



TRANSFORMATION, **I**NTEGRATION and **G**LOBALIZATION **E**CONOMIC **R**ESearch
CENTRUM BADAWCZE TRANSFORMACJI, INTEGRACJI I GLOBALIZACJI

TIGER Working Paper Series

No. 78

Refugees and Durable Solutions: The Case of Mozambique and Kosovo

Mulenga Nkula

Warsaw, July 2005

Mulenga Nkula

**Refugees and Durable Solutions:
The Case of Mozambique and Kosovo**

Summary

Finding durable solutions for the refugee crises has always been a difficult task for international community. There are three widely accepted procedures which apply to political migrants who find themselves outside of the territory of persecution, namely resettlement, reintegration and voluntary repatriation. This paper is a comparative analysis of the cases of Kosovo and Mozambique, as far as the management of refugee flows is concerned. The text describes the conflict which led to migration in both countries and analyses the resettlement, reintegration and repatriation policies in these two cases.

1. Introduction

This paper is based on the premise that the problem of refugees can only be resolved by the implementation of a combination of different so called durable solutions with the full participation of the refugees themselves. In this paper, I contend that the view that repatriation is the most viable solution to the refugee problem is erroneous. According to Chimni, the word solution has rarely been explored in refugee studies literature. The word solution could be used either in reference to measures seeking to address the root causes of refugee flows or in reference to measures which address the problem of individuals or groups who have found temporary refuge (Chimni 2000). This paper will focus on the latter and will draw examples from experiences in Mozambique and Kosovo. The paper explores whether or not repatriation, reintegration and resettlement are viable durable solutions to the refugee problem considering the changed refugee landscape in the post cold war era. Furthermore, the paper will try to analyse what durable solutions entail. The paper will attempt to examine who should decide which solutions to implement and when they should be implemented.

2. A Theoretical Framework

In refugee studies literature, three so-called durable solutions have been identified. These are resettlement in third countries, local integration in the country of asylum and voluntary repatriation (Chimni 2000: 331). One would find it imperative to define what is meant by durable solutions within the context of the refugee problem. According to Goodwin-Gill, 'a durable solution entails a process of integration into a society; it will be successful and lasting only if it allows the refugee to attain a degree of self sufficiency, to participate in the social and economic life of the community and to retain what might be described, too summarily, as a degree of personal identity and integrity' (Goodwin-Gill 1990: 38). What this seems to mean is that integration, and in the case of returnees, reintegration, is at the core of whatever can be referred to as a durable solution. This seems to be a departure from conventional wisdom which would have us believe that durable solutions to the refugee problem lie in putting an end to the causes of refugee flows. The former seems to be more in line with the human rights approach while the latter is in line with the policy of containment. In this paper we will focus more on the former.

2.1 Resettlement

During the cold war period, most western democratic states advocated resettlement of dissidents, especially from the former Soviet Union, as the most viable and favourable solution, which, in the words of Chimni, 'introduced a bias in international refugee law'. According to Goodwin-Gill, 'resettlement is about refugees moving from a transit, or, country of first asylum to another, or third state' (Goodwin-Gill 1996: 276). According to Rupert Colville, 'resettlement is geared to the special needs of an individual whose life, liberty, health or fundamental human rights are in jeopardy in the country where he or she first sought asylum. In other words it refers to the relocation to other countries of refugees who have sought refuge in a country where they continue to face risks to their life, liberty, safety, health or fundamental human rights (See for example Background Note to the Agenda Item: The Use of Resettlement to Address Durable Solution needs, Annual Tripartite Consultations on Resettlement, Geneva, 20-21 June 2001: 1). According to Colville, 'it is a highly complex, organised process that involves identifying those in urgent need and finding a suitable country

for them' (Colville 1993: 4). This poses a problem especially in third world countries where many refugees aspire to settle in Western countries.

However, it is important to note that with the end of the cold war, resettlement is no longer favoured by most asylum states as a durable solution (Chimni 2000: 331). Most affluent countries are unwilling to accept and resettle more refugees. They advance such reasons as security considerations, growing unemployment, preservation of culture etc as rationale for their stand (Carens 1983: 251-273). In the case of less developed countries Gil Loescher explains, 'most first asylum countries are very poor and unstable. A sudden influx of refugees can disrupt the economy, exacerbate unemployment and heighten ethnic tensions. Most countries of first asylum are unwilling to settle refugees close to border areas if their presence is likely to raise diplomatic or security problems or provoke popular resentment and domestic conflict. Few countries are willing to offer citizenship to refugees, although this would facilitate their long-term integration into the host society' (Loescher 1993: 148-149).

2.2 Reintegration

One can safely suggest that integration could be viewed as the goal of the settlement process both in the countries of asylum and third countries. The United Nations High Commission for Refugees (UNHCR) defines integration as the process by which the refugees are assimilated into the social and economic life of the community. Harrell-Bond defines it as, 'a situation in which host and refugee communities are able to co- exist, sharing the same resources - both economic and social - with no greater mutual conflict than which exists within the host community' (Harrell-Bond 1986: 7). The foregoing is equally true in the case of reintegration with the exception that the returnees in the latter case are being reintegrated in their former communities or for that matter, any area within their country of origin. Perhaps one would like to note that both the 1951 Convention on the status of refugees and the UNHCR Statute do not clearly define integration. According to Chimni (2000), the idea of integration has remained ill-defined at the best and vague at the worst, both operationally and conceptually. This is one problem that is associated with integration.

However, in this paper the focus would be on the reintegration of returning refugees into their former communities. It is worth mentioning that reintegration, as opposed to local integration in the country of first asylum or any other country for that matter, can appropriately be viewed as a phase in the processes of repatriation (more on this below), reconstruction and rehabilitation upon return.

It is important to note that returnees are faced with numerous problems including lack of basic needs such as food, clothing and shelter as well as lack of access to basic services like health and educational facilities. Given the devastating impact of war on both the physical infrastructure and the economic and social relations in post war-torn communities, reintegration is an essential long-term component of repatriation. In other words, the need for reintegration is borne out of the realisation of the devastating effects of war on the social and economic structure of the affected communities and the implication these would have on the returnees as well as on the local community.

