UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES EVALUATION AND POLICY ANALYSIS UNIT & REGIONAL BUREAU FOR THE AMERICAS AND THE CARIBBEAN



# Refugee repatriation and reintegration in Guatemala

Lessons learned from UNHCR's experience

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#### **Evaluation and Policy Analysis Unit**

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### Summary of conclusions and recommendations

1. In 1999, the last of the 50,000 Guatemalans who had become refugees in Mexico as a result of the conflict in their country of origin were able to benefit from a durable solution. Throughout their years of exile and during the process of return and reintegration, UNHCR and other international agencies played an important part in their lives.

2. With UNHCR's operational role in Guatemala nearly at an end, and memories of the operation still fresh, it was considered opportune to bring together some of the key personalities and organizations involved in order to examine the experience and derive lessons – both positive and negative – that could inform the planning of future repatriation and reintegration programmes.

3. The workshop was held in Geneva in February 2000 and brought together a wide range of participants from the humanitarian and governmental sectors. In addition to UNHCR, participants included UNDP and MINUGUA, government representatives both from the region and from donor states, intergovernmental organizations, NGOs and the academic community. The workshop was convened jointly by UNHCR's Regional Bureau for the Americas and the Caribbean (RBAC) and its Evaluation and Policy Analysis Unit (EPAU), and underscores the organization's commitment to systematically examining and assessing UNHCR policies, programmes, projects and practices.

4. Workshop participants were guided in their discussions by a report entitled *Refugee return and reintegration in Guatemala: lessons learned by UNHCR through its presence and intervention, 1987-1999,* by Paula Worby.<sup>1</sup>

5. If some of the issues arising from the Guatemala operation are specific to that country, others are similar to those confronted in repatriation and reintegration operations elsewhere. And it is on the globally relevant elements that the workshop, and this report, focus.

6. The workshop concluded that in spite of its shortcomings, the Guatemala operation was, broadly speaking, an effective one. An entire refugee population managed to either repatriate and take the first steps towards reintegration, or to remain in Mexico as legal residents - and in many cases citizens - of that country.

7. The more specific lessons learned from the operation can be summarized as follows:

<sup>&</sup>lt;sup>1</sup> This document is available at UNHCR's website: http://www.unhcr.org/epau

- Security of asylum, and a choice amongst durable solutions, greatly enhances the voluntariness of repatriation. It enables refugees to make meaningful choices and enter into negotiations with their government from a relatively firm position.
- Refugee repatriation can be an inherently dynamic process, with repatriation occurring as a result of changes in the home country, and then itself influencing the course of events in that country. Returnees should thus be viewed as potential agents of change, rather than objects of charity: in the case of Guatemala, repatriation not only did not wait for peace, it helped forge it. Planning for such repatriations must be flexible and prepared for unpredictable changes of circumstance.
- Repatriation operations should not forget the asylum experience, and asylum programmes should not ignore anticipated return. It should be understood that refugees are shaped by that experience, and are likely to return with different skills and expectations. In long-lasting situations, 'repatriation' may, in fact, be the person's first encounter with his or her country of origin. Programme experience in the country of asylum what worked and what did not -- should also be accounted for when designing programmes in the country of origin.
- Joint and multi-year appeals that cover relief through development need to be prepared.
- The costs of an operation must be measured against impact over time, and against the alternative of non-implementation. Neither UNHCR's annual programming cycles nor its current analytical frameworks are particularly adept at factoring in such elements.
- Shoehorning refugees into specific and inflexible assistance packages in Guatemala, land presupposes needs and may be inappropriate. Provisions should be made to provide returnees with a choice of packages.
- International agencies should be wary of the expectations they may raise amongst returnees. Rather than disappointing beneficiary groups upon their departure, such agencies should attempt to ensure that the expectations raised in terms of both rights and economic opportunities are both realistic and sustainable.
- UNHCR should be more clear about its role in countries of origin. What efforts towards reintegration must UNHCR make, and when do they end? When does a returnee cease to be a returnee, or at least a returnee of concern to UNHCR?
- When UNHCR monitors the human rights situation of returnees, it must be able to demarcate those rights over which it has a legitimate concern, and with which it can realistically make a difference; assuming responsibility for a whole spectrum of abuses, including land issues and domestic violence, is ineffective and risks bypassing national institutions that should be concerned with them.
- While linkage and co-ordination with longer-term oriented agencies and governmental entities should be foreseen from the start of an operation, other options should not be neglected. The prevailing socio-economic environment should be examined carefully to determine which courses of action would best

