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**GETTING REFUGEES HOME
THE ROLE OF INTERNATIONAL INTERVENTION ON
REFUGEE REPATRIATION**

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ABSTRACT

GETTING REFUGEES HOME THE ROLE OF INTERNATIONAL INTERVENTION ON REFUGEE REPATRIATION

One of the enduring problems of the past century has been the increasing number of refugees displaced from their homes through a combination of different factors including war and more recently, ethnic cleansing. Once displaced, refugees may suffer many different fates. Some may be permanently relocated in third countries. Some may live indefinitely in squalid refugee camps run by the United Nations waiting for a political solution. Many of these refugees may want to return to their homes. Although the international legal principle of the 'right of return' guarantees them the right to do so, these rights have not been uniformly been available for refugees to avail due to differing realities on the ground. As a result, some situations, such as Kosovo, have seen a rapid return of refugees to their place of origin, whereas the majority of the significant displacements of the 20th century have never been reversed. This paper identifies the impact of various forms of international intervention in affirming the 'right of return' and on the actual returns of refugees in cases where ethnic conflict has occurred. Through analysis of several case studies, it examines the effects of various forms of international intervention including economic aid, military intervention during and after the conflict and protection of returning refugees. This paper intends to make a determination on whether international intervention is important in facilitating refugee repatriation and if so establish which policy tools used by the international community during and after ethnic conflict have been most successful in ensuring that the 'right of return' is a right attainable for all refugees.

KEYWORDS: Refugees, Right of Return, International Law, Ethnic Cleansing, Palestine, Kosovo, Bosnia, Rwanda, Genocide, Humanitarian Intervention

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1.INTRODUCTION

One of the enduring problems of the past century has been the increasing number of refugees displaced from their homes through a combination of different factors including war and more recently, ethnic cleansing. The causes of refugee flows can be grouped into “inter-state wars, ethnic conflicts, non-ethnic civil conflicts, and flights from repressive authoritarian and revolutionary regimes” (Weiner 1996, 10). Once displaced, refugees may suffer many different fates. Some may be permanently relocated in third countries. Some may live indefinitely in squalid refugee camps run by the United Nations waiting for a political solution. Many of these refugees may want to return to their homes. Although the international legal principle of the ‘right of return’ guarantees them the right to do so, these rights have not been uniformly available for refugees to avail due to differing realities on the ground. As a result, some situations, such as Kosovo, have seen a rapid return of refugees to their place of origin, whereas the majority of the significant displacements of the 20th century have never been reversed.

This project seeks to identify the impact of various forms of international intervention in affirming the ‘right of return’ and on the actual returns of refugees in cases where ethnic conflict has occurred. It aims to, through analysis of several case studies, examine the effects of various forms of international intervention including economic aid, military intervention during and after the conflict and protection of returning refugees. This project intends to make a determination on whether international intervention is important in facilitating refugee repatriation and if so establish *which* policy tools used by the international community during and after ethnic conflict have been most successful in ensuring that the ‘right of return’ is a right attainable for all refugees.

1.1 THE ‘RIGHT OF RETURN’ IN INTERNATIONAL LAW

The corpus of international law applying to refugees, and more specifically to the ‘right of return’ can be divided into treaty-based law and customary international law. It is clear that this principle has been established many different international conventions, covenants and UN resolutions. Application of these instruments has played a great role in making the ‘right of return’ a recognized principle of customary international law.

One of the foundations of the ‘right of return’ has been international conventions of humanitarian and human rights law. The Universal Declaration of Human Rights contains

a number of fundamental principles relevant to mass expulsion that have become enshrined in customary international law. Article 3 states that “Everyone has the right to life, liberty and

security of person'; Article 5 provides that 'No one shall be subjected to arbitrary...exile'; Article 9 reads, 'No one shall be subjected to arbitrary interference with his privacy, family or home' ; and Article 12 states that 'No one shall be arbitrarily deprived of his nationality.' All of these principles are set forth in widely ratified universal and regional human rights instruments, and all are violated when a state expels or forcibly deports/transfers its citizens or residents. (Rosand 2000, 232)

The fact that this declaration has clearly become one of the legal foundations for the 'right of return' has been identified by the United Nations Subcommission on the Prevention of Discrimination and Protection of Minorities which stated that "practices of forcible exile, mass expulsions and deportations, populations transfer, 'ethnic cleansing'...are contrary to international law" (Rosand 2000, 233). First articulated in 1948 in Article 13(2) of the Universal Declaration of Human Rights, the right of return was tied to freedom of movement, providing that "everyone has the right to leave any country, including his own, and to return to his country". The 1966 International Covenant on Civil and Political Rights codified this right and it now appears in nearly all international human rights instruments, although its formulation differs. Customary international law can be defined as 'evidenced by a "general practice accepted as law" (Article 38 of Statute of the International Court of Justice) or a "general recognition among States of a certain practice as obligatory" (Rosand 2000, 238). While the 'right of return' was not recognized as a universally accepted principle of international law when the Universal Declaration was drafted, legal scholar Eric Rosand contends that "in an era characterized by a precipitous increase in the number of internal conflicts marked by brutal 'ethnic cleansing' campaigns, and due to the international community's desire to maintain or reconstitute multi-ethnic societies...nothing in the Universal Declarations....forecloses such an interpretation" (2000, 238).

Another foundation of human rights law includes the 1949 Geneva Conventions, the landmark document covering the rules of engagement in a wartime situation. The articles of the Convention relevant to the 'right of return' are those covering occupying powers and mass expulsion. Article 49(6) of the conventions state that "the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies" (Geneva Conventions 1949). This is a prohibition upon 'creating facts' in occupied territory. Furthermore, Article 49(1) prohibits individual or mass forcible transfers and/or deportations of civilians from occupied territory. Violation of the Geneva conventions hence proves to be a strong foundation in international law in developing the principle of 'right of return' as justice for a crime committed.

Besides instruments of human rights law, the 'right of return' has its legal foundations in United Nations General Assembly resolutions and Security Council resolutions as well. While not binding, UN General Assembly resolution 194, paragraph 11, "resolved that refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for the loss of or damage to property which, under principles of international law or in equity,

should be made good by the governments or authorities responsible". Though specifically applying to the Palestinian refugees, resolution 194, reaffirmed annually since then, appears to be acting upon a fundamental, legal 'right of return' that already existed in customary international law. Security Council resolutions are legally binding, but the Security Council has not passed any resolutions calling for the 'right of return' to be implemented universally. However, "in dealing with situations following mass displacement caused by successful ethnic cleansing campaigns (Georgia, Croatia, Bosnia and Kosovo), the Security Council has consistently reaffirmed the right of large groups of refugees and displaced persons to return" (Rosand 2000, 230). This further supports the argument that the 'right of return' has developed into a recognized principle of international law.

The 'right of return' is also established in refugee law, which derives its juridical source from human rights law and implemented through the UNHCR. "Under refugee law, the principle of refugees' absolute right of return on a voluntary basis to their place of origin is central to the implementation of durable solutions designed by the international community to address refugee flows. It is unanimously accepted that voluntary repatriation is considered the most appropriate solution to refugee problems" (Baadil 2002, 40). This is enshrined in both the 1951 Convention Relating to the Status of Refugees and its related 1967 protocol (UNHCR 1951). The findings section will further examine whether this principle of customary international law has been utilized to justify international intervention and whether they have been enshrined in treaties that have brought an end to the cases of ethnic conflicts analyzed in this paper.