2.3 Voluntary Repatriation

Repatriation is currently viewed by most host states and other institutions and organisations involved in humanitarian work as the most desirable solution in the post-cold war era (Chimni 2000: 331-340). It is ironic to note that the position, which was previously embraced by the eastern bloc, albeit with different motivations, has won the day. In this paper, I contend that the major weakness with repatriation programmes in Mozambique and Kosovo is that they only concentrate on short-term needs of providing transport and temporary shelter.

Secondly, it is important to note that the core of the ethics of repatriation is that refugees cannot be returned against their will to their home country that in their subjective assessment has not appreciably changed for the better and therefore, still resembles the situation that triggered their flight (Barnet 2001: 31). In other words, refugees should voluntarily make the decision whether or not to repatriate. It is sad to note that the UNHCR and many host countries have eroded this categorical imperative by promoting new concepts such as voluntariness and safe return which make repatriation under less than ideal conditions possible (Barnet 2001: 31). Promoting repatriation under such conditions has a danger of eroding the traditional protection guarantees and rights given to refugees. Under such circumstances, it can be seen as a policy of deterrent and containment and not a viable solution. For UNHCR, the question is whether or not the refugees would be safer in their home country than in the host country. Indeed, refugees should be allowed to make the decision by providing them with necessary information. Furthermore, the ability of refugees to take matters into their own hands and organise repatriation is a hopeful sign. Unfortunately, they are often forced into this position by hopelessness, danger and lack of assistance.

Voluntary repatriation is recommended as the best solution from two different perspectives. The first is the statist perspective, particularly that of the industrialised countries which have dropped their exile bias in their approach and replaced it with non-entree policies. This may be explained by the fact that in the post cold war era, not only has the refugee increasingly become different, but also, he has lost his ideological and, to a certain extent, economic importance to the host state. Given this scenario, one can safely argue that host countries' preference for repatriation is in their own interest and not that of the refugees. That is, they are not driven by a need to guarantee the human rights of refugees and ensure sufficient opportunities to rebuild their lives (Chimni 2000: 353). The imposition of closed door policies by most Western liberal democratic States has nothing to do with escalating numbers of refugees but could be seen to have 'racial connotations'. They are as such not only amoral and ethically incorrect, but also a relegation of obligations on part of these states.

The second perspective is the liberal approach, which contends that the exile bias in the traditional western thinking is not only unrealistic but also inhumane considering the realities of the modern refugee problem which is characterised by massive flows often restricted to neighbouring countries. It is worth noting that following the massive inflows of asylum seekers from Eastern Europe, most Western European states not only imposed strict restrictions in Schengen and Dublin Accords (such as carrier sanctions and visas) but there was also a shift from asylum and protection to containment and deterrent. It is also important to note that the UNHCR for the first time proposed in its seven point humanitarian response plan that repatriation should be considered when conditions in the country of origin permit. It is important to emphasise the point 'when conditions at home permit' because repatriation can never be a durable solution unless the conditions that created the conflict are resolved in the first place. Otherwise, the repatriation process may only contribute to increased violence as the case of the deportation of Serbs, Roma/Ashkalija families and other minority groups and individuals to Kosovo has shown.

Thirdly, the change in approach may also be explained by the realities of the modern refugee problem or more specifically by the shift in the factors causing flight from religious and racial persecution to civil conflict, and to a certain extent, natural disasters. Gervase Coles explains, 'normally, displacements as a result of civil armed conflict or natural disaster are of a relatively short duration. Return in these circumstances is usually the solution and it would be inappropriate, therefore, to postulate external settlement as the solution for such displacements' (Coles 1989: 403-404). Furthermore, flight resulting from such catastrophes often involves mass exodus, which makes the solution of resettlement undesirable if not unattainable. However, it is important to note that this is not always the case. There are certain situations like in Mozambique, Sierra Leone, Liberia, Angola and Sudan where protracted conflicts have been going on for decades. In most of these cases refugees have been languishing in camps in neighbouring countries without having their status determined for many years. Under such circumstances, repatriation cannot be said to be a durable solution. In fact, granting citizenship and local integration are more suitable under those conditions.

Fourth, the substandard conditions under which most refugees live today, especially in third world countries, can be viewed as another reason why the solution of repatriation has become favourable. It is nowadays-common practice to keep refugees under prison-like conditions in so-called detention and refugee camps. It is important to note that in some situations the conditions in host countries tend to be worse than at home. According to Coles, 'refugees are detained in camps or treated as irregular aliens, forced to live in makeshift accommodation or wherever a roof can be found. They are under constant fear of expulsion or reformation, dependant on hand-outs or the sale of tourist artefacts for survival, separated from friends and families [...] for many of these people, exile is a painful trial' (Coles 1989: 403-404). One would be tempted to think that the reason camps are being set up in this way is a result of a deliberate policy to manipulate and encourage people to return. Indeed Refugee camps, even with improved conditions, can never be a durable solution to the refugee problem. However, in situations where repatriation is not feasible, I contend that asylum states need to consider local integration and granting of citizenship as viable solutions. In this case there is a great need for advocacy to ensure that states honour their international obligations to refugees as enshrined in international law and treaties.

It is important to note that repatriation and sequentially, reintegration cannot be durable solutions without addressing the conditions that led to refugee flight in the first instance. Advocating repatriation at all costs without putting in consideration all other factors can be seen to be unethical to the practice of international legal norms and morally incorrect. In view of these facts, I have argued that there is no single durable solution to the refugee problem but a combination of different approaches can approximate the desired goals. Before applying this argument to the Mozambican and Kosovar cases, it is worth taking a brief look at what a good repatriation programme entails.

