DIMENSIONS AND PROBLEMS OF DISPLACED POPULATIONS IN PEACE BUILDING

by

Xin Lu
BA Mass Communication International College at Beijing 2003
BE International Trade and Finance
China Agricultural University 2003

PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

In the
School for International Studies

© Xin Lu 2008

SIMON FRASER UNIVERSITY

Fall 2008

APPROVAL

Name: Xin Lu

Degree: **Master of Arts in International Studies**

Title of   **Dimensions and problems of displaced populations in**
Research Project: **peace building**

Supervisory Committee:

Chair: **Dr. John Harriss**
              Professor of International Studies

_____

Dr. Lenard Cohen
Senior Supervisor
Professor of International Studies

_____

Andrew Mack
Supervisor
Limited Term Professor, Adjunct Faculty Member, in
International Studies

Date Approved: _December 5, 2008_____

ii

SIMON FRASER UNIVERSITY
LIBRARY

Declaration of
Partial Copyright Licence

The author, whose copyright is declared on the title page of this work, has granted to Simon Fraser University the right to lend this thesis, project or extended essay to users of the Simon Fraser University Library, and to make partial or single copies only for such users or in response to a request from the library of any other university, or other educational institution, on its own behalf or for one of its users.

The author has further granted permission to Simon Fraser University to keep or make a digital copy for use in its circulating collection (currently available to the public at the "Institutional Repository" link of the SFU Library website <www.lib.sfu.ca> at: <http://ir.lib.sfu.ca/handle/1892/112>) and, without changing the content, to translate the thesis/project or extended essays, if technically possible, to any medium or format for the purpose of preservation of the digital work.

The author has further agreed that permission for multiple copying of this work for scholarly purposes may be granted by either the author or the Dean of Graduate Studies.

It is understood that copying or publication of this work for financial gain shall not be allowed without the author's written permission.

Permission for public performance, or limited permission for private scholarly use, of any multimedia materials forming part of this work, may have been granted by the author. This information may be found on the separately catalogued multimedia material and in the signed Partial Copyright Licence.

While licensing SFU to permit the above uses, the author retains copyright in the thesis, project or extended essays, including the right to change the work for subsequent purposes, including editing and publishing the work in whole or in part, and licensing other parties, as the author may desire.

The original Partial Copyright Licence attesting to these terms, and signed by this author, may be found in the original bound copy of this work, retained in the Simon Fraser University Archive.

Simon Fraser University Library
Burnaby, BC, Canada

ABSTRACT

World history has witnessed the creation of a large number of internally displaced persons (IDPs) and refugees as a result of most of major conflicts in the different regions. The issues relating to both internal and external displacements have proved to be a major deterrent for sustaining peace in many of the countries and continents. Apart from the humanitarian aspects involved in resettling the IDPs and refugees, the displaced population has been the cause of many crimes and for exacerbation of further conflicts. Therefore, it has been recognized that solutions to displacement also play important parts in peace building. In all, security of the displaced populations, property issues, reintegration of the displaced groups into society, and conflict between international intervention and national sovereignty are particularly important.

Keywords: displacement, refugee, IDP, peace-building

EXECUTIVE SUMMARY

After the end of the Cold War and the dismantling of the USSR there have been a number of unprecedented conflicts arising in the various regions. The whole of 1990s and the early 2000s witnessed intense and brutal intra-state conflicts causing untold hardships to millions of people in these regions. The conflicts and wars have been aimed to gain control over resources and overpower the competing groups. With the result the conflicts not only were centering round the armed combatants but also numerous innocent civilians also became targets of violence. The former Yugoslavia, Sudan, Nepal, Rwanda Colombia and many other regions are some of the locations which have reported large scale casualties to civilians which are much more than those resulted to the regular armed forces or to the different levels of insurgents. This has been the main reason for hundreds of thousands of people fleeing their native countries just to move away from the impacts of innumerable hardships.

A portion of the people who fled their countries entered neighbouring countries unofficially and took shelter in those countries as refugees. The world history saw the greatest massive migration of the century in more than one million Rwandans entering the country of Zaire within a short span of time as a consequence of the genocide. A similar situation arose in Macedonia and Albania in the year 1999 when a population of about 500,000 Kosovo Albanians were made to leave home country in an act of ethnic cleansing. In certain other locations some of the population were displaced within the country where the population is prevented from crossing the borders by combatants present in conflicts zones or were prevented from crossing international borders by combatants or by the strict control on the part of the potential host countries. Even those people who did not have the means to flee the country were forcibly displaced to other locations within the same country. However the displacements

could not protect the internally displaced people and the refugees from potential dangers and as a consequence were exposed to all the atrocities of wars and conflicts.

In all respects the refugees and IDPs have been perceived as the potential targets of all atrocities of wars and conflicts. The major problem with the provision of assistance to the displaced population is that all such assistance are provided by the international or national agencies on the basis of the identity of the people rather than on the real needs of the displaced population. Some of the countries have made attempts in the direction of peace building to restore the rights and properties of IDPs and refugees.[1]

It has never been an easy task to arrange for the large-scale return of the displaced. This is because even though the wars ceased to exist there was no end to hostilities among groups and the societies have not been out of the chaos and confusions created by the conflicts. In order to ensure that the peace achieved is long-lasting and durable it is vitally important that the returns are made sustainable over long-term with a successful integration of the displaced people along with their own communities. It is also important that they are also made to acquire the rights over their own properties. Therefore it can reasonably stated that the sustainability is inextricably linked to the larger reconstruction and reintegration process.

Although in many cases the governments could arrange for the returns of the displaced people it was difficult for the displaced people to regain their properties, since these properties have either been destroyed or were occupied by other people. It has also become necessary that along with the provision of basic needs for the displaced population in the initial stages together with the other civilians affected by conflicts they must also be provided the essential means of earning a decent livelihood. In addition there was the need to rebuild the communication and transport structures and to re-establish the basic

[1] Edward Newman, Joanne van Selm, editors, *Refugees and forced displacement: International security, human vulnerability, and the state.* United Nations: University Press, 2003, pp41-60.

functions of the society and the governance so that the displaced persons can be assured a successful return.