1.2 CASE BACKGROUNDS

This section gives a brief background of the ethnic conflict that led to the refugee situation in each case study and the status of repatriation or the lack of it in each case at present.

Palestine

On the morning of May 14, 1948, the Union Jack was hauled down from Government House in Jerusalem for the last time... (and) David Ben-Gurion proclaimed the state of Israel. On May 15th, various Arab armies entered Palestine...The First Arab Israeli-War was under way. (Bickerton and Klausener 1998, 96)

Indeed, it would be quite impossible to discuss the circumstances of how the Palestinian refugees ended up displaced without some discussion of the 1947-49 Arab-Israeli War and to some extent the Palestinian Question. The Question of Palestine, according to Mark Tessler, is "a confrontation between two peoples... (over) a territorial foundation for the exercise of national rights...often involving a clash of legitimate competing interests" (1994, xiii). The creation of Palestinian refugees from the war would fall under the category of refugees arising from an inter-state war, as it was "an armed conflict between states that are generally recognized as independent by the international community and by their membership in the United Nations" (Weiner 1996, 10). The events of the Israeli War of Independence led to more than half of the indigenous Arabs

of Palestine becoming refugees, under disputed circumstances.¹ The actual reasons as to how the war resulted in 720,000 or more Palestinian refugees are still contested by both sides making it “virtually impossible to reach conclusions that are not disputed” (Bickerton and Klausner 1998, 98). The Israeli position and the argument of most Zionist historians has been that “Palestinian Arabs abandoned their homes and villages of their own free will...and did so at the urging of the Arab leadership” (Bickerton and Klausner 1998, 99). The Arabs however, insist that through a combination of Zionist terrorism, rumors, psychological pressure, siege and direct attacks on civilians, “all the Palestinians made refugees by the 1947-49 fighting left their homes as victims of a conscious and willful Zionist policy” (Nafez 1978, 103-105). Regardless of how the exodus occurred, “the Israeli government was not prepared to allow the refugees to return (and) insisted it had no moral responsibility or legal obligation to restore the Arab refugees to their property or even compensate them for their losses” (Bickerton and Klausner 1998, 102) .

Dispossessed of their homes and land, the majority of the displaced population lived and in many cases continue to live in squalid United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) run camps which “were places of desperation, degradation and insecurity. Conditions were appalling; there was little sanitation, no sewage, and only basic medical facilities. Little work was available for the refugees, and this demoralized them even more” (Klausner 2005, 110). Except for Jordan, no other country was willing to naturalize the refugees by bestowing citizenship, for largely political reasons. At the time of writing, the UNRWA continues to shelter and provide for the welfare of 4,448,429 registered Palestine refugees and their descendants across 58 camps in Jordan, Lebanon, Syria, the West Bank and the Gaza Strip (UNRWA 2008). UNRWA Commissioner-General Karen Abuzayd contends that “sixty years after what the Palestinians refer to as the *Naqba* ... Palestine refugees will be with us until a just solution is found to their situation, a solution that will satisfy their aspirations... as a people” (Abuzayd 2008).

Bosnia

One of the slight differences between the Bosnian and the Palestinian situation was that the conflict that led to the refugee situation was not a war between different sovereign states but was for the most part, an ethnic conflict, defined as one “in which linguistic or racial groups, tribes, or religious communities are in conflict with the state or with other ethnic groups in their own country...individuals are at risk because they belong to specific...communities” (Weiner 1996, 332). However, that was not to say there was no outside involvement, for it is strongly argued that “the war was part of a larger violent breakup of Yugoslavia, planned by the Milosevic regime in Serbia, and executed by the Yugoslav Army with the support of Serbian-based militias” (Dahlman 2005, 665). With rapidly deteriorating political conditions in the early 1990s following declarations of independence from Slovenia and later Croatia from the Yugoslav

¹ See Carla Klausner, *A Concise History of the Arab-Israeli Conflict* (NJ: Pearson Education, Inc., 2005):111. Israel's official position is that the Arabs left voluntarily in response to radioed calls to leave by invading Arab armies. The Palestinians instead argue that they were forced to flee their homes by a combination of Jewish terrorism and coercion by the Israeli military forces. New revisionist Israeli scholars like Benny Morris have confirmed the Palestinian position to be historically accurate.

federation, Bosnia followed suit in 1992. The events leading up to the Bosnian conflict can be summed up through the following account:

Following Bosnia's divisive referendum on independence, Serb nationalists in... breakaway counties declared a Republika Srpska (Serb Republic). Local Serb militias... began a military campaign to take control of the territory they claimed, aided by Yugoslav People's Army under the control of the Milosevic regime in Belgrade. In keeping with their geopolitical goal to form a contiguous territory linking these breakaway regions to Serbia proper, Serb nationalists used an amalgam of majoritarian and mythohistorical claims to the areas, most of which contained significant numbers of Bosniaks and Croats. (Dahlman 2005, 664)²

By the time the fighting was brought to a halt by the Dayton Peace Accords in 1995, over a million people had fled Bosnia as refugees, and slightly fewer than a million were internally displaced in often dire circumstances (Dahlman 2005, 665). The means by which this ethnic cleansing occurred, where "terror, murder, and forced displacement were part of a war waged against people, their homes, and lifeworlds" (Dahlman 2005, 668) are remarkably similar to the methods the Arab/Palestinian side alleges were used to drive the Palestinian refugees away.

Repatriation of Bosnian refugees after the conflict was slow at first and Pavlakovic highlights that "after four years of peace following the signing of the Dayton Accords, more than a third of the 3.4 million displaced persons remain without permanent solutions"(2000, 109). In September 2004, however, the UNHCR announced that returns in Bosnia-Herzegovina had passed the one million mark. Twelve years after the forceful displacement of over two million Bosnians, almost half have been able to go back to the places of their former residence, a welcome success for the international community. The then High Representative for Bosnia, Paddy Ashdown, claims that the efforts of the international community "have made a reality, in Bosnia, of a fundamental human right that elsewhere, tragically, only existed on paper—the right of refugees to return home" (Dahlman 2005, 658).

Rwanda

No analysis of the Rwandan refugee exodus would be complete without a brief description of the genocide that preceded it:

On the evening of April 6, 1994, (President) Habyarimana's plane was shot down by surface-to-air missiles as he returned to Kigali. Within the hour, Hutu extremists...and the militias had set up road blocks throughout Kigali, and the systematic killing of prominent Hutu oppositionists had begun. Massacres of Tutsi civilians soon followed, and by mid-April, every organ of the state was devoted to mobilizing the entire Hutu population to exterminate the entire Tutsi population. By early July, at least 800,000 Tutsis had been murdered. (Gourevitch 1996, 166)

The military victory of Paul Kagame's Rwandan Patriotic Front saw an end to the genocide and at the same time led to "1.5 million Hutus, including government officials

² For purposes of this paper, 'Bosniak' is defined as a member of the Bosnian Muslim ethnic community that constitutes a majority of the Bosnian population. Furthermore, at different points in the war, it must be noted that the Croats themselves were responsible for the expulsion of a number of Bosniaks, with assistance from the nation of Croatia in the hope of establishing a greater Croatia.

(and) militias flee to Zaire” (Gourevitch 1996, 167). Interspersed amongst the civilian refugee population, militias prevented them from returning home (Jessen-Petersen 1995). Finally, in late 1996, “the refugee camps were disbanded, and some 600,000 refugees marched back to Rwanda. This, along with the closing of the camps in Tanzania, sparked a repatriation, culminating in the return of nearly 1.5 million Hutus from self-imposed exile”(Gourevitch 1996, 167). Although described by many as a repatriation that was forced and not voluntary in nature, Rwandan President Kagame has said that Rwanda wants the refugees “back because it is their right and it is our responsibility to have them back, whether they support us or not” (Gourevitch 1996, 185).