3. Repatriation Programmes

It is important for any repatriation programme to be thoroughly designed and diligently implemented for it to achieve the desired goals. It is critical to note that any well-designed repatriation programme should incorporate all or more of the following:

Overall, the programme should be based on allowing the refugee to make the final decision on whether or not to repatriate and when (i.e. it has to be voluntary).

Have in place a mechanism to make information about the country of origin easily accessible to most refugees. This is necessary to enable refugees make informed decisions.

A programme aimed at providing the necessary contingent needs of the most vulnerable returnees including transport, food and shelter.

Parallel programmes designed to rehabilitate the broken-down economic and social infrastructure and social relations (including governance, administration, safety and security - including issues of landmines).

Psychosocial programmes designed to assist victims of trauma - both returnees and the local population.

A strategy based on phased and co-ordinated return. This is important because in the first instance, it would enable the needs of the most vulnerable to be attended to first (for instance in providing transport). Secondly, it is necessary to ensure that scarce resources are well spread out in the process of reintegration.

Long-term developmental and reconstruction programmes.

Repatriation should go beyond mere repatriation of refugees to their countries of origin. Rather, it should be an integrated programme encompassing short, medium and long-term objectives.

4. The Case of Mozambique

4.1 History of War

Mozambique is a country that had been at war for almost thirty years continuously. Evidently, it is difficult for one to argue that repatriation was the most suitable solution to the refugee problem given the fact that some refugees had lived in foreign countries for many years without contact with their countries of origin. This history of internal conflict encompasses its own liberation war from 1963 to 1975, the Zimbabwean liberation war from 1972 to 1980 and the civil war between FRELIMO (Frente de libertacao de Mozambique - Mozambique Liberation Front) and RENAMO (Resistencia Nacional Mozambicana - Mozambique National Resistance) from 1977 to 1992 (Marena Research Project 1996: 1).

Mozambique inherited a unique dismal legacy of economic backwardness and attendant poverty from its Portuguese colonial masters. This situation was exacerbated by the devastating impact of the war. According to Carver, 'some six million, out of a population of fourteen million, had been displaced in the war since 1977 and an estimated one million people are said to have died. Almost every Mozambican has undergone the trauma of loss of family and friends and many have experienced horrendous atrocities' (Carver 1995: 1). Worse still, the countryside is littered with unmapped landmines. Furthermore, ten thousands of men have had military experience and there are a large number of unaccounted for small arms throughout the country which poses a security danger. One can never overemphasise the fact that all these problems pose major challenges to the implementation of repatriation as a durable solution to the refugee problem in post war Mozambique. It is sad to note that the Mozambican repatriation programme was not well designed to address most of these problems.

The root cause of war in Mozambique can be traced to its colonial history. Carver explains, 'while the major colonial powers divested themselves of direct political control in Africa in the 1950s and 1960s, the authoritarian Portuguese governments of Antonio Salazar and Marcello Caetano refused any concessions to the national movements in Mozambique. Portuguese troops massacred 600 peaceful protesters at Mueda in northern Mozambique in

1960. The following year a number of existing factions unified to form FRELIMO. From 1964, FRELIMO launched an increasingly successful guerrilla war against the colonial army' (Carver 1995: 2).

Mozambique attained independence after the Lisbon government was overthrown in a left-wing military coup d'état in 1975. The Portuguese colonialists fled en masse 'taking with them what they can and sabotaged much of what they left' (Carver 1995: 2). Despite some moderate economic growth and some social development notably in health and education in the period between 1975 and 1980, the country remained economically backward and one of the poorest in the region. Worse still, Mozambique's neighbours – Southern Rhodesia and South Africa – embarked on a campaign of military destabilization.

According to a study by the Marena Research Project (MARP), the Zimbabwe liberation war saw some heavy fighting in the western provinces of Manica and Tete and the Rhodesian forces attempted to interdict ZANLA forces and dislocate their lines of communication, which were supported by Mozambique. This phase saw the destruction of vital infrastructure in western Manica province as bridges were destroyed and roads cut. Furthermore, the Rhodesians laid barrier minefields along some 70 per cent of their eastern border (MARP 1996: 2). It is worth noting that these minefields are still in place today posing potentially fatal and often actually lethal danger to returnees and locals alike. The repatriation programme only concerned itself with de-mining small areas such as priority roads and campsites.

RENAMO's covert activities from its bases in Malawi and South Africa were intensified in the 1980s and resulted in a major humanitarian crisis. Carver explains, 'the destabilization caused by the war combined with a severe draught to create famine. It was during this period that RENAMO acquired its reputation for characteristic brutality – apparently, random killing and mutilation of civilians' (Carver 1995: 5). The MARP study also indicates that the most intense warfare took place during this period. During this period, 'the government fought to protect and isolate the population from RENAMO who in turn fought to control the population for sustenance and politicisation' (MARP 1996). Most importantly though, one would like to note that in the western provinces people were either forced to move, or moved voluntarily, into rudimentary protected villages protected by the militia or move across the border into Malawi, Zambia and Zimbabwe. This destabilisation to the traditional settlement pattern complicated further the process of reintegration of the returnees and needed to have been considered in the repatriation programme.

In 1992, the government and RENAMO signed a General Peace Agreement in Rome. By the time of the peace agreement, warfare had destroyed a large part of the civil and social infrastructure and had made it almost impossible for the population to lead a normal and productive life in most parts of the country. The priority of the international community immediately after the cease-fire was the urgent repatriation of refugees and not the need to reconstruct and rehabilitate the devastated infrastructure and social relations within Mozambique. Probably, this could be seen as one of the major weaknesses in the implementation and designing of the Mozambican programme. According to Joseph Hanlon, 'by the time of the agreement, Mozambique was the poorest country in the world, being the most dependent on overseas aid, which made up 80 per cent of its foreign exchange flows. In the late 1980s aid was equivalent to 70 per cent of its Domestic Gross Product' (Hanlon 1996). It is easy to see that repatriating refugees to a country facing such dire economic conditions could not have helped matters.