#### SUMMARY

meet reintegration needs. Private sector, market-oriented approaches may have a better chance of success than an institutional handover.

• Reintegration planning should be based on an inclusive vision that accounts for non-UNHCR actors (governments, UN agencies, NGOs) and their different approaches. The sustainability of interventions must also be considered.

### The Guatemala operation

8. In flight from a vicious civil war in the early 1980s, 150,000 to 200,000 Guatemalans crossed over to Mexico; some 46,000 were eventually registered by UNHCR as refugees. Following the relocation of some refugee sites away from the border, the highly organized caseload began to benefit from an asylum regime that included stable food supplies, educational facilities and access to income-generating projects.

9. Repatriation did not wait until the conclusion of a formal peace accord; rather, it both preceded and, in the opinion of many, contributed to it. Previous agreements between the refugees and the government, in particular the 8 October 1992 accords, mediated by UNHCR and others, served as partial blueprints for the evolution of subsequent peace agreements related to displaced populations, and contributed to the content of their eventual texts. The returning refugees further contributed to the peace process by speaking out against militarization and about past violence and repression, and through assisting the 'truth commission' in gathering testimony.

10. In their various interventions, speakers underlined the complexity that characterized the Guatemala operation, and the need to contextualize any analysis of it to account for changing political parameters, and for the effects of repatriation movements themselves on the form of negotiations.

11. One speaker urged the non-political and humanitarian agencies present to be frank in recognizing that repatriations are inherently political, and that any planning for and policies towards must factor in this element. Another emphasized the need for the international community to engage in holistic approaches; the key, in his opinion, was inclusiveness and comprehensiveness.

12. Speaking from the point of view of those who stayed behind, one participant said that displacement had provoked a 'sociological earthquake' in the country. Refugees were as a living reminder to Guatemalans of a dark period in their history, a time when their social fabric was torn apart.

13. Two issues were mentioned as being important, although beyond the scope of the workshop. One concerned internally displaced persons (IDPs). Over a million Guatemalan were estimated to have been internally displaced during the country's turmoil, and yet this was a phenomenon that both occurred and was resolved with very little international awareness or involvement.

14. The second point concerned the exile and return of Guatemalan who went to countries other than Mexico. Large numbers (refugees and economic migrants) went to the United States; their wealth and new ideas had, in the opinion of one participant, changed the rural landscape in Guatemala.

#### The peace process

15. In providing a background to the specifics of the Guatemala case, one of the presentations listed six steps towards attaining peace. They were:

- understanding the deep roots of conflict (including issues of land, inequity and religion);
- the cold war era (intervention, militarism, displacement);
- regional pressures for peace (including the Cartagena Declaration, the Esquipulas summits and CIREFCA);
- the role played by civil society and the international community in setting an agenda for peace;
- the framework agreement, which set an agenda of topics for discussion at the peace negotiations; and
- implementation (of which some achievements included fostering an incipient culture of dialogue, demobilization of insurgents, completion of the return process, and a successful electoral process).

16. Many speakers drew attention to what was seen as the critical relationship between refugee return and the forging of peace. The formal peace accords were not signed until December 1996, at which point nearly 80 per cent of returnees had already come home. The means by which they negotiated their return had an impact on the form of the subsequent peace agreement. Thus the refugees should be viewed not as objects of charity, but as agents of change.