Kosovo

The Kosovo refugee crisis was primarily caused by an ethnic cleansing campaign that Serbian and Yugoslav military and paramilitary forces waged against the Kosovar Albanian majority population. The conflict occurred between March 1998 and June 1999 in response to the Kosovo Liberation Army’s call for separation of the province from the rump Yugoslavia. The violence led to “over 1.5 million Kosovar Albanians, at least 90% of the Albanian population in Kosovo...forcibly expelled from their homes. Many were herded onto trains...and driven from the province. Serbian authorities often forced many of these soon-to-be refugees to sign disclaimers which stated they were departing Kosovo voluntarily” (Rosand 2000, 231).

Much to the surprise of the international community, and perhaps due to a number of various factors that will be investigated later in this paper, “less than two months after the fighting stopped in early June 1999, the vast majority of Kosovar Albanian refugees and displaced persons had in fact returned to their pre-conflict homes” (Rosand 2000, 230). Nine years after this speedy and mass repatriation, the returnees on 17th February 2008 declared Kosovo an “independent and sovereign state” (Kosovo Declaration of Independence 2008).

2. LITERATURE REVIEW

Although the role of international intervention in refugee repatriation has been extensively researched, most of the research focuses on a single case without trying to identify general patterns between the level of international intervention and refugee returns. It is this vacuum that exists in terms of generalizable findings on the subject that this project aims to fill.

In Carl Dahlman’s extensive fieldwork study on the enforcement of minority returns in Bosnia, he notes that implementing the ‘right of return’ across ethno nationalist-dominated localities was a struggle of power, capacity, and law over the control of place in postwar Bosnia. This proved to be a big stumbling block for enforcing Article VII of the Dayton Peace Agreement which promised all refugees and displaced persons the right to recover their prewar property and return home without obstruction, “the first time such a robust ‘right of return’ had been established in treaty” (Dahlman 2005, 646).

While he focuses primarily on local obstructionist behavior, Dahlman ascribes the difficulty of implementing the ‘right of return’ also in part due to the inability and unwillingness of the international forces on the ground to enforce the returns, at least at first. “During the spring of 1996...thousands of displaced persons attempted to return to or visit their homes in eastern Bosnia in order to celebrate a Muslim holiday near family

graves. In anticipation, local Serb nationalists mobilized gangs of armed thugs who threatened violence against any 'Muslim terrorists' returning to the Republika Srpska. Despite Dayton's guarantee of the right to return, American and Polish IFOR troops erected a barricade...with orders to stop all movement" (Dahlman 2005, 650). Instead of providing protection for returnees, IFOR commanders decided that the enforcement of Annex VII and other civilian provisions of Dayton were to be the responsibility of local county authorities, abdicating responsibility to those who had ironically overseen the terror and expulsion in the first place. (Dahlman 2005, 651) Mark Duffield, who visited the region to study the situation in 1994, concurs with Dahlman, arguing that "there is no political will to enforce humanitarian rule"(1994, 23). He contends that unless the international community accepts the responsibility of intervening to facilitate repatriation, "there is a danger of using humanitarian aid...as a smoke screen to hide political failure"(1994, 23).

Dahlman's case study of Bosnia also highlights how a change in the level of international intervention could drastically alter the implementation of the right of return. "By late 1999 the international community had the capacity and power in Bosnian localities to push the returns question and take on obstructionists at the local level. Greater willingness of SFOR to support returns through shows of force in return areas, better international police monitoring of local police actions, and investment in local offices by the international community all improved conditions for return" (Dahlman 2005, 651). Additionally, in October 1999, the Office of the High Representative removed twenty-two local officials for obstructing Annex VII provisions. This demonstrated, symbolic and unswerving use of power by the international community forced Bosnian Serb politicians to cooperate with Dayton.

The political will and purpose shown by the international community ensured that by 2002 returns of refugees to their homes were occurring on a large scale. Bosniak attempts to return to the villages triggered several riots, but eventually, the new property laws were enforced, illegal occupants evicted, and returnees allowed to reoccupy what was left of their houses (Dahlman 2005, 651). By this time, the returnee process was seen as a legal inevitability and, in the wake of an international media campaign about the property law implementation process, "most occupants recognized that they could not expect to remain in someone else's property. What were previously thought to be permanent wartime acquisitions were now seen as illegally occupied properties" (Dahlman 2005, 651). Despite continued obstructionism, including Serb politicians encouraging Serbs to stay in resettled areas rather than return to keep their demographic majorities, on the whole, the case study attributes tangible international intervention as playing a key role in refugees being able to return home.

Dahlman's research is useful in identifying the effects of three distinct types of international intervention: international administration (trusteeship) of the country of return, military intervention and a vigorous media campaign which when increased in intensity led to a tangible increase in the number of refugees able to return home. The absence of these factors can, conversely, have a detrimental effect on refugee returns, as observed from research conducted by Joel Boutroue. Focusing on Rwanda, Boutroue argues for the necessity of repatriation, claiming that "the presence of the (Rwandan) refugees seriously affected the political life of Zaire. In particular, their presence prevented the holding of Zairan elections as refugees outnumbered local population in the refugee hosting areas" (1998, 20). He identifies the Rwandan government's rejection of creating buffer zones under the control of UN forces to ensure the security of

returnees as a reason for the initial lack of returns after the end of the genocide (1998, 13). However, Boutroue lauds the UNHCR's interventions, including "a more pro-active approach (involving) information campaigns, cross-border visits and more generally trying to create conditions conducive to a return through pressure on the refugee leadership and on the Rwandan and local Zairian authorities" (1998, 30). Conducting an analysis of the behavior of each of the major actors in the Rwandan refugee crisis, however, Boutroue concludes that struggling with the concepts of sovereignty versus international peace and security, "one could not expect much of the Security Council except moderate statements and resolutions, with little impact and substance"(1998, 37). Boutroue points out that the 1996 forced return of the refugees to Rwanda under fire from militias cannot be attributed to "the international community (which) did not participate in the return, and had no substantive voice in it" (1998, 84).

Johan Pottier, using the methodology of semi-structured interviews finds that one of the difficulties facing international intervention to repatriate refugees in the case of Rwanda was distinguishing between the innocent refugees and culprits of the genocide. He muses that "without answers, neither the Kigali government nor UNHCR nor any peace broker can be clear about how to initiate the process of reconciliation, mass repatriation and social reconstruction" (Pottier 1996, 408). He also finds that the refugees feel that politics is important in the international community's failure to intervene. The international community, ridden with the guilt that came from not stopping the genocide themselves, is thought to have initially acquiesced in the Rwandan government's unwillingness to repatriate the refugees because they did not want to antagonize the new government that had actually stopped the genocide (Pottier 1996, 425).

Eric Rosand's case study of Kosovo is perhaps the best example of the importance of the international community's political willpower and resolve in ensuring enforcement of the legal principle of the 'right of return'. Enshrined explicitly in the Rambouillet Peace Accords that ended the conflict, "throughout the 78 day NATO conflict, Western leaders cited...one of the main reasons for NATO involvement (was) the return of the hundreds of thousands of Kosovar Albanians who had been driven from their homes and expelled. The bombing was to ensure... that the dislocated could return home" (Rosand 2000, 229). The net result was "the ethnic Albanian return to Kosovo being one of the largest spontaneous returns of refugees in history" (Rosand 2000, 109).