4.2 Population Displacement, Refugees and Durable Solutions

The scale of population displacement in Mozambique has been high and complex. According to the United States Committee for Refugees (USCR), there were about 1.7 million refugees and half a million internally displaced (USCR 1993). According to Carver, throughout the war, both parties to the conflict were directly involved in forcibly moving part of the population and this was in addition to those who spontaneously fled the adverse effects of the war, drought and famine. The complexity of the situation can easily be discerned from the following illustrations.

Firstly, the situation was complicated by the Portuguese strategy of counter insurgency, which had a policy of forcibly moving people from their settlements into so called protected villages. The objective of this policy was to remove people from the influence of nationalist guerrilla fighters. One effect of this policy was that it made it increasingly difficult for people to cultivate in order to feed themselves and forced some to move across borders. It is evident that this policy displaced people from their initial areas of residence. Secondly, the failed attempt by the new government at social engineering through the creation of communal villages resulted in the forcible displacement of a large part of the population. According to Africa Watch, equally unpopular was 'Operation Production' which began in 1983 and involved the removal of unemployed rural migrants from the cities and their forcible deployment on state farms in various locales (Africa Watch 1992: 66-84).

Further, the FRELIMO government, in the latter stages of the war used the Mozambican army to resettle thousands of civilians who were initially under RENAMO held areas. The army used force to move people into poorly supplied accommodation centres where they began to starve (Africa Watch 1992: 78). On the other hand RENAMO increased the population under its territories from the 1980s by the systematic and forced movement of people, combined with the enlistment of chiefs who would often lead their people into RENAMO held areas. According to Africa Watch (1992), forced recruitment was a major problem with young men given compulsory military training and young women used as sex slaves.

The unstable settlement pattern that was a logical consequence of the disruption of the traditional settlement pattern exacerbated the adverse effects of the war making the processes of repatriation and reintegration daunting tasks. In any case, it is easy to see that the returnees would have no place they could call their own after the above mentioned destabilisation to the traditional settlement patterns. In addition to broken down family patterns, the MARP report notes that, 74 per cent of health facilities in Manica province were either totally destroyed, totally rundown or in need of major restructuring. A similar pattern was created in the areas of education, animal care services and water supply. This pattern can safely be generalised to most other parts of the country (Africa Watch 1992: 78). Furthermore, there was the problem of safety and security resulting from the prevalence of unaccounted for weapons and unmapped landmines. All these needed to be addressed in a multi-pronged approach to the refugee problem that should have gone beyond immediate repatriation.

4.3 The Mozambican Repatriation Programme

In 1988, the UNHCR signed a tripartite agreement with the governments of Mozambique and Malawi (where the largest number of refugees resided). This was followed by a series of repatriation plans leading to the signing of the GPA in 1992 (Wilson 1993). The plans involved a scheme to transport some 250 thousand returnees from Malawi and their

belongings in convoys of buses and trucks over a period of 36 weeks from 72 pre assembly points. It was hoped that returnees would stay in these tented transit centres for a maximum of two weeks or less before going on to their villages or to other accommodation centres further inland (UNHCR 1991).

Meanwhile, spontaneous repatriation had begun even before the signing of the GPA. According to Stella Makanya, 'by 1990 it was estimated that over 200, 000 Mozambican refugees had repatriated from around the region and only a small fraction 4,500 of them in organised programmes (Makanya 1992). As a result of this realisation, UNHCR soon responded to the changed situation adopting a new plan, which took account of the fact that most repatriation movement would be spontaneous. What this seems to suggest is that pragmatism is very important in the implementation of repatriation programmes. Furthermore, it also exposed a weakness in the original repatriation programme that tended to emphasise the provision of transport and temporary accommodation and not medium and long-term aspects of a well-designed repatriation programme.

Many non-governmental organisations and other critics questioned the expensive and logical complexity of the plan. Secondly, the plan lacked a mechanism to disseminate information to refugees to enable them to make informed decisions resulting in some being repatriated against their wish. It also lacked a developmental focus or provision of the foundations for long-term reintegration, rehabilitation and reconstruction. Security and safety conditions were only superficially addressed. The only part of the process of repatriation that was seriously addressed was the immediate provision of transport and temporary shelter. According to UNHCR, by March 1995 more than 1.6 million refugees – almost the entire official estimate – had returned home (UNHCR 1995: Draft Report). This in itself was a weakness because it resulted in the resources for reintegration to be thinly spread. Currently, with the on-going repatriation of Angolan refugees from Zambia, the Angolan Government has indicated that receiving refugees in greater numbers is not one of its priorities before they attend to other developmental issues related to post war rehabilitation and reconstruction and emergencies such as resettling internally displaced persons (IDPs).

The process of repatriation required large-scale resources with adequate professional planning and management. The logistical requirements included the erection, staffing and management of transit camps. Due to indiscriminate mining during the war, the process also involved the opening of roads and transit campsites with mine awareness training and demining. The programme also included an elaborate plan aimed at the development and provision of the immediate health, water and educational needs. Furthermore, the programme gave special attention to specially affected groups such as the elderly, women, the physically handicapped and children. One would wonder whether it would not have been easier and cheaper to grant citizenship and locally integrate some of the refugees in the host countries than to undertake this complex programme.

It is important to note that the process was not a complete success. Its major failure and weakness lied in it being unable to put in place a programme designed to address long term needs of both returnees and the local population who were equally affected by forced displacement.

4.4 Post –War Period: Reintegration and Rehabilitation

Reintegration and rehabilitation in the post-conflict period is characterised by massive demands and needs occasioned by the reversal of the adverse effects of the war situation. In Mozambique, these needs and demands were overwhelming. According to MARP, in Manica

province 18 per cent of the population were refugees, 22 per cent IDPs and 20 per cent were resident in RENAMO controlled areas and as a result were deprived of administrative and social services (MARF 1995: 5). The challenges and requirements for a successful process of reintegration and rehabilitation were enormous. Unfortunately, the programme did not incorporate much that was designed to address these challenges.

