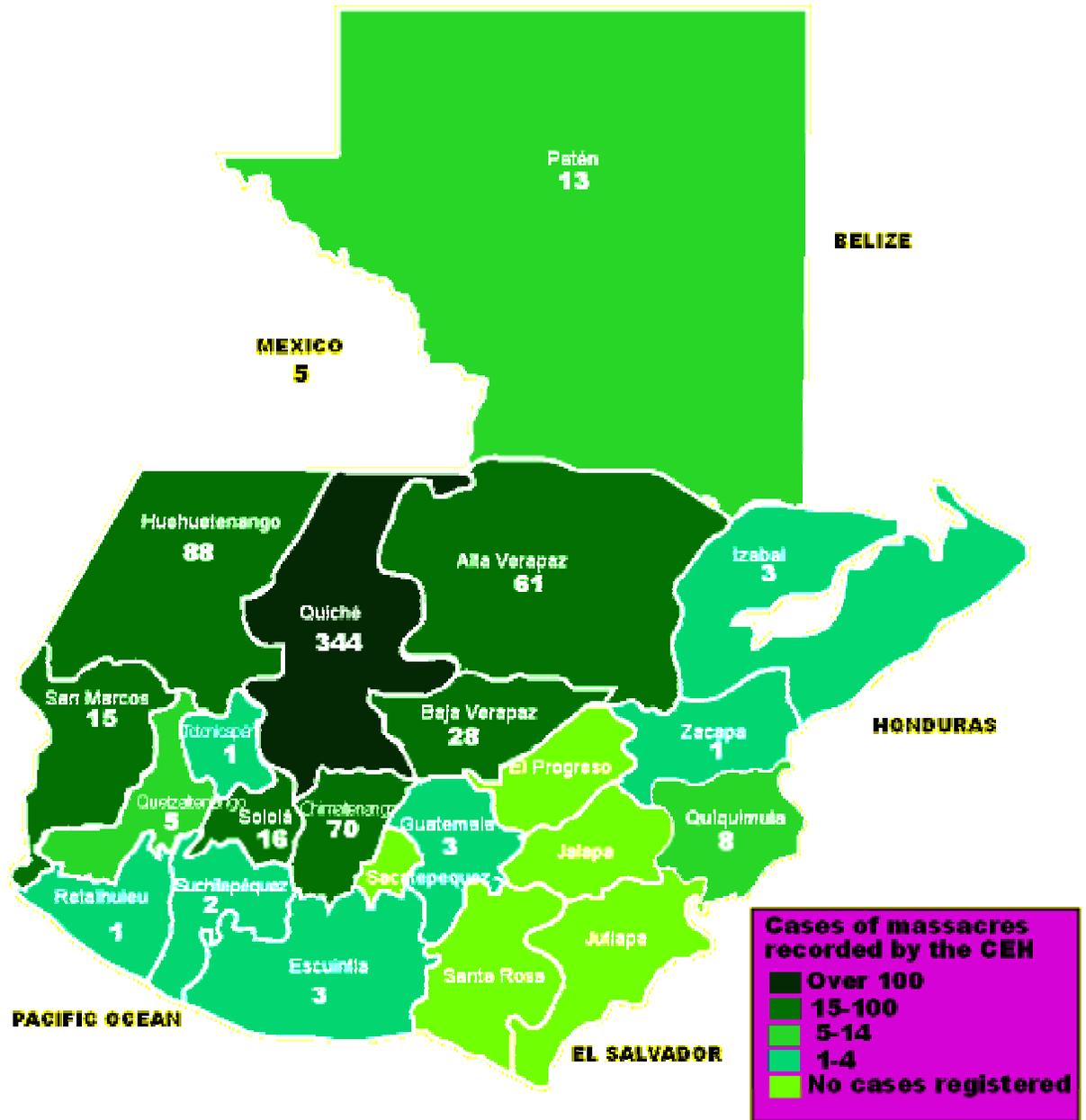
UNHCR Reported Voluntary Repatriation to Afghanistan 1988 - 2003



Source: UNHCR Statistical Report, 2004

FIGURE 2

NUMBER OF MASSACRES BY DEPARTMENT



SOURCE: CEN Database; total number of massacres - 669 - perpetrated by all responsible forces.