17. The different steps of negotiation, repatriation, and further negotiation between the refugees and the different governments helped shape the eventual peace. Small-scale accords provided draft models, which were subsequently modified to accommodate successes and mistakes, changes over time, different regimes, and the reality of repatriation. These in turn served as models for government/guerrilla negotiations, and as a model for citizen participation in post-authoritarian Guatemala.

18. Beyond the substance of these negotiations, they were important in that the refugees were recognized as a people endowed with dignity and rights; such recognition constituted a partial vindication of their struggle and exile. And, in the opinion of one speaker, a process of reconciliation cannot begin if one side's right to dignity is in doubt.

19. Some participants wondered about the potential applicability of Guatemalan peace negotiation lessons – in particular the notion of refugees negotiating their own return – to other situations. Was it not too sui generis, with its elements of class, cold war politics, race, militarization, regional peace initiatives and the particular role of the international community? Not if the importance of recognizing complexity and specificity is acknowledged, allowing more clear-headed analysis to be undertaken. Both planning and post-facto analysis must be dynamic enough to account for a constantly shifting set of parameters.

#### **Repatriation and reintegration assistance**

20. Delivering assistance to returnees, in Guatemala as elsewhere, provided UNHCR with a solid entrée in a voluntary repatriation operation. Repatriation assistance was thus not important only for its intrinsic qualities, but also for the way its delivery and intended beneficiaries reflected medium-term UNHCR objectives vis-à-vis the returnees, and for its impact on linkages with longer-term reintegration.

21. One example of the former was the rural focus of most assistance. A number of persons wondered why non-rural, and in particular non-land-based solutions were not offered. Offering only land presupposed returnee needs, and compelled some to enter into options they did not necessarily wish to.

22. Other problems associated with the land package included the often poor soil quality in areas of return, and the trade-off made between high investment in land purchase made at the expense of credit and production funds. More sensible would have been to offer the returnees a selection of packages, giving them flexibility in their reintegration choices.

23. Regarding longer-term reintegration, some speakers mentioned the phenomenon of labelling returnees, and the inhibiting effect such labelling had on their reinsertion into society; i.e., while perhaps necessary for assistance purposes, it had the effect of distinguishing the returnees from their compatriots, and of differentiating their wishes and entitlements from this group as well.

24. Other specific lessons identified in this sector included the following:

- the relatively 'generous' return package was important in creating minimum reinsertion conditions, and in providing an incentive to return;
- in-kind assistance is preferable to cash as it is easier for women and children to access;
- neighbouring communities need to be accounted for when designing assistance packages;
- the verification of delivery to *both* heads of household was important in ensuring equal access and control of resources;
- items related to women's specific needs should be included;
- family/individual assistance design should account for social dynamics so as to avoid artificial family creation and premature marriages;
- better emergency assistance/reintegration project linkages would increase cost-effectiveness;
- individual family shelters worked better than either cash or materials; and
- the needs of specific groups, such as young returnees and women, were not always accounted for in repatriation packages.

#### The asylum experience

25. In setting the context for the Guatemala repatriation and reintegration, a number of speakers noted the importance of acknowledging the significance of the asylum experience. One spoke of UNHCR's perceived 'exilic' bias, and of the organization finding it hard, when working in a country of asylum care and maintenance operation, to realize that refugees came from somewhere else, and would eventually return. Another referred to refugees born in exile, saying that for them, repatriation was their first displacement experience. Yet another participant mentioned Mexico's role, and sacrifices, in hosting Guatemalan refugees; perhaps, the participant suggested, another seminar could be convened to examine the Mexican side of the Guatemala operation.

26. This suggestion was echoed by another participant, who said that more attention should have been paid to Mexican project experiences before applying similar programmes in the Guatemalan context. The design of care and maintenance programmes should take into account the potential implications upon return.