As noted above, almost all the social infrastructure was devastated by the war. According to European Parliamentarians for Africa (AWEPA), 'since 1983, 1,100 rural health units had been destroyed. The cost of the defence budget had led to reduction in the share of the health in the budget from 10.7 per cent in 1980 to 6.9 per cent in 1992. About 4,000 rural primary schools – 68 per cent of the total - were destroyed from 1983 onwards, (AWEPA 1996: 23). For a country said to be the poorest in the world, such challenges tend to be beyond its capacities and would remain unresolved for the foreseeable future.

The psychological wounds are more difficult to identify and as such not easy to address. As noted earlier, the Mozambican war was most traumatic because of widespread forced removal of the population from their traditional areas of settlement, horrific killings and mutilations and widespread rape and sexual abuse of civilians by combatants from both sides. According to Welch, many children have been forcibly recruited especially by RENAMO [...] whether recruits or not, most children have been traumatised by their experiences' (Welch 1994: 21). The lack of a programme aimed at addressing psychosocial issues in the repatriation programme was a major gap.

The other related problem is that of tracing families so as to reunify them. With reference to unaccompanied children in Mozambique, Welch explains, 'because many of these children reside in RENAMO held camps, very far from the places where they were kidnapped, and because they were very small, they cannot remember their family names or the name of their place of origin. The task of tracing their families is a daunting one especially that many families died in the massacres' (Welch 1994: 21). One would have expected the repatriation programme not only to emphasise the provision of transport to unaccompanied minors but also on putting in place a programme aimed at addressing their medium term social and economic needs. Better still, these children, some of whom had never been to Mozambique, should have been allowed to continue living in host countries and subsequently granted citizenship.

The other weakness of the programme was the lack of a mechanism for compensating locals whose land was to be taken over by the returnees. The wartime massive destabilisation to the traditional settlement patterns already referred to, made it impossible for most returnees to go back to their original villages. Given this situation, it is easy to see that the resettlement of returnees in different ethnic areas other than their original areas would not only increase tension in the fragile communities but also make it more difficult to reintegrate the returnees.

Another issue that is going to remain a major challenge to the process of rehabilitation and reintegration is that of land mines. Furthermore, according to Human Rights Watch/Africa, in many areas a danger is posed by unexploded ordinance (XO) of other types such as rocket-propelled grenades. The danger to returnees is great and would remain so in the foreseeable future. Welch notes, 'there are an estimated 8,000 amputees in Mozambique from landmine accidents and there is no doubt that the mines pose a considerable danger to both returnees and the local population' (Welch 1994: 25). Despite the fact that this problem was identified in the initial plan, there was no follow up programme and the Mozambican government does not have sufficient resources to fully address this problem.

Finally, the processes of reintegration and local resettlement is threatened by the large number of unaccounted for small arms in the country, mostly in the hands of ex-combatants.

This poses a threat to national and public security. There is a need for a successful process of disarmament and demobilization of ex-combatants. Yet again the failure by the repatriation programme to address the issue of security and safety for both returnees and locals alike was a major weakness in design. According to AWEPA, there were an estimated 105,000 soldiers at the time of the peace accord 24,646 with RENAMO and 80,818 on the government side. The accord envisaged the creation of a national army of 30,000 and the demobilization of the rest. The process of demobilization has been fraught with problems, with the cantonment and disarmament of troops seriously behind schedule (AWEPA 1994: 23-4).

5. The Case of Kosovo

5.1. Conflict

Kosovo is situated in the heart of the Balkans and makes up the southern part of the territory of the Federal Republic of Yugoslavia, on the border with Albania and the former Yugoslav republic of Macedonia. It covers 11,000 square kilometres. According to the UNHCR, Kosovo has been at the centre of a cultural and religious struggle as well as a crossing point for movements of populations for over six centuries (UNHCR 1996: 1). The population of Kosovo is predominately ethnic Albanian. There has been a steady decline in the number of Serbs living in the area over the years. According to Vucelic, before World War II, Serbs constituted nearly 50 per cent of the population, but an estimate in 1988 claimed that the proportion had declined to just 10 per cent with Albanians accounting for 85 per cent (Vucelic 1996: 8). It is important to note that the majority of Albanians have always expressed a wish to form a separate political entity on the basis of the current territory of Kosovo, either autonomously or in union with Albania (UNHCR 1996: 2).

Both Serbs and Albanians use different and often biased historical narratives to claim the territory of Kosovo and the ways of administering it. Both sides resort to different interpretation of history in order to justify their claim to the territory. There are two historical events that carry a particular emotional content to the Serbs and Albanians respectively. The first, which is relevant to the Serbs, is the battle of Kosovo Polje of 1389, which was fought between the Serbs and the Turks. According to the Association of the Bar of New York (ABNY), 'the Serbian kingdom enjoyed its zenith during the thirteenth century. [...] After losing the battle of Kosovo Polje, the area of Serbia fell within the Turkish sphere of influence' (ABNY 1991: 3). It is important to emphasise the profound emotional grip on the Serbs of this defeat that marked the end of a state, which they considered a golden age (MAN 1993).

Of similar importance for the Albanians, is the founding in Kosovo in 1878 of the 'league of Prizren', which is considered as the beginning of the Albanian national revival aiming at achieving independence from the Ottoman rule (Poulton 1991: 57). One would perhaps like to note that in the five centuries between these two events Islamised Albanians and Serbs lived together with Turkish peasants and no notable clashes between the various ethnic groups are documented in history. According to the International Helsinki Federation for Human Rights, this was probably due to the fact that the Ottoman Empire did not distinguish among nationalities but only according to religion – all Muslims were equated with Turks (IHFHR 1993: 2-3).

The Albanians aspiration for independence was ignored and in 1878 the Berlin Conference granted mostly Albanian territories to Serbia and Montenegro (UNPO 1993: 4). In

1912 the National Albanian Assembly proclaimed an Albanian state but the London Conference of Ambassadors of the great powers of 1913 recognised only half of the proclaimed state and allocated the Kosovo area to Serbia and Montenegro. Except for a brief period during World War II, Kosovo has remained a part of what came to be known as Yugoslavia and Federal Republic of Yugoslavia after the war (UNPO 1993).