Susan Akram highlights the special nature of the case of Palestinian refugees whose plight was unique because "the obstacle to their repatriation was not dissatisfaction with their homeland, but the fact that a Member of the United Nations (Israel) was preventing their return" (2002, 40). She also bemoans the failure of the international community to achieve a settlement, particularly the UN Conciliation Commission on Palestine (UNCCP) which was to focus "on political intervention with Israel: first, to bring it to accept the validity of the internationally binding right of the refugees to return, and later, to bring about a more limited repatriation" (2002, 41). She discusses the role of the UN General Assembly in curtailing the UNCCP, which saw the Palestinians, "beneficiaries of a special regime to ensure their protection, left without even the minimal protections afforded to all other refugees under the international burden-sharing system"(2002, 42). Akram also questions the UNHCRs lack of intervention and concludes her analysis by stating that "there is no legal, political or moral reason why Palestinian refugees should be deprived of international protection" (2002, 44). It is clear that she finds the lack of perceptible international intervention

responsible for Israeli intransigence and its failure to allow the Palestinian refugees to return to their homes.

Other than detailed research on particular cases, there is a lot of literature examining the role of international intervention in refugee repatriation without generally conducting empirical analysis. Nevertheless, this section of the literature provides a good legal and normative analysis of the imperative for international intervention and identifies some of the key elements of intervention. Dowty and Loescher argue that “acting early to avert refugee crises can be demanding, but it is less expensive than dealing with the fallout of a full-blown and protracted crisis” (1995, 44). They claim that the international community faces a steep cost of non-intervention involving not only the cost of maintaining the international refugee regime but also the costs of prolonged regional instability caused by the failure of states to intervene (1995, 49). They conclude, through a detailed analysis of international law that “there is increasing recognition by the international community that massive refugee flows do in fact constitute a threat to international peace and security, and that they therefore justify use of the enforcement powers of the United Nations”(1995, 58). Similarly, Keely clearly makes the following normative case as to why the international community should intervene to reverse refugee flows:

The international response to refugee flows...is founded in the nation state system. Any large uncontrolled movement of people beyond their borders threatens international political stability. The political basis for the international refugee system is the protection of states and the international system that is threatened when states fail to fulfill their proper roles. (Keely 1996, 1052)

Keely also emphasizes the difficulty of repatriation, maintaining that “repatriation requires political leadership that will pay a price in money and in the diplomatic persistence needed to convince parties of the futility of conflict and the efficacy of political accommodation” (1996, 1059). He further underlines the idea that protection of refugees during repatriation is an important component for a successful international intervention, and that repatriation “should take place in safety. The UNHCR...needs access to a country to which refugees are returning to make sure that the return is secure and returnees receive no retribution”(1996, 1061).

It appears from the literature that there appears to be a wide consensus that “one of the most serious threats to peace, security and the sovereignty of nations in the post-Cold War period...is the global refugee problem” (Bariagaber 1999, 597). In his study examining refugee flows in the Horn of Africa, Assefaw Bariagaber warns that “the longer refugees stay in refugee camps...the more likely they are to become a threat to peace”(1999, 605). Other than international intervention, he also identifies other variables that play an important role in determining repatriation as the policies of “the refugee origin state, the refugee host state and the individual refugee...(which each have) interests and priorities that differ, and often conflict, with those of the other actors” (1999, 608).

In sum, there is no shortage of literature that discusses refugee repatriation, yet there appears to be a lack of synthesis and comprehensive analysis of whether international intervention is truly the decisive factor in facilitating the return of refugees to their countries of origin. Repatriation is “regarded as the most desirable solution to the plight of refugees,” yet scholars acknowledge that “understanding of the patterns and process of repatriation has not advanced measurably” (Bariagaber 1999, 607).

Extensive field research such as that conducted by Dahlman in Bosnia, together with participant observation research conducted by Pottier in Rwanda have found the importance of international intervention in enabling refugees to return to their countries of origin. However, these researchers have focused exclusively on one case and have not attempted to make larger generalizations as to which types of interventions give the most productive results. The current literature that does offer broad generalizations on the role of international intervention on refugee returns offers extensive legal and normative arguments rather than empirical analysis.

There is a consensus that the global refugee problem is one that threatens regional peace and political stability, and that the international community ignores this at its peril. There is already a broad literature on the legal rights of refugees to return home, as is there a consensus that repatriation presents the best solution for their plight. What is missing and remains to be done in this field is to focus on a limited number of diverse cases and conduct empirical analysis on the effects of international intervention on refugee returns. This research project, by trying to understand the true effects of various forms of international intervention on refugee repatriation, builds on the extensive field research of others and fills the gap in understanding. It aims to provide generalizable answers on what are the best ways the international community can intervene during and in the aftermath of an ethnic conflict to get refugees back to their homes.

3. HYPOTHESES

Based on a survey of the literature, this project seeks to test the following hypothesis:

Refugee returns to their country of origin increase with the intensity of international intervention during and after an ethnic conflict.

The dependent variable in this hypothesis, 'refugee returns', is operationalized as the number of refugees returning to their country of origin after an ethnic conflict. This however, is no mere number. The number of refugees who return are important because their failure to do so means that the burden on host countries and third countries will be enormous. The greater the number of refugees that can be repatriated successfully, the better. This variable was measured using empirical statistics provided and collected by the United Nations High Commissioner on Refugees (UNHCR).

The independent variable, 'intensity of international intervention' was operationalized as all forms of action, including economic aid, military intervention, refugee protection, international administration, media campaigning and diplomatic measures designed specifically with the intention of allowing refugees to return to their homes. The independent variable was measured by examining records of UN Security Council and General Assembly meetings, peace agreements signed after ethnic conflict, newspaper reports, statements of the UN Security Council, the UNHCR and world leaders, the opinions of eminent historians and political scientists and refugee narratives wherever available. From these statements of intent and reports of what actually occurred, one can measure the actual level of intervention that occurred.

The theoretical rationale behind the hypothesis and the specific mechanism that links the two variables is the idea that external forces, through some means of international intervention, can alter the situation on the ground considerably so as to allow the refugees to return home. This mechanism is detailed in a book by Richard Black and Khalid Koser entitled '*The End of the Refugee Cycle.*' It finds that international intervention to enable refugee returns has increased through "action to

resolve conflict to enable return; action to prevent renewed conflict and subsequent exit; and action to prevent the development of conditions for of new conflicts” (Black and Koser 1999, 20). The evidence that will be collected for the case studies examined in this research project will be used to determine if the hypothesis holds and whether or not international intervention is an important factor in facilitating refugee repatriation to their home country.

4. METHODS

Due to the limited resources and limited time period available to conduct this study, this project has been conducted primarily in the form of case studies built upon primary data including UN and NATO resolutions, press releases and reports, newspaper stories, peace treaties and UNHCR refugee statistics. Case Studies, "an in-depth examination of an extensive amount of information about very few units or cases" (Neuman 2006, 40) are likely to produce the best theory (Walton, 1992, 129). As there is a lack of theory in this field, this is a good approach because it helps in the generation of new thinking and theory (Walton 1992, 41).