#### Protection and mediation

27. Complementary to the wider peace process, the Guatemalan repatriation from Mexico involved a series of often innovative protection activities. They fell into three main categories: the use of mediation and/or good offices to ease conflicts and differences between returnees and the government, returnees and their neighbours, and amongst returnees, in part as a strategy of prevention against future displacements; the promotion of the exercise of other basic civil rights through personal and land documentation; and the attempted prevention of human rights violations, monitoring of human rights cases and subsequent follow-up.

28. These protection activities were undertaken in the context of refugees who chose to return to insecure sites, and to places where there was little governmental or international administrative or infrastructural presence. Just as importantly, however, refugees entered these areas in the knowledge that they had, initially, a secure country of asylum and, later, a durable solution available to them outside of Guatemala. They thus had a solid level of confidence and personal security with which to enter into negotiations.

29. Mediation (good offices) had as its objective easing of conflict and the prevention of future displacement. UNHCR found itself mediating in three types of situation: between returnees and the authorities; between returnees and host communities; and amongst the refugees themselves. Some of the different issues dealt with in these mediations included security concerns and land issues.

30. Mediation in Guatemala faced a number of limitations and constraints. Among them were unequal refugee representation (for example in regard to women's participation); limited resources; slow negotiation processes that led to attrition from repatriations; and ineffective verification mechanisms.

31. Some of the main lessons learned from UNHCR's experience with mediation included:

- mediation may serve as a form of indirect capacity-building;
- first-hand and detailed knowledge of the context and actors is critical;
- trust forged over time is important;
- UNHCR was sometimes more helpful in a background facilitation role;
- it was important for UNHCR as an institution to not be isolated in promoting solutions;
- Guatemalan negotiating styles needed to be understood and respected; and
- compliance strategies needed to be elaborated.

#### Monitoring basic rights

32. The High Commissioner is recognized as having a 'legitimate concern for the consequences of return' (Executive Committee conclusion 40 (XXXVI)-1985); to this end, in Guatemala as elsewhere, UNHCR staff should be given unhindered access to returnees and areas of return where they are to monitor their safety and reintegration conditions. In Guatemala, the document enabling such access was a letter of understanding entered into with the government. Using its authority UNHCR was able to establish field offices at five locations, many of which had little previous international or even governmental presence before, and some of which were still insecure.

33. Perhaps the biggest constraint experienced in this activity was the lack of clarity regarding the scope and duration of UNHCR's protection monitoring role. Potential protection cases could comprise a whole range of basic rights violations, and in the absence of clear guidelines and limited personnel, the choice of cases to pursue acquired an individualistic and sometimes arbitrary aspect.

34. Non-traditional – for UNHCR – rights issues such as land tenure and domestic violence were victims of this lack of clarity. The lack of clear cut-off criteria for UNHCR involvement in returnee protection cases also stymied the vigorous pursuit of handover options, to either UN agencies such as MINUGUA or the state itself.

35. Another constraint facing monitoring activities was the often high level of insecurity and militarization experienced in areas of return. One suggestion in this regard was to explore the imposition of minimum security guarantees for returnees to be agreed to by the warring parties.

#### Documentation

36. One of the more innovative, resource-hungry and, arguably, successful components of UNHCR's programme the country of origin was its efforts in the domain of legal reintegration, i.e., facilitating the provision of personal documentation to returnees. Given the nature of the legal system in Guatemala, the lack of personal documentation can prevent the enjoyment or exercise of basic rights;

thus, UNHCR's activities in this regard were a priority. A number of speakers defended this programme's apparently high per capita costs on these grounds.

37. It seems fair to suggest – given the number of cases involved (including nonreturnees), the variety of statuses (including persons born in exile, and persons not previously in possession of personal documentation), and the immediate and concrete effect personal documents had in ensuring the availability of basic rights to returnees – that the costs were in fact modest compared to the gains experienced.

#### Supporting lasting solutions

38. After facilitating return and monitoring the protection situation of returnees, reintegration activities were the most important element of UNHCR's work in Guatemala, and the principle vehicles for their implementation were quick impact projects (QIPs); other activities included personal documentation (see above), encashment and in-kind assistance. Assistance was provided in the transportation, shelter, agriculture, health, education, income-generation, community organization, water, sanitation, food and environment sectors.