A successful reintegration of the displaced population implies more than a guarantee for the material and physical needs for survival of those people. This is important because the returnees always represent a substantial portion of a country's population. Despite the conditions that there were no more fights among the groups officially there was no resolution of the underlying tensions that were the reasons for the conflicts. Furthermore no complete reconciliations were also possible. More specifically this situation is prevalent in respect of those cases where ethnic and economical reasons were the causes for the fighting. The same is the case with the conflicts that occurred primarily due to political reasons. Even though there were efforts to establish peace on a wider scale the fighting continued to exist at local levels. Or else the governments did not have the ability to provide adequate protection to its citizens. The process had become much more complicated in cases where ethnicity has been main reason for the conflict or where there existed affiliation of the displaced population with different political groups.[2]

International attention has been diverted to Rwanda in respect of the challenges to be faced by the country for reintegration and the rebuilding of war torn societies. In the whole process of rebuilding the returnees formed an integral part in that country. Since the durability of the rebuilding process is always at stake, the Office of the UN High Commissioner for Refugees (UNHCR) has evinced continued interest in fostering reconstruction and reconciliation.

In most of the cases the multifaceted peace-building process has been intertwined with the peaceful reintegration of refugees. This relationship has been kept in focus by all international agencies pursuing the peace building process and for ensuring a successful reintegration these agencies are extending continued collaboration with the political factions, monitors of human rights and agencies involved in reconstruction and development. In the context of this

---

[2] See Tim Allen, *In Search Of Cool Ground War, Flight & Homecoming in Northeast Africa*. Africa World Press, 1996, pp. 118-36; Pete Lakin, Garth Stein and Therese Cuny, *Repatriation Under Conflict in Central America*. Georgetown University Center, November 1991, pp. 71-84.

experience, this paper attempts to draw some thoughts on the challenges of peace-building and the issues connected with displacement in that context.

Based on the reviews of the peace building process that has been in development in the past two decades, this paper examines the dimensions and problems of displacements in the peace building process. The objective of this paper is also to assess the impact of displacements with respect to the obstacles and challenges they have on the efforts to maintain international peace.

The first part of this paper defines some important terms and analyzes the relationship between displacement and peace building; the second part explains the issue of security of displacements in peace building; the third section provides discussion of the issues of housing and property rights of displacement and its influence for international peace efforts; and issues of reintegration of displacement; the fifth section examines displacement issue – from the angle of the debate of sovereignty and international intervention. Each section comprises of a theoretical framework as the basic grounds of discussion, followed by case studies of different countries cited as examples in the respective instances. The final section contains some concluding remarks recapitulating some of the issues discussed in the text.

ACKNOWLEDGEMENTS

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION

A. Significances of Displaced Populations in Peace Building

A variety of reasons can be attributed for citing the displacements as obstacles to peace-building process. The foremost reason is that the population that have been made to flee to other countries – the refugees – as well as those have been subjected relocation internally are the worst-hit civilians in the aftermath of war. Their rights to get protection are drowned in the inactive legislations of international human rights regulations and international humanitarian rules. In the case of certain nations the large scale of displacements result in a large quantum of the regional or sub-regional population that it is unrealistic to plan for the peaceful future of the country without considering the plight of the displaced population and their active participation. Statistical figures indicate that there were 1.7 million displaced people who accounted for almost ninety percent of the population of Uganda at a certain point of time.[3]

The second attribute is that the return and reintegration of the displaced population can very well be thought of as the remedy to solve the current conflicts and also to prevent the incidence of further conflicts at the same point of time.[4] More particularly it is possible to legitimize the elections and tribunals by enabling the returnees to take part validating new political authorities. The voluntary repatriations can be construed as the significant factor in the process of peace building and ending the conflicts. The returnees offer a huge potential of resources in the form of human and economic capital. This more than justifies the reckoning of the displaced population as a significant resource to facilitate the

---

[3]Jim Miller, Uganda's IDP Policy, *Forced Migration Review*, 2006, 27, p.78

[4]RSG, *Internal Displacement and Peace-building: A Contribution to the Discussion*, submission to the Peace-building Commission. 2007.

process of reconstruction.[5] Another important reason for the inclusion of displaced person in the peace-building process is that in several conflicts the refugees and IDPs have become the major force behind the conflicts. Therefore their exclusion will really be harmful for conflict resolution.

It is necessary to distinguish and consider the displaced population on an exclusive basis in the context of peach building. This is vital since they have entirely different needs from those of other war-affected civilians. In most cases it so happens that the refugees and IDPS stay very close to the conflict zones. This exposes them to more and more violence. It is their special positioning that creates peculiar vulnerabilities to which the other civilians are not exposed. It is not only the question of providing food and shelter to them. Since they remain without any valid documents it becomes difficult to replace their identity papers. This quite often leads to violence and conflicts whenever they make their claims for property and other rights.[6]

The issue of achieving sustainable peach would remain a distant dream without the repatriation of the displacements after armed conflict. Interestingly this is the central theme and focus of a number of United Nations and other international conventions and treaties. Most of the agreements so far entered in this respect recognize the necessity for considering the rights of displaced populations to take part in the process of decision-making in various political scenarios that has an effect on their lives. The UN Guiding Principle 28(2) reiterates that it is essential that special and extraordinary efforts are directed towards the resettlement of the displaced population.'[7] Civil society – including displaced populations – should be encouraged to participate not just as a means for exercising their rights, but also because they often have significant contributions to make, for example as 'peace connectors' and catalysts.