As this is a qualitative study based around analysis of several case studies, I chose not to do any form of probability sampling to choose the case studies because this project looked to gain a deep understanding of a very complex issue and a small sample is more effective for this purpose. Choosing a small sample through random sampling would create a large sampling error. I chose non-probability sampling for this project because, according to Marshall, probability sampling "is not the most effective way of developing an understanding of complex issues relating to human behavior addressed by qualitative research" (1996, 523). Furthermore, random sampling is likely to produce a representative sample only if the research characteristics are normally distributed within the population. There is no evidence that the characteristics of the population (refugees) are normally distributed as each situation has unique circumstances (Marshall 1996, 524). Hence, I designed the sample using the non-probability method and decided to take a judgment sample. I chose the judgment sampling technique, also known as purposive sampling, which involves "the researcher actively selecting the most productive sample to answer the research question" (Marshall 1996, 524). Indeed, non-probability sampling has its disadvantages, the biggest of which is that "it is a nonrandom, potentially biased method which can lead to large sampling errors" (Sproull 2002, 119). To overcome this potential disadvantage, I have examined "several sample characteristics which are related to the major variable to see if the sample characteristics are similar to the population characteristics" (Sproull 2002, 118). By choosing a judgment sample instead of a convenience non-probability sample, I hope I have alleviated the risk of bias by choosing a diverse sample encompassing many different types of refugee situations.

For this project, I looked at the population and choose the four most productive cases of refugee displacement. I chose a broad range of cases where the independent variable has differed between high international interventions to very low international intervention. My sample had to be a maximum variation sample, one that studies a broad range of subjects (Marshall 1996, 523). I aimed to make the sample as diverse and encompassing as possible, with cases from different geographical areas, different time periods and different political situations. I chose to study the cases of Kosovo and Bosnia from Europe because they have differing levels of international intervention and Rwanda from the African continent. I decided to choose at least one outlier or deviant

sample which stands out to provide for a more comprehensive explanation and understanding of the situation. According to Neuman, deviant cases are used “because they are unusual, and a researcher hopes to learn more about the social life by considering cases that fall outside the general pattern...as a way to provide greater insight into social processes or a setting” (2006, 223). In this case, I chose the case of Palestinian Arab refugees from the 1947-49 Arab-Israeli war who have not been allowed to return to their homeland for over sixty years due to political reasons. By looking at these four very different cases obtained through non-probability sampling, I had the advantage of getting a broader picture of the complex factors that have hindered or helped refugee returns and was able to better identify the exact role of international intervention in this process.

5. EMPIRICAL ANALYSIS AND FINDINGS

This section describes the evidence of the effects of international intervention on refugee repatriation on each of the cases studies, followed by a summary of generalizable findings.

Palestine

Soon after the end of the 1947-49 Arab-Israeli War, one of the first acts of international intervention on behalf of the newly displaced Palestinian refugees was the passage of UN General Assembly Resolution 194. Paragraph 11 of this resolution deals specifically with the issue of the refugees and the General Assembly declared that it :

Resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return for loss of or damage which, under principles of international law or inequity, should be made good by the Governments or authorities responsible; (and) *Instructs* the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation...(UN A/RES/194 1951)

Despite the clear declaration of intent by the international community in this resolution to work towards facilitating a return of the Palestinian refugees, little has been done in this regard in practice. The UN Conciliation Commission for Palestine (UNCCP), the body charged with trying to mediate with the Israeli government and Arab states, held a conference in Paris in 1951 hoping to bring the parties to “depart from their original positions in order to make possible practical and realistic arrangements towards the solution of the refugee problem”(UN A/1985 1951). During this meeting, it put forward the following proposals with regards to refugees to representatives of Israel and the Arab States:

2. That the Government of Israel agree to the repatriation of a specified number of Arab refugees in categories which can be integrated into the economy of the State of Israel and who wish to return and live in peace with their neighbors.
3. That the Government of Israel accept the obligation to pay, as compensation for property abandoned by those refugees not repatriated, a global sum based upon the evaluation arrived at by the commission’s refugee office. (UN A/1985 1951)

This proposal was refused by both parties to the conflict. The Arab delegation, in a letter addressed to the UNCCP, refused to agree to any limitation on the number of refugees that would be allowed to return, arguing that the UNCCP

has lost sight of paragraph 11 of the General Assembly resolution...(which) made the return of the refugees to dependent only on their own wishes...It is obvious that the Commission's proposal sanctions a flagrant injustice, that it is beyond the Commission's terms of reference and that the solution it advocates is liable to perpetuate one of the causes of the unrest and instability in the Middle East. As long as the Jews are opposed to the return of the refugees, the re-establishment of peace in the Middle East will remain nothing more than a wish. (UN A/1986 1951, Appendix II)

The Israeli delegation also refused to budge from its position that it was not responsible for the exodus of the Palestinian refugees and that it would be impossible for it to allow them to return due to political, demographic and economic reasons:

In the light...of existing conditions, the Government of Israel would be failing in its fundamental responsibilities if it were to open the frontiers of the State of Israel to the Arab masses who have left the country since 29 November 1947. The State of Israel is no longer the same country which this Arab population left during the hostilities, and major considerations of security and of political and economic stability stand in the way of their return. In these circumstances, the possibility of their integration into the national life of Israel is incompatible with the realities of the situation. Finally, it is clear that it would not be possible, even in principle, to suggest that the State of Israel should contemplate opening its frontiers to any Arab population when the Arab States consider themselves at war with Israel... (UN A/1985 1951, Appendix I)

Despite its best efforts as the principal organ of the international community designed specifically to achieve the repatriation of the Palestinian refugees, the UNCCP failed as a mediator to broker a compromise and persuade Israel to allow the refugees to return. It admitted its failure in its report to the UN General Assembly:

30. For reasons that were beyond the Commission's task of facilitation, this movement (of return) did not come to pass. 31. The Commission has been unable to conciliate the two points of view. 77. After careful consideration...the Commission was forced to conclude that it had been unsuccessful in its endeavors to persuade the parties to discuss the...proposals in a fair and realistic spirit of give-and-take, since neither party had indicated a willingness substantially to recede from its rigid positions. 79. In its work during the...three years of its existence—the Conciliation Commission has been unable to make substantial progress in the task given to it by the General Assembly. (UN A/1985 1951)

It is evident that the international community did not give the UNCCP the political, economic and military tools and backing it required to force an agreement between the parties on the question of repatriation of the Palestinian refugees. Without any enforcement powers, the UNCCP was forced to concede that "the present unwillingness of the parties fully to implement the General Assembly resolutions...as well as the

changes which have occurred in Palestine over the last three years have made it impossible for the Commission to carry out its mandate”(UN A/1986 1951).

In the case of Palestine, there were also very few initiatives put forward by individual states designed specifically to achieve the return of the Palestinian refugees. US President Kennedy appointed Joseph Johnson, head of the Carnegie Endowment, to devise a plan to settle the complex refugee question, telling Israeli Prime Minister David Ben Gurion that it would be foolhardy to ignore the “tragic plight of the Arab refugees”(Little 1993, 571). The ‘Johnson Plan’, unveiled in 1962, that called for the return of 100,000 Palestinian refugees to Israel within ten years was dead on arrival in Tel Aviv, with then Foreign Minister Golda Meir condemning it as a pro-Arab plan (Little 1993, 572). The failure of the Johnson Plan is indicative of the continued failure of the United States to use its economic and military leverage to decisively intervene to achieve the repatriation of the Palestinian refugees. Security Council Resolution 242, promulgated after the 1967 Arab-Israeli War and often cited in the context of the Israeli-Palestinian peace process, contains no mention of repatriation and instead merely “*affirms further* the necessity for achieving a just settlement to the refugee problem” (UN S/RES/242 1967).