After the war, the Communist government of Marshal Tito recognised the principle of self-determination in a bid to win support of the ethnic Albanians and other minorities. This principle was incorporated in the 1946 constitution and, according to Mouvement Pour Une Alternative Non-Violent (MAN); it contributed to an accelerated departure of Serbs from Kosovo (MAN 1993). Another reason for this outward flow was the alleged harassment of the Serbian population by the Albanians. According to the Chronicles (1995), the attempt at ethnic cleansing by the Albanians was initially made easier by Tito's explicit order forbidding the return of Serbs who fled during the war. Tito, who had promised the Kosovo Albanians much in the hope that they would help him seize power, wittingly or unwittingly encouraged large-scale immigration from Albania (Chronicle, April 1995).

The 1974 constitution is worth mentioning because a return to its provision for autonomy is relevant to the crisis. Kosovo benefited from the dissolution of power from the federation to the Provinces and Republics. According to one observer, the danger was that this constitution provided for the effective disintegration of Serbia. Serbia was divided into three constitutional units allowing Kosovo to become a de facto republic. In addition, the constitution allowed Kosovo and Voivodina to have an influence on Serbian affairs but ensured that Serbia had no say in the affairs of its former provinces (Griffiths 1993: 41).

The other issue was the fact that the powers of the provinces were defined by the constitution of Serbia. This provided Serbia with a legal justification for attempting to change the constitutional status of Kosovo without the prior consent of the other republics (ABNY 1991: 1-2). It is important to note that earlier, there were other reasons, which contributed to the conflict and degradation of Kosovo. In the words of the US Department for Army Area Handbook on Yugoslavia (USDAAHY), Kosovo's drive for republic status was supported by blatant Albanian intervention, which fuelled ethnic tension and led to the outbreak of the conflict.

Secondly, Yugoslavia's richest republics were frustrated by federal investment requirements designed to improve Kosovo's economic situation without any return for their money. Thirdly, uncontrollable nationalism in one part of the federation (i.e. in Kosovo) threatened to encourage similar bursts of independence elsewhere in the multinational state. The use of Kosovo issue to re-inspire Serbian nationalism was especially worrisome on other republics, while it radicalised most of Yugoslavia's Albanian population (USDAAHY 1993).

According to Agon Demjaha, the dissolution of the former Yugoslavia and the abolition of the autonomy of Kosovo in 1989 escalated the conflict to a new level. Kosovo became a de facto Serbian colony. The Albanians created parallel state institutions that had the objective of establishing local sovereign authority. Meanwhile, the international community failed to implement a workable conflict prevention strategy and instead focused much more on the management and containment of the escalating conflict.

Demjaha notes that, while the Dayton Agreement retroactively rewarded the armed struggle of the Bosnian Muslims and Serbs (each getting their own territory and political structures), the hopes of Kosovo Albanians receded into an indefinite future, triggering the emergence of the Kosovo Liberation Army (KLA). The appearance of the KLA and the actions of Serbian police and military forces caused the first human catastrophe in the summer

of 1998. The international community only decided to act when, on 15th January 1999, 45 ethnic Albanians were massacred in Racak (Demjaha 2000).

A peace conference was organised for February in France and both the Albanian and the Yugoslav delegations agreed to participate. The Albanian delegation insisted on a referendum on independence after an interim period, while the Serbian delegation resisted the prospects of a NATO presence in the province and eventual independence for Kosovo. After the Albanian delegation unilaterally signed the peace deal, NATO decided to move forward with air strikes against Yugoslavia. After almost three months of bombing, a military-technical agreement between NATO and Yugoslavia was signed, and on 12 June 1999 KFOR, the international security forces with NATO at its core, were deployed throughout Kosovo. After finding many of their friends and relatives murdered and their houses burned, numerous returning ethnic Albanian refugees began to take revenge on the remaining Serb population, prompting them to flee Kosovo (Demjaha 2000).

5.2. Repatriation and Reintegration

According to the USAID, since 1998, a cumulative of 1.5 million of a population of 1.8 million ethnic Albanian Kosovars has become displaced. By the end of May 1999, over 700,000 were in private homes and refugee camps in Montenegro, Albania, Macedonia and other countries (USAID 1999:1). Unlike the Mozambican case, the Kosovar case is complicated by the fact that despite achieving a seemingly fragile peaceful environment, deep-rooted differences such as ethnicity and religious differences remain unresolved. Furthermore post-war Kosovo has experienced what has come to be known as 'reverse ethnic cleansing'. According to the Independent International Commission on Kosovo (IICK), 'given the level of inter-ethnic conflict in the province and the difficulty which the UN Mission in Kosovo has experienced in getting Kosovar Albanians, Serbs and Roma to sit around the same table, it may seem premature to raise final status issues at all' (IICK 2001: 2).

However, like in the Mozambican case, the repatriation programme tended to focus on the short-term needs of returnees including the provision of transport, food and temporary accommodation upon arrival. Programmes to address the long-term needs of returnees including the rehabilitation and reconstruction of the infrastructure, administrative and governance structures and social relations in the post United Nations Interim Administration Mission in Kosovo (UNMIK) era are absent. However, it is important to note that the programme in Kosovo differs significantly from the Mozambican one. In the first instance, a special UN body, the UNMIK, has entirely undertaken its implementation. Secondly, the UN has put in place a provisional system of providing administration, safety and security. The UN Security Council Resolution 1244 of June 1999 has created a unique political and institutional hybrid, a UN protectorate with unlimited power whose purpose is to prepare for substantial autonomy and self-government (IICK 2001).