The enlarged attention provided to peace building process within the UN system has made the study of the forced displacement interesting as well as

---

[5]International Council on Human Rights Policy (ICHRP) (2006) *Negotiating Justice? Human Rights and Peace Agreements*, Geneva: ICHRP

[6]RSG (2007) see *supra* note 2

[7]*Guiding Principles on Internal Displacement*, CN.4/1998/53/Add.2

2

worthy as this study will enhance the understanding the role of the returnees from the displaced population in the total process of peace-building. The consideration of the inclusion of refugees and the displaced people in the efforts for peace-building has strongly been promoted by several agencies like the former Sub-Commission on the Prevention of Discrimination and the Protection of Minorities[8], the former Commission on Human Rights[9], and the Security Council[10]. It has been emphasized by the former Secretary-General, Kofi Annan, that addressing of the issues of return of refugees as well as rehabilitating the displaced population is to be treated as an integral part of any post-conflict compromise arrangements. This needs to be considered as a critical factor in the sustenance of the peace-building process and in the act of revamping and strengthening the economic activity.[11]

B. Some Definitions

1). Refugee

The creation of refugees who pose a constant threat to security at the national, regional and international levels is the consequence of armed conflicts. The term "refugee" can be construed to have a distinct legal connotation. The 1951 United Nations Convention on Refugees and the updated version of the convention (1967) titled "Protocol Relating to the Status of Refugees", defines a refugee is an individual who is primarily stateless and due to this reason stays outside the country in which he/she originally domiciled. The definition makes it obligatory for a person to be regarded as refugee that he/she should be in the clutches of a well-founded fear of persecution. This fear must have been

---

[8]Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Resolution 1998/26

[9] Commission on Human Rights Resolution 2005/46

[10]UN Security Council Resolution 1325 on Women, Peace and Security (S/RES/1325-31 October 2000), paragraph 8(a)

[11] UN Secretary-General's address to UNHCR Executive Committee. Geneva, 6 October 2006

3

triggered by incidences or issues relating to race, religion, nationality, political opinion, or membership in a particular social group.[12]

Historically the term refugees signified those people who have fled their countries for several reasons. The international refugee law considers an individual who had to leave his/her own country and cross international borders as a refugee deserving a matter of concern. Thus the word 'refugees' denotes those people who were failed to be protected by the laws prevailing in their own countries of origin and who were expecting to be protected by another legal institution of an alien country.[13]

Year 2006 witnessed a large increase in the number of refugees which was subdued since 2002.[14] In the year 2006 alone there was a tremendous increase in the number of refugees making them twice as it was reversed in 2002 at 16 million.[15] A large number of refugees estimated at 33% of the total refugees throughout the world were found to be domiciled in Asian and Pacific region nations at the end of year 2007. Afghan nationals constituted almost 80 percent (3.1million) of this refugee population. Out of the balance refugees about 25 percent of them were found to be stationed in the Middle East and North Africa region due to the political instability and the war situation in Iraq. About 43 percent of the total refugees in the world are estimated to be living in African, European and American regions.[16]

2). Internally Displaced People

The UN Guiding Principles on Internal Displacement define IDPs as:

---

[12] OHCHR, *Convention relating to the status of refugees*, Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950. The Convention was amended by the Protocol in 1967.

[13] Ibid.

[14] Many argued that this mainly because wars in Afghanistan and Iraq, and some other renewed conflicts.

[15] This number includes 4.6 million Palestinian refugees assisted by the UNRWA and 11.4 million who fall under the responsibility of UNHCR.

[16] '2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons', UNHCR, June 2008.

4

"Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border".[17]

There has been a significant increase in the number of IDPs to 25 million today as compared to about one million in the year 1980.[18] A number of factors have contributed to this scenario. Firstly the IDPs have been identified by the international peace-building agencies to be a voluntary group deserving special attention and adequate legal protection. Secondly, many of the nations do not allow refugees to enter their borders on security concerns; and this has made the efforts of IDPs to cross borders futile and restricted their movements within their own countries. Thirdly the key aspect is that the nature of intra-state conflicts resulted in the civilian becoming the frequent targets for warring factions and other ethnic groups in possession of weapons. This had made the people to displace internally within the country to avoid becoming victims of the intra-state conflicts. However the incidence of such wars has been made history in all parts of the world. This is the state even in states like, Bosnia and Herzegovina, Chechnya, Kosovo, Nepal, Myanmar, Colombia, Rwanda, Uganda, Chad, Sir Lanka and Sudan. It may be noted all of these states have adopted the strategy of deliberately displacing their population as an essential element of war strategies followed by them.

Columbia has the largest IDP population in the world with the numbers running to several millions. The sectarian divide and the absence of a permanent political solution has made Iraq accumulate about 2.4 million IDPs as at the end of year 2007. State of Somalia has witnessed the displacement of more than 600,000 people inside their country due to the reoccurrence of armed conflicts.

---

[17] Ibid.

[18] Internal Displacement Monitoring Center, IDMC "Global Statistics 1990-2007. April 13 2008. http://www.internal-displacement.org/8025708F004CE90B

This has resulted in the enhancement in the number of IDPs to more than one million. In the Democratic Republic of the Congo there was an addition of almost 1.3 million IDPs last year which was added to the existing number.[19]

3).   Peace-building

The term 'peaceful regeneration' was coined by Michael Pugh in the year 2000. According to Michael Pugh 'regeneration' is to be regarded as a process which has the character of self sustenance. As against this 'rehabilitation' denotes a power relationship. Under rehabilitation the victims or offenders are subjected to the necessity of undertaking doing certain things due to their incapacity or deprivation. Peaceful regeneration can be defined as a process that involves several social, political, and economic adjustments to peaceful existence of those people who "have been disempowered and impoverished by violence". This process should enable them to fix the priorities of their future goals and this implies extending their thoughts beyond their immediate survival'.[20] In addition Michael Pugh lends support to the concept of 'peace-building', that was the brainchild of the peace researcher, Johan Galtung[21]. The concept of peace-building was given a new momentum by the former UN Secretary-General Boutros Ghali. Ghali makes a remark in his work *Agenda for Peace*, that just repairing physical damage and reworking on the shattered infrastructures cannot be considered the ultimate route to post-conflict recovery and the achievement of peace. There needs to be a conscious effort to undertake collective actions that have the effect of "strengthening and solidifying the peace process so that there may not be any chance of conflicts relapsing". He adds that such efforts should be able to "evolve a sense of confidence and promote the well-being of the

---

[19]See note 16.