The international community has come a long way from Resolution 194. Although the international community, through Resolution 194 and the creation of the UNCCP initially attempted to facilitate the return of Palestinian refugees, their intervention lacked the intensity, commitment and political backing of the major powers required to achieve success. Over time, the promise of return has largely faded, with the fate of the Palestinian refugees being held hostage to the stop-start Arab- Israeli process. The seminal Resolution 242’s vague mention of a ‘just settlement to the refugee problem’ indicates that repatriation is no longer viewed by the international community as a realistic option. The case of Palestine is illustrative of the continuing politics surrounding a major ethnic conflict leading to international community being unwilling to forcefully intervene to enable repatriation of Palestinian refugees to their homes.

Bosnia

The international community’s belated but ultimately successful intervention in Bosnia saw the right of return of Bosnian, Croats and Serbs in Bosnia being addressed explicitly in the Dayton Peace Accords that ended the war. The Accords’ Annex VII, entitled ‘Agreement on Refugees and Displaced Persons’ states that

All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees...is an important objective of the settlement in Bosnia and Herzegovina. The parties confirm that they will accept the return of such persons. (Dayton Peace Accords 1995 Annex 7.1)

Besides a robust guarantee of the refugees ‘right of return’ on paper, Annex VII also called for the UNHCR to develop a repatriation plan for an orderly return of the refugees and made the parties agree to full and unrestricted access by the UNHCR (Dayton Peace Accords 1995 Annex 7.3). While these provisions in the agreement constitute a degree of international intervention, the intensity is lessened by the absence of any provisions on the protection of refugees in the mandate of the International Force

deployed to enforce the cessation of hostilities (Agreement on the Military Aspects of Peace Settlement 1995, Annex 1A).

This middling level of intensity in the international involvement in enabling repatriation is also reflected in UN Security Council Resolutions on Bosnia. Resolution 1031 merely “welcomes further the parties’ commitment to the right of all refugees...to return to their homes of origin in safety” (UN S/RES/1031 1995). The resolution also establishes an interim international civilian administration with a High Representative designed to implement civilian portions of the peace agreement, but does not specifically charge him with facilitating refugee returns. The slow progress of returns is evident upon analysis of UN Security Council Resolution 1305 of 21st June 2000, which emphasizes “that a comprehensive and coordinated return of refugees...continues to be crucial to lasting peace” (UN S/RES/1305 2000).

An analysis of newspaper articles throughout the period from 1995 to 2002 highlights the change in the level of international intervention and its effects on refugee repatriation. In April 1996, soon after the conflict, the *New York Times* reported that three Muslim refugees were killed and dozens were wounded trying to return to homes they had not seen since the war (1996). The newspaper story goes on to report that United States and other peacekeeping soldiers tried to discourage the refugees from crossing the front lines to return to homes by imposing some restrictions on travel, saying that such moves were necessary to prevent violence (1996).

That refugee returns was not a high priority for the international community in Bosnia is also reflected in a *New York Times* interview with Carl Bildt, then High Representative of Bosnia. Bildt argued that “refugee returns are not funded. These problems will take many years and a lot of money to solve, and I don’t see where it’s coming from” (1996). However, international intervention, which was lukewarm at first in terms of economic aid, military support and protection of returnees, began to increase in intensity in the late 1990s. This is reflected in a *New York Times* article dated July 29th 1997:

As her husband and neighbors framed a roof for the house that the family had fled when it was shelled five years ago, Ferida Osmic, 60, began to thank those who had made it possible to come home. NATO Troops in Bosnia, after saying the rules did not allow it, have quietly begun to help refugees return home. American officers (now) say that their near round-the-clock protection of returnees does not go beyond previous policy. (1997)

Besides military protection and facilitation of refugee returns, international intervention also manifested itself in terms of economic aid for reconstruction. In March 2000, “Secretary of State Madeleine Albright said the Clinton administration would provide \$2 million for the reconstruction of about 100 homes on each side of the border for returnees”(New York Times 2000). The results of this increased international intervention in terms of protection and economic aid on refugee returns is reflected in Table 1 which shows the increase in yearly returns of refugees to Bosnia after 1996:

Table 1: Number of Voluntary Repatriations into Bosnia

Year	Number of Voluntary Repatriations (thousands)
1992	10.3
1993	0.0

1994	0.1
1995	0.8
1996	100.6
1997	120.9
1998	129.1

Source: Statistical Annex, UNHCR Statistical Yearbook 2001.

From a negligible number of returns seen after the end of the fighting in 1995, an increase in international intervention can be attributed to facilitating the return of nearly 350 million Bosnians from the period of 1996-1999. Bosnia is thus indicative as a case study of how a gradual increase in international intervention in terms of military protection and economic aid had a tangible impact on the returns process on the ground.

Rwanda

The situation facing international agencies assisting Rwandan refugees was complicated because, as Alain Destexhe of Doctors Without Borders argues, they were “caught in a ‘lose-lose’ situation in which they are forced to continue being reluctant accomplices of the former Hutu leaders responsible for the genocide in Rwanda...or pull out, leaving in the hands of the killers the majority who fled from fear of persecution and revenge back home” (1995). On February 10, 1995, Soren Jessen Petersen, Director of the UNHCR New York Liaison Office, pleaded for international intervention to occur and for the international community to find a comprehensive political solution to allow for refugee repatriation:

The High Commissioner for Refugees is working with the refugees toward the only solution to this humanitarian crisis: the earliest possible return of the Rwandans so they can help rebuild their shattered homeland. (But) Humanitarian action cannot be a substitute for comprehensive solutions. The international community abandoned the people of Rwanda during the genocide campaign....we cannot abandon them again.(1995)

When one looks at the behavior of the United Nations during the conflict, it is clear that there was never any intent by the leading players in the Security Council to intervene to stop the genocide or the refugee exodus that occurred. Although Secretary General Boutros Boutros-Ghali called for the Security Council to take forceful action to restore law and order and end the massacres in the wake of reports that over 250,000 Rwandan refugees had crossed over to Tanzania, none was forthcoming (Lewis 1999). After the end of the genocide, international intervention was tentative and initially limited to economic aid and reconstruction. In an interview with the *New York Times*, Baroness Chalker, Britain’s Minister for Overseas Development, stated that Britain was giving an additional \$15 million to the Rwanda effort, much of it designated for health care, seeds and agricultural tools for Rwandans who return home (1999). She added that Britain planned to provide 400 to 600 engineers to repair bridges and roads along the major routes and refugees might take back to Rwanda (1999). Advocates for stronger international action to repatriate the refugees quickly saw their pleas fall on deaf ears. Lieutenant-General Romeo Dallaire, Force Commander of the United Nations Assistance Mission to Rwanda (UNAMIR), cognizant of the necessity of stopping the refugee exodus recalled during the ethnic conflict that “half a million Rwandans had already flowed into Tanzania, where they lived under the tacit control of the extremists”(2005, 394). Dallaire needed the international community to provide him with

up-to-date information on the movements of large numbers of internally displaced persons in the western part of the country to prevent a massive human exodus (2005, 394). Yet, despite his repeated requests to Western nations for aerial photographs and satellite pictures, Dellaire found no such help forthcoming. Dellaire saw the grim portents of this exodus and noted that “if the refugees made it to Zaire, the extremists most likely would be running the camps in no time, preparing for revenge. If such a scenario came to pass, it would not only guarantee instability in Rwanda for years to come but destabilize the entire region (2005, 394).