39. QIPs targeted returnee communities, in terms of both infrastructure and productive capability. Some innovations to emerge from this programme included the extensive use of community organization counterparts as implementing partners, the use of projects as a means of promoting reconciliation, and the use of QIPs to attract national NGO operations to new geographical areas. Criticisms of the reintegration programme include its length and expense, the accentuation of returnee/'stayee' wealth differentials and the mixed record of QIPs in serving the needs of refugee women.

40. This topic initiated a lively debate, and covered general questions about the appropriateness of the QIP model and its relationship to prevailing economic conditions, QIP design, co-ordination, gender and sustainability.

41. Regarding the appropriateness of QIPs, one speaker asked whether there was a convergence between objectives and the instruments used to attain the stated objectives; i.e., should QIPs be used to effect policy changes? The example of the World Bank, which has not been very successful in using projects to make policy changes, was cited in this regard. Along the same lines, the speaker wondered what balance needed to be struck between wholesale approaches, which support national institutions, and retail approaches, which replace local mechanisms.

42. Did reintegration projects treat returnees in isolation, and were QIPs initiated without regard to the general macro-economic environment? Regarding the former, some participants warned of the dangers of locking in a returnee identity – such an emphasis could have the longer-term impact of alienating returnees from the plans and aspirations of the rest of Guatemalan society, and thus fail to mend the rents in a torn social fabric.

43. The treatment of returnees as a discrete group also forestalled the establishment of linkages with general development plans. Reintegration, one participant suggested, must look at both returnees and the areas to which they

returned. In looking at areas of return, if the macro-economic climate was found to be weak, then QIPs would be unlikely to fully succeed.

44. Another aspect mentioned was the context of land purchase and the perception by local authorities and communities that returnees were private owners rather than communities.

45. Some comments centred on the appropriate role for UNHCR in a country of origin. If it engages in reintegration programmes, when does its role end? With reintegration itself, or upon the attainment of a more limited goal?

46. QIPs were recognized to have incorporated a number of innovative elements, including the priority given to women and community organizations, the concentration on reconciliation, their role in bringing new actors to isolated regions and their speed and flexibility. Nearly \$11 million was spent on QIPs, and they reached some 286,000 beneficiaries – a figure considerably larger than the returnee population, and indicative of the wide scope of the projects.

47. Some weaknesses in their implementation included inconclusive follow-up on sustainability; the lack of multi-year funding cycles; and the sometimes politically driven selection process for choosing implementing partners. One speaker also cautioned against taking at face value some of the aspects of QIPs generally seen as positive.

48. Encouraging people to work together on labour intensive, infrastructureoriented QIPs in some cases kept them from engaging in more immediately productive activities. Even the success of QIPs was cited as a potential pitfall – after all, the speaker argued, it is often the threat of turmoil and violence, rather than humdrum harmony, that galvanizes donors into providing more funds.

49. Some interventions focused on the ultimate objectives of reintegration projects, and on their sustainability. One speaker wondered if there was a contradiction between the QIP concept and the notion of sustainability; another suggested that questions of economic sustainability were not so different from those posed in non-returnee projects, and that UNHCR might do well to benefit from the experiences of others in this domain.

50. Returnee sustainability was something of a moot point if the areas to which they returned were not able to sustain productive activities. Reintegration was, ultimately, dependent on the capacity of the country of origin to deal with prospective returnees; thus, capacity-building should complement QIPs.

51. In view of the importance of this topic, it was agreed that an in-depth evaluation of QIPs would be undertaken to examine UNHCR's experience with QIPs to date, and to consolidate examples of best practice. This report has been commissioned and was under preparation at the time of writing.