[20] Michael Pugh (ed.), 'Regeneration of war-torn societies', Global Issues Series, London: Macmillan Press, New York; St. Martin's Press. 2000, pp. 14-37.

[21]Johan Galtung, 'Three Approaches to Peace: Peacekeeping, Peacemaking, and Peace-building', in Galtung, op. cit., 1776. Pp. 282-304.

people".[22] When reiterated in the perception of Pugh the process of peace-building involves carrying out those activities that are intended to provide more strength to the "structures and processes so that any chances of returning to violent conflict can be totally prevented". From this perspective the process of peace-building encompasses and has a close association with the acts of relief, humanitarian assistance and development.[23] There appears to be a wide acceptance of this view point.[24]

4).   Displacement and Peace-building

Finding a permanent solution to the issue of displacement appears to have a close association with the concept of achieving sustainable peace. However the peace processes and any efforts in the direction of peace-building are threatened by the continued displacement of people which ultimately leads to insecurity and instability. Therefore it can reasonably be stated that it will be difficult to arrive at permanent solution like repatriation and resettlement, for the displaced people till such time there exists a situation that cannot guarantee security, property protection, justice and access to livelihood.

This situation leads to the question as to whether it is really right while invest sole effort specifically on seeking a solution of displacement in the context of peace building.[25] The point under consideration here is that the displaced people should be considered as part of the larger mass of the civilian population which had its ordeal as a result of armed conflicts. Although it can be stated that the displaced populations could be considered as better of than non-displaced populations, there seems to exist a case that the displaced population are in

---

[22]Boutros Ghali, *Agenda for Peace*, New York: United Nations Department of Public Information. http://www.un.org/DOCs/SG/agpeace.html.

[23]Michael Pugh, 'Regeneration of war-torn societies.' See note 20.

[24]Hugh Miall, Oliver Ramsbotham and Tom Woodhouse. *Contemporary Conflict Resolution: The Prevention, management and Transformation of Deadly Conflicts*, Cambridge/Oxford" Polity Press. 1999.

[25] Khalid Koser, "The Return of Refugees and IDPs and Sustainable Peace". University of Toronto Foreign Policy. Coordinating Chaos Conference. February 10, 2008.

need of special attention and are subjected to different vulnerabilities that would not have been encountered by other civilian people.[26]

The process of peace-building is a complex and time-consuming one. It involves a multi-pronged approach that covers; (i) economic reconstruction; (ii) restoration of security and the return of law and order; (iii) social reconciliation and reintegration; and (iv) political transition which contribute to the creation of more credible governance systems and establishment of powerful institutions to implement the process effectively. The nation-wide peace initiatives may greatly get impacted by the means in which the results of these processes are made to reach the displaced populations. For instance unless there is the guarantee in the perception of the displaced people for the safety of their stay in their original place of domicile they may not like to return. If they find the security at inadequate levels to support their lives even after their return, it may lead them to leave the country once again. Similarly it may not be possible to ensure the continued stay of the displaced people if the economic reconstruction activities undertaken are not sufficient enough to enable the displaced to resume and pursue any economic activity. Same is the case when the displaced people are excluded from the economic allocations. It has been the experience of many peace-building exercises that the returnees usually contribute much to the political and economic rehabilitation by playing a significant role in the process of rebuilding their local communities. The contribution by the Returnees to new political arrangements in the form of voting in elections has also to be considered as an important element in the peace-building process.

In case it becomes difficult for the peace-building agencies to keep the displaced populations as a part of the process directly, they have the option of prompting the national and international political willingness to have the rehabilitation of the displaced people in the agenda for peace discussions and treaties. This method has been practised successfully in Mozambique and Bosnia. However in this case there is the necessity for the peace builders to

---

[26]Erin Mooney, 'The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern', *Refugee Survey Quarterly*, 2005, 24(3): 9-26.

understand the specific concerns of IDPs by having elaborate discussions and interview sessions with the group. Yet another strategy that can be considered is invoking the legal rights of the returnees by relying on the international, national and regional legal institutions and procedures. Above all the peace-building process to be successful there should be a proper and efficient information flow on the displacement issues. For this the UN agencies and other actors should provide fullest cooperation in disseminating the available information to the peace-building negotiators.

CHAPTER 2: THE SECURITY ISSUES OF DISPLACEMENT IN PEACE BUILDING

The major factor that makes the people to decide to flee their domicile is 'fear'; fear of physical attack or the repercussions of a conflict. Usually conflicts result in rape and torture and sometimes ethnic cleansing is also practised as a part of the military strategy. Refugees are faced with many threats in their efforts to escape. They may have to escape from the cross-firing in the war zones or protect themselves from human traffickers. Yet another threat the refugees face is that sometimes they may have to cross oceans with the help of old and worn out boats. Despite putting great efforts and reaching another country, they may still remain paranoid with the fears still daunting them. It may be the situation that they will still be exposed to different conflicts which put their lives and dignity in jeopardy in the alien country also.

The process of peace-building is complex and not without threats. There are threats like (i) physical security to the people who face displacement, (ii) hunting by the military police forces, (iii) exploitation and human trafficking by criminal gangs, (iv) hostility of the local population and (v) assaults and fights within the displaced community in the issue of sharing the resources. Under circumstances where only limited resources are available the refugees are placed in quite a vulnerable position in the matter of exposure to physical threats. It has been the past experience that the displacements are always subjected to a wide range of physical threats ranging from theft, assault, and domestic violence to child abuse, rape, and human trafficking.

The intrusion of armed elements in the displaced population is of great concern to agencies like international and regional security regimes, humanitarian agencies, host communities, and local authorities alike.[27] It poses a continuous threat for the ongoing peace-building process. This situation arises

[27]Commission on Human Security, *Human Security Now*, New York, 2003, pp. 49-50.

due to the fact that it is harder to identify combatants within a mass influx when there are vast numbers involved. Moreover it is the usual practice of the militia groups to hide their weapons and become one among the civilian. They do not reveal their identities so easily.