The international community not only failed to provide Dellaire with the tools he required stop the exodus, but also failed to provide UN peacekeepers with the resources they needed to take the decisive action necessary to repatriate the refugees after the conflict. Much like the case of Palestine, international intervention to secure the return of refugees was limited to statements on paper. Dellaire reports that UNAMIR 2 was designed to support the swift return of the more than 2 million refugees hunkered down in camps within kilometers of the Rwandan border. NGOs, UN agencies and the Rwandan Patriotic Front (RPF) would be called upon to sort out resources and the fair redistribution of land and homes, while UNAMIR 2 would guarantee the security and coordination of the return journey (2005, 518). Dellaire reports his efforts to have the plan implemented and the grievous subsequent consequences of its failure:

I lobbied extensively to persuade people of the necessity of the exercise: the refugees could not be allowed to settle into the camps or disaster would follow. We needed to mount this operation or face the consequences, I argued. The two million Rwandan refugees in neighboring nations, still suffering in horrendous conditions in refugee camps...(were) living on the scraps of international conscience, with no voice and little help, were the fuel that could ignite the entire Great Lakes region of central Africa into an even larger catastrophe than the Rwandan genocide. My plan (was pronounced) unworkable. From 1994 to 1996, the genocidaires in those camps launched raids in Rwanda, Uganda and Burundi. In 1996, Rwanda’s RPF regime invaded Zaire in retaliation and forced most of the refugees to return home. The result has been a continuing regional war. (2005, 518)

The lack of international intervention can also be illustrated by a number of UN Security Council resolutions on Rwanda. Resolution 1029 sees the Council authorize UNAMIR to “exercise its good offices to assist in achieving the voluntary and safe repatriation of Rwandan refugees...(and) assist UNHCR and other international agencies in the provision of logistical support for the repatriation of refugees” (UN S/RES/1029 1995). Yet, instead of providing UNAMIR with the additional troops required to achieve repatriation, the resolution counter intuitively “requests the Secretary-General to reduce the force level of UNAMIR to 1,200 troops” (UN S/RES/1029 1995).

UN Security Council Resolution 1050 emphasizes “the importance it attaches to the role and responsibility of the Government of Rwanda in promoting a climate of confidence, security and trust and the safe return of Rwandan refugees” (UN S/RES/1050 1996). This clearly highlights the Security Council members’ opinion that the repatriation of Rwandan refugees is first and foremost the responsibility of the Rwandan government rather than the international community. The resolution contains little language that calls for international involvement, other than the token gesture of encouraging “the Secretary General...to maintain a United Nations Office...for the

purpose of supporting the efforts of the Government of Rwanda to...facilitate the return of refugees” (UN S/RES/1050 1996).

The nature of international intervention in Rwanda designed specifically to help facilitate the return of refugees to their homes and country was lacking in both the breadth of initiatives and in intensity. From Dellaire’s firsthand account and the UN Security Council resolutions it is quite clear that the international community’s efforts were limited to economic aid and limited protection of the refugees. Table 2 illustrates the effects of this low-intensity intervention which saw 240,000 refugees voluntary repatriations in 1995 compared to over three times this number being forcibly repatriated over the course of 1996 and 1997.

Table 2: Number of Repatriations into Rwanda

Year	Number of Repatriations (thousands)
1995	240.7
1996	410.8
1997	220.5

Source: Statistical Annex, UNHCR Statistical Yearbook 2001

Little effort was made to separate the genocidaires from the innocent refugees, and much of the onus to do so was left on the new Government of Rwanda and governments of the host countries. The resources and troop levels required to protect the refugees and ensure their orderly and safe return were not forthcoming. It is perhaps then no surprise that in 1996 when “thousands of Rwandan refugees crossed the border into their homeland after (Tanzanian) soldiers forced them to leave”, all a UNHCR spokeswoman could say was that “they are moving in the right direction. The momentum is there and I don’t really think there is much stopping it now” (*New York Times* 1996). Although the forced manner of the repatriation of the Rwandan refugees in 1996 was not to the international community’s liking, their lack of intervention and involvement to achieve the same end by a more amenable means gave them no choice but to accept it.

Kosovo

President Clinton, in his weekly radio address to the nation on February 14th, 1999, stated the importance of international intervention in Kosovo to avert the refugee crisis and restore peace:

Last fall, using diplomacy backed by threat NATO force, we averted a humanitarian crisis and slowed the fighting. But not its clear that only a strong peace agreement can end it. America has a national interest in achieving this peace. If the conflict persists, there likely will be a tremendous loss of life and a massive refugee crisis in the middle of Europe. It is increasingly clear that this effort can only succeed if it includes a NATO-led peace implementation force. (Clinton 1999)

That the return of Kosovo refugees played such an important role in motivating US action is seen in further statements made by Clinton during the conflict. In a later interview to the *New York Times*, Clinton stated unambiguously that the main objective of Operation Allied Force was for “the refugees to be able to go home, protected by an international security force as they work toward self-government” (1999). The intensity and breadth of NATO and United States intervention is illustrated by a *New York Times*

article which claimed that the State Department, having flown more than 10,000 refugees from Kosovo to the United States, was after the conflict offering to fly them back home. The effect of this intense intervention is obvious as tens of thousands of refugees a day swept back into Kosovo on the heels of NATO troops (1999).

Morton Abramowitz, the former Ambassador of Turkey points to the importance of international intervention in the form of force to ensure repatriation, arguing that repatriation was unlikely "unless we're prepared to put in force. If we haven't committed troops so far, I don't think it will be possible to do so when its time to bring the refugees home" (Becker 1999). The importance of protection as a variable for making international intervention successful is highlighted by the thoughts of a Kosovar refugee, Skander, 31, who in a refugee camp in Macedonia told the *New York Times* that he would consider exercising his right of return only when he sees "NATO troops go into Kosovo" (Becker 1999). As Becker reports, refugee repatriation in Kosovo depended on international authorities finding answers to the questions of "who will escort the refugees back to Kosovo, who will remove the mines and dismantle the booby traps to make it safe for them once they arrive" (1999).

The sheer intensity of international action in Kosovo can be examined by the binding resolutions of the United Nations Security Council on the Kosovo issue, which stand in sharp contrast to the limp resolutions by the same body on Rwanda. Resolution 1239 made several references to the necessity of refugee repatriation in Kosovo without specifying what actions it would take to intervene. The Security Council stated that it was "deeply concerned by the enormous influx of Kosovo refugees into Albania, Macedonia, Bosnia and Herzegovina" and reaffirmed "the rights of all refugees and displaced persons to return to their homes in safety and dignity" (UN S/RES/1239 1999). The intent of the Security Council to achieve repatriation is further stressed in Resolution 1244, which calls for the formation of an interim international civilian administration for Kosovo. The Council stressed that it was "determined to...provide for the safe return of refugees and displaced persons to their homes" and decided "on the deployment in Kosovo, under United Nations auspices, of international civil and security presences" (UN S/RES/1244 1999). Unlike the case of Bosnia, in paragraph 9(c), the Council explicitly stated that one of the responsibilities of the international security presence would involve "establishing a secure environment in which refugees and displaced persons can return home in safety" (UN S/RES/1244 1999). Furthermore, the Council also made the newly established international interim administration in paragraph 10(k) for "assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo" (UN S/RES/1244 1999). The repeated references to refugee returns in these resolutions are illustrative of the intent of the international community to intervene to accomplish repatriation in this case.