Immediately after the cessation of the NATO bombing, most Kosovars who had fled or been expelled from Kosovo started returning without assistance. Despite the fact that the return of refugees was one of the major objectives of the UN Security Council Resolution 1244, which set out the guidelines that would regulate the international community's response to the post-war situation in Kosovo, most refugees returned spontaneously. In this sense, organised repatriation was not of much relevance. However, the repatriation of refugees from some western states still needs to be addressed. The most complex, and yet undefined humanitarian crisis, is in the processes of local resettlement and reintegration of returnees.

According to UNMIK, the International Organization for Migration (IOM) had assisted 87,264 persons to return to Kosovo in the year 2000 alone and 12,500 were forcibly repatriated (UNMIK 2001: 1). As noted earlier in this paper, forcible repatriation goes against the traditional protection guarantees and usurps refugee rights. Furthermore, the report noted that the number of spontaneous returnees is unknown but it appears reasonable to conclude that far in excess of 100,000 Kosovars came back to Kosovo over the year, swelling the habitually resident population by around 5 per cent (UNMIK 2001).

The devastating effects of the war on both the social structures and economic infrastructure has made the implementation of medium and long-term measures a necessary aspect of a lasting solution to the refugee problem. The USAID explains, 'thousands of homes and businesses have been plundered, destroyed or badly damaged in at least 400 cities, towns and villages. Many areas have been devastated. Landmines and unexploded NATO and Yugoslav ordinance are strewn about the countryside. Agriculture crop planting and harvesting have been severely disrupted. No domestically produced food supplies are available in the province to support returning populations. Large numbers of community leaders have been killed. Ethnic Albanian governance and community support structures have been damaged or destroyed. Many survivors have lost all personal documents, including identity and property titles' (USAID 1999: 1-2).

The foregoing provides challenges to the international community and organisations involved in assisting refugee returnees and efforts to rebuild Kosovo. According to the USAID, the immediate requirements include the establishment of community structures and authorities in Kosovo, provision of emergency food and accommodation, establishment of a secure environment and rule of law and the provision of essential life-saving services. As noted earlier in this paper, conscientious planning and diligent implementation (with the full participation of the refugees themselves) could lead to returnees being successfully resettled and reintegrated. According to the report by the IICK, by the end of June 2000, most of the emergency relief needs were successfully met. What remained to be done, the report further notes, 'is the transition from the relief programme to longer-term reconstruction and development' (IICK 2001: 14).

The UNMIK recommends a strategy of phased and co-ordinated returns. It noted that, 'in view of the diminishing resources available in reintegration efforts for these latter returnees, host countries should be aware of the difficulties that would inevitably arise in absorbing those who arrive without accommodation and protection afforded by the traditional social safety net. Greater investment on the part of sending countries in those key areas of need would help to create the requisite conditions for the smooth reintegration of such returnees' (UNMIK 2000: 1-2).

Furthermore, one would like to re-emphasise that repatriation should be accompanied by other solutions to the refugee problem including granting of citizenship and local integration in those situations where repatriation is not feasible. This seems to be the case for most Kosovar Serbs and other minorities still in western states. In any case, a combination of different approaches and strategies in different situations can be seen to be more plausible than isolating repatriation and implementing it as the only durable solution.

Furthermore, in the case of Kosovo, the problem of the so-called reverse cleansing needs to be addressed. According to UNHCR, one of the points that had caused considerable debate earlier on was the programme that was adopted by the Serbian government prior to 1996 for the resettlement of 100,000 Serbs and Montenegrins who were refugees and returnees from other parts of the former Yugoslavia in Kosovo. Indeed the possibility of settling Serb refugees in Kosovo caused outrage among ethnic Albanians, as well as among

refugees themselves. Many refugees did not want to be settled in economically poor areas of Kosovo (UNHCR 1996: 8). Most of these Serbs left Kosovo or were driven out after the arrival of the KFOR. The safe and secure environment that would allow their return seems unlikely to be created in the near future. Likewise, conditions are not yet adequate for the return of other minority Kosovar refugees from Western Europe (UNHCR 1996). The UNMIK in its report expresses concern at the recurrent forcible repatriation of members of ethnic minorities, in particular the deportation of Roma/Ashkalija families and individuals. The report noted that in view of the continued killings of members of the Roma/Ashkalija community in Kosovo, the time does not appear ripe to launch the forcible return of such vulnerable individuals. As noted previously in this paper, repatriation can never be a durable solution without resolving the condition that initially led to refugee flight. In situations where this is the case, other so called solutions may be desirable and feasible.

6. Conclusion

It has been noted that repatriation and reintegration have come to be considered as the most desirable durable solution to the refugee problem by most host states in the post cold war era. However, as the Mozambican and Kosovan cases have revealed, this is not the most desirable solution. It is well to note that the international community seems to repeatedly fail to provide durable solutions for millions of refugees and it compounds this failure by repeatedly declaring that repatriation is the most desirable solution, and by failing to promote the other solutions – resettlement and local integration. I argued that repatriation is not the definitive cure to the refugee problem. For it to be desirable and durable, certain conditions need to be met. These may include the resolution of the condition that led to the flow of refugees in the first place and refugees should never be forced to repatriate. Furthermore, we noted that an elaborate plan, international support and diligence and pragmatism in implementation are essential to the ultimate successful implementation of the programme. We conclude that a combination of different solutions could offer us a better way of dealing with the refugee problem other than isolating and emphasising repatriation as the most desirable solution.

From both the Mozambican and Kosovar experiences, one can observe that the plans tended to concentrate on the immediate need of repatriating refugees from their countries of asylum, provision of food and temporary shelter and not on the more important middle and long term needs that reintegration entails. Given this situation, one would like to suggest that future operations would be more justifiable to allocate more resources to the latter and more crucial process of reintegration than to the contingent and immediate process of repatriation. This could possibly be addressed by designing a comprehensive programme that incorporates post-war rehabilitation and reconstruction of both physical and socio-economic structures in the programme of repatriation. One way of reaching a compromise between this approach and scarce resources is to adopt a phased and voluntary approach to repatriation. In addition, host governments should concentrate on and give priority to voluntary repatriation. As the UNMIK puts it, the ‘voluntariness’ of the return is an indication that the individual has identified a solution in the country of origin. By creating the necessary conditions for return and developing opportunities for reintegration, individuals will have the necessary incentives to repatriate (UNMIK 2001). As far as support for reintegration is concerned, host governments should consider expanding assistance programmes to include a broader category of returnees. Again the UNMIK notes that programmes that target vulnerable groups should be extended to include those who may become vulnerable by virtue of their return to Kosovo, despite their circumstance in the country of asylum.