The practices being adopted by the armed groups for acquiring control over aids and other resources are varied. They normally do not use their weapons. They use other practises like robbery or they slap heavy taxation in the guise of protection to the displaced population. The adoption of these methods and snatching the aids from the refugees have resulted in causing mal-nutrition among them and this condition worsens with the increased demand for contributions. Another hardship that the displaced people face is the forced recruitment of young men and children through beating or rape as practised by hidden armed combatants. With the prolonged stay of the homelessness in the camps these problems are bound to increase and the problems get more accentuated with the lack of economic and social opportunities.

The displaced population is exposed to huge physical threats by attacks from the armed elements of opposing forces. There are circumstances where the processes of voluntary repatriation and local integration in the total peace building exercise have been greatly hampered by the presence of armed elements.[28] A typical example may be found in the aftermath of the 1999 East Timor crisis. In this case the pro-Indonesian militiamen used violence and false information about the living conditions in East Timor just to discourage refugees in West Timor from returning home.[29]

Attacks from armed military groups are one of the major threats being faced by the displaced population. Apart from these attacks there are other soft security threats like for example shortage in food supplies which daunt the displaced community. Threats like food shortage not only result in starvation

---

[28] Addis Ababa, Conference Paper, "African Union Addressing the Challenge of Forced Displacement in Africa". AU Experts Meeting, Special Summit of Refugees, Returnees and Internally Displaced people in Africa. 5-7 November 2008. Website: www.africa-union.org.

[29] T.G.Weiss, *Military-Civilian Interactions: Humanitarian Crises and the Responsibility to Protect*, Rowman and Littlefield, Lanham, Maryland, 2005, pp. 137-8.

among the displaced population but also become the root cause for increased sex-related violence and higher incidence of HIV/AIDS epidemics due to conflict situations in general. These also affect the displacement situations in particular. Mainly due to the reason that the re-settlers do not have a strong legal protection or identifiable legal position they are always subjected to the tortures and atrocities committed by the other host population against them.

The internal security and the stability of the host societies are often closely intertwined with the inflow of the displaced population and the efforts in the direction of peace-building. The presence of a number of major groups of new comers gives rise to availability of arms in abundance in the areas prone to continued conflicts. This naturally leads to potential looming of renewed conflicts for getting the control over the available resources. Especially those nations where there are conflicts resulting from economic reasons, political uncertainties and ethnicity based tensions will get greatly affected by enlarged crises and potential instability due to mass displacements. There are possible tensions that may emanate from the competition –actual or perceived – between those arriving in the country and the native population.[30] The competition generally relate to acquiring control over the resources. Tensions may also result from the resentment of the local population when they see the refugees as privileged lots in comparison to their own plight. For example, in order to support their living the Mogadishu refugees had to cut down several forests and other vegetations in Kenya. This action of the refugees was considered by the Kenyans to have damaged the Kenyan economy very badly. Another matter for the resentment of the Kenyans was the lower infection of AIDS epidemics among the refugees due to the support from United Nations Population Fund's Family (UNFPA) HIV/AIDS program. This has fuelled the anger among the locals and they started attacking the refugee camps. It is heartening to note that these kinds of conflicts lasted at least for a period extending to over a decade.

---

[30] UNECE, *The Role of Economic Dimensions in Conflict Prevention.* A UNECE-OCSE Colloquium with the participation of experts from NATOPrepared by Coordinating Unit for Operational Activities, Villars Switzerland.
http://www.unece.org/trans/osce/villars1/final_report.pdf. October 22, 2008.

The normal aftermath of these tensions are enhanced crimes and other economic and political instability of the states concerned. For instance the newly formed refugee camps or settlement colonies for IDPs in countries like Haiti, Angola, Colombia and Tanzania, were the centres affected by social crimes like banditry, drug dealing, and human trafficking. It is usual that groups of displaced people are often found to be the cause of these crimes, although they are really the affected people. The intensity of such kinds problems are found to be greater in economically undeveloped states and in those countries where the governments do not possess adequate strength to exercise proper governance and thus are not in a position to exercise their sovereignty effectively.[31]

It is usually the negative perceptions about the IDPs and the associated barriers act as impediments to effective integration. In the perspective of many local residents and even governing officials in the host location that there is a stiff competition for the limited number of jobs available and this causes more disturbance to the locals in markets where the unemployment situation is already alarming. The other contention that goes against most of the IDPs is that since they have different cultural and social backgrounds they are likely to dilute the social standards and cause degrading of the urban or local culture. The IDPs are often considered to be responsible for carrying the problems and issues of war and crime to the misery of the local population. The thoughts of the host communities that the refugees and shelter seekers are bound to be lazy and prone to criminality cannot be evaded. The host communities are of the opinion that the IDPs thus derive unfair concessions and benefits from the governments. It so happened in the month of January 2008, scores of Zimbabwean refugees faced arrest by fully armed police in South Africa at a time when the refugees were fast asleep. The reason cited by the local authorities for the arrest was the

---

[31]Loescher Gibney, 'Refugees as Grounds for International Action', p. 35.

apprehension by the local communities that the refugees are likely to harm the locals and in order to prevent any crimes the arrests were to be made.[32]

Because of the issues, problems, dangers and challenges posed by the processes of repatriation and reintegration there may arise positive and negative impacts on the process of peace-building. The large number of return of the displaced population have placed significant burden on areas which do not have spare capacity to absorb those people arriving anew. This results in enlarged competition for scarce resources. The scarcity of resources such as land, food, water, jobs and public services have also given rise to new conflicts among those who compete to gain power over the resources. These problems manifest to a large extent in the situations where the refugees have been compelled to leave from the respective host countries and their countries of origin are not in a position to plan for their repatriation and settlement.