FIGURE 3



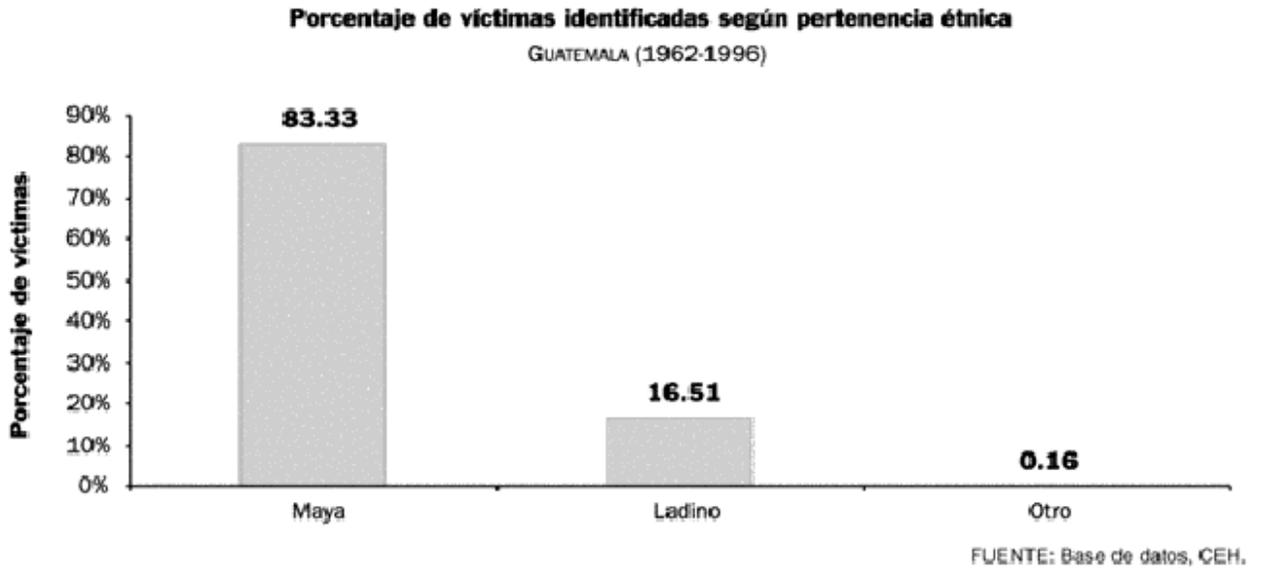
FUENTE: Base de datos, CEH.

Las columnas representan la responsabilidad de los distintos grupos en la comisión del total de los hechos, actuando solos o en combinación con otras fuerzas. Por este motivo, en la categoría "Ejército" se registran tanto las violaciones cometidas por elementos de éste, en actuaciones solas, como aquellas otras donde también participaron las Patrullas de Autodefensa Civil (PAC), los comisionados militares, escuadrones de la muerte u otros integrantes de fuerzas de seguridad del Estado. De igual manera, en la categoría "PAC" se contabilizan las violaciones cometidas por sus integrantes, actuando solos o colaborando con otra fuerza. Este principio rige respecto a las demás fuerzas, por lo que la suma de los porcentajes supera el 100%.

Forces responsible for human rights violations and violent acts.

Guatemala (1962-1996)

FIGURE 4



Victim percentage identified according to ethnic group, Guatemala (1962-1996)

FIGURE 5

Voluntary Contributions (USD)

Donor	Income	Contribution
Canada	544,218	544,218
France	81,786	81,786
Japan	180,000	180,000
Norway	337,136	337,136
Sweden	168,840	168,840
España con ACNUR (SPA)	8,791	0
TOTAL	1,320,771	1,311,980

Voluntary Contributions to Repatriation

Source: UNHCR Global Report 1999

FIGURE 6

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⁶¹ Worby, Paula. 1999, p. 51.

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⁶⁵ Defined as a conflict arising from political dissatisfaction and/or social control. Violence initiated by small militant groups with a specific target or population. Displacement occurs and death toll is less than 2,000 per year.

⁶⁶ Defined as having high level destruction but the goals are ill-defined. Negotiation is difficult due to the complexity of the conflict. High level of displacement and death toll from 100,000 to 500,000. Over 25% of the economy is devastated as a direct result of the war.