#### Gender issues

52. The returnee women's experience was characterized by a wrenching reversal, upon repatriation, of gains enjoyed while in asylum, and by weakly co-ordinated and unequal gender efforts on the part of UNHCR and other UN agencies. The social set-

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up in some senses reverted to the status quo ante, and the politically useful role women were seen to be playing in exile (not least by refugee men), was not viewed in the same light once back home.

53. In light of the reluctance of some returnee men to accord importance to policies aimed at enhancing women's roles and the different economic and political issues at stake in the country of origin, the UN's less than comprehensive efforts in this regard were largely ineffective and, in cases where the implementation horizon was short, had the potential to backfire on their intended beneficiaries.

54. UNHCR efforts to support returnee women organizations were recognized. Legal support, training in such issues as women's rights, leadership, health, human rights and management; advocacy on such issues as land tenure and participation; and material support were elements of UNHCR's contribution to gender programming in Guatemala.

#### Co-ordination and follow-up

55. The Guatemala reintegration programme experienced some of the hallmark difficulties associated with such operations, in particular unsystematic co-ordination with other, non-emergency, actors, and finite capacity and mandate in the face of complex and deep-rooted national problems.

56. Initially, efforts to co-ordinate returnee activities amongst government institutions, UN agencies and NGOs floundered in the face of ongoing conflict, the lack of a clear approach, the absence of institutional presence in areas of return and frequent turnover of government personnel. As the political situation improved and more experience was gained on the ground, co-ordination and linkages became tighter and better targeted.

57. While most persons who spoke on this topic were agreed that developmentoriented entities needed to be involved in planning and implementation from the start, it was not clear that this was an immediately feasible proposition. For UNHCR, one compelling objective is to provide an immediate cushion for a population in a precarious state of existence. Speed and quick results are critical. Seen from a development perspective, however, such programmes may not make sense, and returnees may not be a priority population in a national context.

58. Not everyone saw the lack of a global strategy as a weakness. Some of the national level co-ordination mechanisms, such as memoranda of understanding and other formal agreements, were deemed less effective than the decentralized and ad hoc co-ordination – focusing on specific sectors, projects and regions – that in fact occurred.

59. One recurring obstacle to being able to make the transition from short- to medium-term was the nature of project funding. Several speakers lamented the inflexibility of annual funding cycles, and suggested that donor commitments to multi-year funding would go a long towards enabling more sensible programme design. Disparate funding responses, with more money forthcoming during emergency phases, was also cited as a stumbling block.

60. Some participant s emphasized UNHCR's lack of leverage in bringing about co-ordination. It needed to have at its disposal more than just existing projects to offer to follow-up agencies; with more resources, it could have had a series of longer time-frame projects with greater potential for incorporating smooth transitions. Non-congruence amongst mandates also made it difficult for UN agencies to co-ordinate their efforts.

61. The disconnect between specific returnee needs, international standards and national realities was attributed by one participant to 'the burden of solidarity' – the raising of expectations amongst affected populations by international actors, and the subsequent inability to meet these expectations.

62. As refugees in Mexico, the Guatemalans came into contact with notions of human rights – for example in the area of women's rights – and upon repatriation may have place much hope in the ability of capacity of international programmes to enable them to reintegrate. But the instruments – small-scale projects that emphasized speed, and the implementing agency – a humanitarian relief-oriented organization, were manifestly insufficient for such ambitious objectives.

63. Perhaps, a number of participants suggested, the notion of a 'gap' between humanitarian and development assistance was ignoring an important component of the picture – the private sector. A detached analysis of the macro-economic and national situation should indicate to what extent other institutions would be able or willing to assume take-over responsibilities. Such an analysis might conclude that designing private sector oriented programmes might be a more efficient means of reintegrating them.

64. Finally, several comments referred to the pending agenda. Challenges cited in this area were abundant, and included ensuring the sustainability of the peace process, comprehensive policies to combat poverty and strengthen governance, justice and the question of impunity, and the full integration of returnees and demobilized combatants. Ultimately they related to the need for reconciliation and economic and social equality.