Repatriation on a massive scale can lead to a few other negative consequences that may hinder the security process and the process of peace-building. The large number of returnees will lead to imbalances in a society of the several ethnic groups comprised in the community. In addition the return of the displaced people will result in opening of old rivalries among opposing groups since there will be a face-to-face confrontation among them even after the separation for a longer period of time. When the returnees start to live along with the people who did not leave the country during the conflicts there may be suspicion developed on the returnees and this will lead to newer conflicts among the groups.[33]

[32]Ethan Cole, 'Massive Zimbabwe Refugee Arrest in S. African Church', *Christian Post Report.* Thu, Jan 31 2008 01:01 PM ET. http://www.christianpost.com/article/20080131/31043_Massive_Zimbabwe_Refugee_Arrest_in _S._African_Church.htm

[33]Daniela Heimerl, 'The return of refugees and internally displaced persons: From coercion to sustainability?' *International Peacekeeping,* vol 12, issue 3, October 2005. Page 377-390.

Case Studies

1). DRC & the Great Lakes: Insecurity, Displacement and Peace-building

Rough estimates indicate that about 3.5 million Congolese have been subjected to displacement since the year 1998. It has also been reported that out of the displaced population on an average at least one thousand people face death every day due to reasons like malnutrition, disease and violence. It is also estimated that the neighbouring countries of Congo house more than three million IDPs and refugees. Another alarming fact as reported by the UN is that the warring factions recruit about 15 per cent of the children in the country while school systems barely exist. The number of women victims of sex related violence has been estimated to be in the order of more than 40,000 over the last decade.[34]

The government of DRC and the neighbouring countries have exploited and manipulated the rivalries existed among different ethnic groups for achieving their political motives. It may be noted that these rivalries have produced continued unrests. Ethnic and historical connections that existed between the nationals of these countries and the open national borders have converted the intra-state conflicts into continued inter-state conflicts. These transformations of conflicts have turned into regional affaires and have resulted in a population displacement on a large scale.

It is the concern about the continued political instability and the displacement of a large proportion of the population in the region that has provided the necessary impetus to the international community to involve itself in the resolution of the political and humanitarian miseries. Since 1999 the DRC was provided with an effective peacekeeping mission (MONUC) by the UN Security Council. With the passage of time and the recognition of the problems connected with the re-establishment of peace in the affected regions, the objectives and scope of activities were changed gradually. At a certain point of

---

[34] Box 3.2, 'Addressing Refugee Security', *The State Of World's Refugees 2006*, UNHCR.

time it became the largest UN peacekeeping operation in the world. The efforts of mediation mooted by South Africa during the period between 1999 and 2003 enabled the neighbouring nations like Angola, Burundi, Namibia, Rwanda, Uganda and Zimbabwe to recall their contingents of armies from the DRC.

Even though several efforts were made as enumerated above there was no deterioration in the intensity of violence and displacement in the DRC. This situation was misused by the neighbouring countries to manipulate the differences among the ethnic divisions and DRC was used as the center for pursuing their illicit objectives. There was a massive fighting and a large scale displacement of the population was found specifically in the region of Ituri, located adjacent to Uganda. There was no significant presence of MONUC in the region that could take control of the situation in Ituri. Factors like vastness of the area, lack of infrastructural facilities, and presence of dense forest regions prevented the humanitarian agencies face many challenges in reaching the aids to the victims. It also prevented taking any action in protecting many of the people who took refuge against the intimidation and violence by armed groups. In the region of Ituri almost 50,000 people perished and displacements took place in respect of around 600,000 people during the period between 1999 and 2003. This also resulted in more than 10,000 people crossing borders and entering as refugees to Uganda. During mid 2003 the number of displaced people reached the maximum with around 3.4 million Congolese was made to leave their homes and flee to neighbouring countries as refugees.[35]

Year 2003 marked the creation of the Government of National Unity and Transition in the province of Kinshasa. Due to the intervention and mediation of South Africa it was possible to achieve this significant milestone in the process of peace building. For achieving this it was necessary to include the several political factions prevalent in Congo. Another significant happening was the signing of the ceasefire agreement between the Burundian government and various rebel groups, which was the result of protracted negotiations in this direction. These

---

[35] Gen Laurent Nkunda, *DRC: Displacement, insecurity worsen humanitarian crisis in east.* IRIN, 18 September 2007. http://www.irinnews.org/Report.aspx?ReportId=74357.

incidents resulted in the returning of a large number of internally displaced persons and refugees to their original homes.

Despite the continued efforts and positive developments it was not possible to ensure a state of full-scale peace. The situation remained such that there are continued violence and displacement in the DRC. A large number of civilian faced displacements in the area of South Kivu at least one year after the peace efforts were in progress. DRC also witnessed a mass displacement of another 35,000 people after few weeks due to the conflict situation created by the armed clashes in Ituri among different militia groups. The launching of cross-border operations in DRC by Rwanda to control the insurgencies of Rwandan Hutu has caused the displacement of more than 100,000 people in late 2004. This also resulted in making 40,000 people refugees in Burundi and Rwanda.[36]

The aspects of regional security and the social wellbeing of the local population have been put to continued danger due to the incidence of conflicts and consequent displacement in Congo. Although it is a slow process there have been some achievements in the political, humanitarian, and security areas. There was the need to disarm the militias by the military forces of Congo and MONUC for saving the region from the state of destruction and devastation. In addition there was also the need to implement a political process to hasten the advancement in the areas of reconciliation and provision of adequate measures of humanitarian assistance. It was also needed to keep up the pace of rapid development investment.