References

- AFRICA WATCH (1992) *Conspicuous Destruction: War, Famine and the Reform Process in Mozambique*, New York, Africa Watch.
- ANNUAL TRIPARTITE CONSULTATIONS ON RESETTLEMENT (2001) 'The Use of Resettlement to Address Durable Solution Needs', Geneva, 20-21 June 2001, UNHCR.
- AWEPA (1995) *Mozambique Peace Process Bulletin*, February.
- BARNETT, M. (2001) 'UNHCR and The Ethics of Repatriation' *Forced Migration Review*, 10: 31-34.
- CARENS, J.H. (1983) 'Aliens and Citizens: The Case for Open Borders', *Review of Politics*, 49, 1987: 251-273.
- CARVER, R. (1993) *The Repatriation of Mozambican Refugees*, York, Centre for Southern Africa Studies.
- CHIMNI, B. S. (2000) *International Refugee Law: A Reader*, New Delhi, Sage Publications Ltd.
- CHRONICLES (1995) 'The Future of Kosovo', April.
- COLVILLE, R. (1993) 'Resettlement: Still vital After All These Years' *Refugees*, 94, 4-8.
- DEMJAHA, A. 'The Kosovo Conflict: A Perspective from Inside' in ALBRECHT, S. and RAMESH, T. (eds.) *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action and International Citizenship*, Tokyo, United Nations University Press.
- FLOWER, K. (1987) *Serving Secretly: An Intelligence Chief on Record*, London, John Murray.
- GERVASE, C. (1989) 'Approaching the Refugee Problem Today' in LOESCHER, G. and LAILA, M. (eds.) *Refugees and International Relations*, Oxford, Clarendon Press.
- GOODWIN-GILL, G. (1990) 'Refugee or Asylum: International Law and the search for solutions to the Refugee problem' in Alderman, H. and Lanphier C.M. (eds.) *Refugee or Asylum: A Choice for Canada*, Toronto, York Lane Press.
- _____ (1996) *The Refugee in International Law*, Oxford, Clarendon Press.
- GRIFFITHS, S.I. (1993) 'Nationalism and Ethnic Conflict: Threats to European Security' SIPRI Research Report, 5, Oxford.
- HANLON, J. (1996) *Mozambique: The Revolution Under Fire*, London, Zed Press.
- _____ (1991) *Mozambique: Who Calls the Shots?* London, James Currey.
- HARRELL-BOND, B. (1986) *Imposing Aid: Emergency Assistance to Refugees*, Oxford, Oxford University Press.
- INDEPENDENT INTERNATIONAL COMMISSION ON KOSOVO (2001) 'Kosovo Under the United Nations', Geneva, Independent International Commission on Kosovo Publication.
- INTERNATIONAL HELSINKI FEDERATION FOR HUMAN RIGHTS (1993) 'From Autonomy to Colonisation: Human Rights in Kosovo 1989-1993', Helsinki, International Helsinki Federation for Human Rights Publication.
- LOESCHER, G. (1993) *Beyond Charity: International Co-operation and the Global Refugee Crises*, New York, Oxford University Press.
- MAKANYA, S. (1992) *Mozambican Refugees: Preparing for Repatriation*, Harare, CIES.

MOUVEMENT POUR UNE ALTERNATIVE NON-VIOLENT (1993) 'La Resistance civile au Kosovo' Aout.

MARENA RESAERCH PROJECT (1996) 'Conflict Driven Migration, Post Conflict Reintegration and Rehabilitation: The Experience of Manica Province, Mozambique: 1984-96', MARP Position Paper, May 1996 (Unpublished).

POULTON, H. (1991) 'The Balkans: Minorities and States in Conflict', London, Minority Rights Group.

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK (991) 'Kosovo Crisis and Human Rights in Yugoslavia', New York, Association of the Bar of the City of New York Publication.

UNHCR (1996) Handbook on Voluntary Repatriation: International Protection, Geneva, UNHCR.

_____ (1991) 'Operations Plan: Malawi-Mozambique Repatriation Operation (Final Draft) (Unpublished).

_____ (1991) 'Programme of Assistance for Mozambican Returns', Oxford, Refugee Studies Programme Documentation Centre (Unpublished).

UNITED NATIONS INTERIM ADMINISTRATION MISSION IN KOSOVO (2001) 'Briefing Note on the Repatriation of Kosovar Albanians', Geneva, UN Publication.

UNITED STATES COMMITTEE FOR REFUGEES (1993) 'No Place Like Home: Mozambican Refugees Begin Africa's Largest Repatriation', Washington, DC., United States Committee for Refugees Publication.

UNREPRESENTED NATIONS AND PEOPLES ORGANISATION (1993) 'A UNPO Report on the National and Human Rights Situation of the Albanians in Kosovo', The Hague, UNPO.

U.S. DEPARTMENT OF ARMY (1993) Area Handbook.

USAID (1999) 'Draft Report on the Situation in Kosovo' (Unpublished)

VINES, A. (1994) No Democracy Without Money: The Road to Peace in Mozambique (1982-1992), London, Catholic Institute for International Relations.

VUCELIC, M. (1990) Kosovo and Albanian Separatism: The Defence of Kosovo, Belgrade, The Secretariat for Information of the Socialist Republic of Serbia.

WELCH, G. (1994) Mozambique: Feasibility Study, London, International Alert.

WILSON, K.B. (1991) 'War, Displacement, Social Change and the Recreation of Community: An Exploratory Study in Zambezia, Mozambique', Preliminary Report, Oxford, Refugee Studies Centre.