The Rambouillet Peace Accords that ended the Kosovo conflict also provided for the 'right of return' by codifying this right into the document. Article 2(3) states that:

The Parties recognize that all persons have the right to return to their homes. Appropriate authorities shall take all measures necessary to facilitate the safe return of persons, including issuing necessary documents. All persons shall have the right to reoccupy their real property, assert their occupancy rights in state-owned property, and recover their other property and personal possessions. The Parties shall take all measures necessary to readmit returning persons to Kosovo. (Interim Agreement for Peace and Self-Government In Kosovo 1999)

The wording of the documents very clear and specific in recognizing the 'right of return' as a one of the fundamental provisions of a political solution to the refugee problem. The international community, by forcing President Milosevic to sign this document, showed their intent to ensure that Kosovo refugees would be allowed to return to their homes.

While many of these resolutions and the peace agreement were drafted after the end of the ethnic conflict, there is also much evidence to show the involvement of the international community *during* the ethnic conflict designed to get the refugees back to their homes. This intent is particularly evident in statements made by the North Atlantic Treaty Organization (NATO), which intervened decisively in the conflict. In January 1999, NATO declared that "the crisis in Kosovo remains a threat to peace and security in the region. NATO's strategy is to halt the violence and support the completion of negotiations on an interim political settlement for Kosovo...thus averting a humanitarian catastrophe" (NATO Press Release 99(12) 1999). One week after NATO began its bombing of Serbia, NATO Secretary General Solana stated unambiguously that one of the three political goals of the NATO air campaign was to "create the conditions for the refugees to be able to return" (NATO Press Release 99(45) 1999). Besides the unwavering commitment of NATO to continue its military bombing campaign until the refugees were allowed to return, NATO's intervention on the behalf of refugees was both intensive and extensive and it included distribution of humanitarian assistance and protection. This high intensity international intervention resulted in 807,000 of the 864,600 Kosovo refugees returning within one year of their expulsion (UNHCR 2001). International intervention played a key role in "the ethnic Albanian return to Kosovo being one of the largest spontaneous returns of refugees in history"(Pavlakovic 2000, 109).

Summary of Findings

In sum, the findings largely support the hypothesis and strongly point to a strong co-relation between the intensity of international intervention and the return of refugees to their homes. However, it is also clear that not all forms of intervention guarantee successful repatriation and the findings show certain trends on which forms of international intervention are most successful in facilitating repatriation.

The Palestinian and Kosovo cases present two extremes in the levels of intensity of international intervention and the effects of this is very evident in the number of refugees repatriated. The very weak effort towards facilitating repatriation as seen in the Palestinian case where no repatriation occurred is contrasted with the extremely intense intervention in Kosovo where most of the refugees were repatriated months after the cessation of hostilities. The importance of international involvement in this process is perhaps highlighted best by the Rwandan and Bosnian cases. In the Rwandan case, international intervention lacked the degree of intensity required to separate the genocidaires from the refugees and get them home. The failure of refugees to return to Rwanda was arguably one of the greatest causes for the ensuing instability in the Great Lakes area which culminated in the refugees being forcibly marched back home. In the case of Bosnia, despite a robust right of return being guaranteed in treaty, returns were slow at first due to a lack of protection for the returnees. When international military authorities took over the responsibility of protecting refugees and economic funds began to come in, more refugees lost the fear and had an incentive to return.

The findings also illustrate the *types* of international intervention required to make a difference on the ground. The cases of Palestine and Rwanda illustrate that UN

resolutions, commissions and peacekeeping forces that call for and attempt to facilitate the return of refugees are unable to accomplish this without the political will and backing of states to decisively intervene to achieve these ends. Bosnia reveals how enshrining of the 'right of return' on a treaty that ends ethnic conflict is necessary but certainly not sufficient to change ground realities. Above all, the successes of Kosovo and later, of Bosnia underline the importance of the international community to engage in protection of the returnees both during the returns process and afterwards to create a climate free of fear where they can return. Economic aid for reconstruction, reintegration and rehabilitation is important, but this project has clearly found that international involvement in refugee protection is most significant in facilitating returns. As seen in Bosnia and Kosovo, aid can only prove effective after the international community shows its clear intent to achieve repatriation by protecting refugees as they exercise their 'right to return' home.

6. DISCUSSION

The empirical findings of this project are very significant for the understanding of the subject of refugee repatriation from a theoretical and a policy perspective. Through an in depth analysis of four diverse cases, this project is able to confirm Black and Koser's theoretical statement that refugee returns increase through international "action to resolve conflict to enable return; action to prevent renewed conflict and subsequent exit; and action to prevent the development of conditions for of new conflicts" (1999, 695).

The findings from these cases also indicate to policymakers that in most cases the responsibility to facilitate repatriation cannot be left to governments in the country of origin. Refugees need their right to return home stated explicitly in the agreements that end the conflict that led to their exodus, military protection to guarantee their safety while making the return and economic aid to reintegrate into their old communities after returning home. The empirical findings show that none of these three main requirements are likely to be met without intervention by the international community of states.

The findings also illustrate why repatriation is so important so as to demand the international community's attention and why it is in states' national interest to contribute to facilitating the return of refugees to their homes. The Palestinian and Rwandan cases reveal how an absence of repatriation can lead to unhappy refugees being used as pawns for militants and terrorists and destabilize the region, with grievous long term consequences for the region and the international community as a whole. Kosovo is perhaps the most intense case of international intervention on behalf of refugees and its results are evident. The striking difference between Kosovo and the other cases is that repatriation of the refugees in itself was one of the major reasons for NATO to take military action against Serbia. This decisive gesture was followed up with an almost immediate post-conflict drive to repatriate the refugees with military protection provided for the returnees. Though what occurred in is perhaps destined to be an exception rather than the norm, Kosovo remains a model case that is indicative of how decisive military intervention *during* the conflict to stop the exodus of refugees, treaty guarantees of their 'right of return', followed by protection and economic aid for the returnees leads to a speedy and effective repatriation.

7. CONCLUSION

The findings of this project are presented with a few caveats and suggestions for future work to build upon what is presented herein. Firstly, the role of domestic politics in the country of origin, so important in determining the government's interest in allowing for repatriation, has not been examined in detail. Changing domestic politics in a multiethnic state such as Bosnia may have had an important effect in the increase in the number of returns, together with international intervention. After all, unless there a powerful international administration a is present, like that seen in Kosovo, the willingness of refugees to return will depend on the nature of the administrators and local officials who hold power in their states and localities of origin.

Secondly, the prescriptive value of this paper's findings must be balanced by the reality that geopolitics, national interest and power will determine both whether international intervention will occur and if so, how intense the intervention will be. Despite the paper's finding that international military protection of returning refugees makes a big difference in the number of refugees who return, states are and will remain reluctant to deploy their forces to carry out this type of 'humanitarian' intervention.

Thirdly, whilst this project has been able to draw broad conclusions by use of a diverse set of case studies, further work is necessary to improve the validity and generalizability of the findings. A quantitative analysis may be useful in identifying, in numerical terms, the exact impact of each of the various forms of international intervention on refugee repatriation. This will go far in augmenting and verifying the qualitative story that has been established here. Further field research by means of conducting extensive interviews of various local and international officials involved in Bosnia, Kosovo and Rwanda and the refugees themselves would also help add further credibility to the findings established here.

Despite these caveats, this project makes an important contribution to the body of work on refugee repatriation. Repatriation is in most cases in the best interest of the refugees, the host state and the international community as a whole. That most refugees are held hostage to geopolitical realities and that there is often a lack of political will for states to intervene on their behalf should not detract from the clear conclusion of this paper; that intense international intervention is in most cases necessary to affirm refugees' inalienable right to return home.

8. REFERENCES

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