2).   Sudan: Insecurity and Displacement – A Deadly Combination

As a consequence of the civil war that has continued unabatedly in Sudan there has been a displacement of more than 4 million Southerners within the country. In addition there are more than a million people who fled the country to neighbouring nations as refugees. These people constituted nearly 80 percent of

---

[36] Box 3.2, 'Addressing Refugee Security', see note 34.

the total regional population who faced displacement as a result of the continued civil war. There was the expectation that a large number of the displaced people will be returning back to their original place of domicile in the South as the aftermath of the Comprehensive Peace Agreement signed in January 2005. The displaced people were expected to return within the shortest duration after signing of the agreement and take part in the process of regional reconstruction. However what happened in reality was different with a very slow of pace of return and the total people returned so far constitute only 26 percent of those displaced.[37]

The provision of security to the returning people as well as the local residents is found to be one of the major hurdles in reintegrating the returning population and in the peace building efforts in Sudan. An UN Representative report says that there are virtually no effective security regimes in the Southern Sudan. The inability of the government to exercise strong governance and the lack of rules and regulations, the Sudan government could not attempt to relocate the militias integrated into the Southern Sudanese security forces (SPLM). These militias have been the permanent cause of displacements from Southern Sudan. Therefore it is observed that there were no possibilities of achieving the desired disarmament. It was also not possible to end inter – and intra-communal conflicts and the access to different areas of land. Apart from these it was not possible to remove the potential danger expected to be caused by an estimated one million landmines in the region. The physical safety and welfare of all IDPs and returnees have been put at stake because of this. The incapacity of the government of Sudan, lack of ability to enforce laws and the dysfunctional nature of the judicial system were also responsible for the limited progress in peace building efforts.[38]

Since the Southern Sudan comprise of a vast area that is mostly underdeveloped, the process of reconstruction in the context of peace making has been found to be a significant challenge there. Already the living conditions

[37]IDMC, Sudan: outlook for IDPs remains bleak, 12 October 2007.
[38]Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Mission to the Sudan, E/CN.4?2006/71/Add.6, February 2006.

in Southern Sudan are harsh and far from satisfactory for human living. In addition the IDPs and returnees are subjected to many more hardships which call for specific protection requirements. Since the returnees are relying mostly on the kindness of their relatives for their basic needs of living, there seems to be the likelihood of these people getting exposed to the vulnerabilities of violence and ill-treatments. There is no adequate capacity left with state and other social institutions in Southern Sudan and as a result they are unable to have more intake of large number of returnees which poses a severe issue to be addressed. Therefore factors like lack of security, absence of capacity and the large magnitude of the displaced population can be identified as reasons for the inability of the social structures in this respect and for the slow progress in restoring peace in the area.[39]

The experiences of Sudan have taught the world many lessons in the direction of peace building. The most important of them is the necessity to ensure the provision of adequate security. The need for providing enhanced life-supporting resources in communities of origin, to successfully monitor the reintegration of the displaced population is another lesson that could be learnt from the happenings in Sudan. The intertwining of the improvement of the displaced population and the political stability of the country is also highlighted by the situation in Sudan. One of the key aspects to further the peace-building process was seen in the return of the Southern Sudanese to their region. This also was considered as one of the determinants of the future economic development of the region. However it has been learnt from the experiences that the peace agreements alone are not the measure to encourage the displaced population to return their countries of origin and it can neither be treated as a guarantee for the existence of continued peace in the region. Questions are bound to arise about the sustenance of peace in case there are no means to ensure the return of displaced Sudanese in an orderly and timely manner.

---

[39]'Sudan: Slow IDP return to south while Darfur crisis continues unabated', International Displacement Monitoring Center, 17 August, 2006.

CHAPTER 3: HOUSING AND PROPERTY ISSUE OF DISPLACEMENT IN PEACE BUILDING

Efforts to accommodate the returnees with proper housing and to restore the rights in their respective properties have assumed a vitally important role in many of the peace-building programs. These have been largely recognized as the fundamental components of the process of ensuring safe and dignified return of the displaced population. There was a special report that contained draft principles on the issues of return of refugees and the persons who were displaced internally which was presented by the special envoy to the UN Commission on Human Rights on Housing and Property Restitution, Paulo Sergio Pinheiro in 2004. These principles strongly advocated that there exists a right to every refugee and displaced person to ensure that they are restored to their own housing and property which they had to forego due to their displacement that happened not due to their fault. In case they cannot be restored to such housing or property they should be compensated on an equitable basis towards the cost of such rights.[40] Later, it was emphasized by the former UN Secretary-General, Kofi Anan that property dispute resolution and reparations programs are to be considered as the essential components of international efforts to reinforce the post-conflict justice as well as to promote the efforts for peace building.[41] The fact that the restitution of property rights for the displaced population is to be construed as one of the important elements in the process of post-conflict resolution and in the process of state capacity building

---

[40]Paulo Sergio Pinheiro, 'Housing and Property Restitution in the Context of the Return of Refugees and Internally Displaced Persons—Final Report of the Special Rapporteur; Principles on Housing and Property Restitution for Refugees and Displaced Persons. " Economic and Social Council Commission on Human Rights, Sub – Commission on the Promotion and Protection of Human Rights, Fifty-sixth session. UN doc. E/CN.4/Sub.2/2005/17, *Refugee Survey Quarterly*, 28 June, 2005.

[41]Report of the Secretary-General, UN doc. S/20004/616, paras. 8, 24, 54.

have been recognized by all concerned in the peace building process.[42] This concept is particularly true in the context of happenings in countries like Bosnia & Herzegovina, Rwanda, Croatia, Georgia, and others. In these countries apparently intractable disputes on housing and property rights have acted as barrier to return of the displaced and thus have prevented the refugees and IDPs from returning to their original homes.

However, the nature and magnitude of the property systems have made the addressing of property as an extraordinary cumbersome and complex process which made it difficult for all the agencies connected with the restitution of property rights. Since the nature of property systems is such that they have the control on land and resources they are open to be affected by the political activities of one group against another and thus result in many violent conflicts.[43] In the context of postwar environment, property issues tend to be manifested to a large extent by massive re-settlement crises. These crises are the result of large-scale destruction of houses, illegal occupation of the available houses and the return of refugees. Therefore the property issues are found to be extremely sensitive and complex affair. This makes the settlement of the property rights as replete because of legal issues involved. This also tells upon the legislative legitimacy of the property issues.[44] Despite having the full legislative and enforcement powers, it becomes an extraordinarily challenging issue to deal with the property issues even for missions like UN interim administrations in Kosovo and East Timor.[45]

---

[42]Ibid., preamble.

[43]Timothy W. Waters, 'The naked Land: The Dayton-Accords, Property Disputes, and Bosnia's Real Constitution', Harvard International Law Journal, Vol. 40, No. 1, 2001, p. 520.

[44]David Chandler, 'Imposing the "Rule of Law": The Lessons of BiH for Peacebuilding in Iraq', International Peacekeeping, Vol. 11, No. 2, 2004, pp. 312-33;

[45]Detailed arguments see Leopold Von Carlowitz, 'Crossing the Boundary from the International to the Domestic Legal Realm: UNMIK Lawmaking and Property Rights in Kosovo', Global Governance, Vol. 10, No. 3. 2004, pp. 307-31; Lynn Hastings, 'Implementation of the Property Legislation in Bosnia Herzegovina', Stanford Journal of International Law, Vol. 37, No., 2, 2001, pp. 221-54; Daniel Fitzpatrick, 'Land Policy in Post-conflict Circumstances: Some Lessons from East Timor', Journal of Humanitarian Assistance, Nov. 2001, www.jha.ac/articles/a074.htm.

It has been found that the limited strategies that have been implemented to address the issues of property rights for refugees and IDPs have turned counter-productive to the process of peace-building, even though they have been introduced with legitimate aims and purpose of restitution of property rights to the displaced. These efforts have in fact have increased the number of prolonged conflicts and led to increased tensions in the states.[46] Quite often this position has been demonstrated when the civilians who are victims of wars take shelter in temporary dwellings created at the instance of their displacement. Later on they are deprived of their rights on their houses and other landed properties. This has led to considerable difficulties for the displaced to return their original homes in their countries of origin under safe and dignified conditions. Furthermore, post-conflict peace-building efforts that include those which are focused at reinstating the previous law and regime are quite often subjected to the hurdle of being hampered when there are attempts by the displaced populations to reclaim their lost properties on their return to their own nations. The intensity of this situation gets accentuated when the development efforts of the local governmental and non-governmental agencies supersede the capabilities of the local institutions. In these cases the restoration of the housing, land and property rights becomes difficult.[47]

There are different reasons for the rising of issues connected with restitution of property rights. The disputes on property rights arise when the refugees and IDPs return to their country of origin and the returnee groups try to find adequate housing facilities. The number of issues gets multiplied by the actions of the people waiting to take undue advantage of such situations which result in chaos. Such kind of disputes usually may result in violence and insecurity. These disputes thus are the result of many factors and are bound to take numerous forms. The factors that cause problems in this connection include

---

[46]Madeline Garlick, 'Protection for Property Rights: A Partial Solution? The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) in Bosnia and Herzegovina'. *Refugee Survey Quarterly*. 2000 19(3): pp. 64-85.

[47]Simon Bagshaw, 'Property Resitution and the Development of A Normative Framework for the Internally Displaced'. *Refugee Survey Quarterly*. 2000 19(3), pp. 209-223.

(i) the attempts by displaced persons and refugees to restore their former homes; but usually they find that their original homes are presently occupied by rival members of ethnic, national or other groups; (ii) the claims by persons who do not have legitimate rights on housing, land and property claims; (iii) the determination of the rightful owners of properties in instances where the current occupants of houses hold lawful titles in respect of which the returnees do not possess any rights; (iv) the determination of rights that are resulting from unofficial transfers of property; (v) the determination of claims for improvements made on homes, lands and property legally owned by returning refugees and IDPs.[48]

There have been changes in the nature of the origin and the manner by which displacements happen during the recent past. More specifically actions like genocide involving 'ethnic cleansing' and the associated forced displacements caused by such genocides and large scale destruction of housing facilities which are the results of armed conflicts have contributed to increasing attention and focus on the restitution of property rights and reemphasizing of providing housing for the displaced population. In fact the efforts on the reversal of ethnic cleansing and curtailing actions of forced evictions are largely associated with the reinforcing of the efforts on the restitution of housing and property rights. It has been the case with those countries where clear forms of ethnic cleansing were carried out that the displaced populations have demonstrated the strongest rights of restitution to housing and other properties.

Besides, it has increasingly been appreciated that restitution is essential to instil stability to the political situation in any nation as well as to ensure its economic security. Moreover restitution involves actions to safeguard the human rights and to ensure the smooth and proper functioning of the legal and other institutions. The objective of restoring the property rights is to prevent the refugees and IDPs from losing their homes and property merely due to circumstances on which they did not have any control. Ultimately, restitution can

---

[48]Leopold Von Carlowitz, "Setting Property Issues in Complex Peace Operations: the CRPC in Bosnia and Herzegovina and the HDP/CC in Kosovo ". *Leiden Journal of International Law*, (2004) 7 pp. 599-614. Cambridge University Press.

be considered as an indispensable element for the promotion of reconciliation, reconstruction and economic development within the society concerned.[49]

There is another perspective for the establishment of property dispute settlement bodies in that they provide invaluable support to the process of reconciliation among the conflicting parties. They are able to achieve this by ensuring that justice is rendered in resolving the post-conflict issues and in recognizing and condemning the wrong doings of the past. Reconciliation can be defined as "a process through which a society moves from a divided past to a shared future". Reconciliation thus is regarded as "a process of finding the ways and means of peaceful co-existence along with the people who were in enmity with each other in the past". It does not involve the actions of loving of forgiving the past enemies. It also does not involve forgetting the past deeds of people. It is just the process of finding how to co-exist peacefully. It also needs to nurture the quality of cooperation that is essential to share the living within the society so that all those who live in the society would get the standards of life that are better than what they would get if they live separately.[50]

John Paul Lederach has noted that reconciliation involves various constitutive elements, such as "peace, truth, justice and mercy". However "not all of these elements should be pursued or achieved in the same time frame".[51] In fact two of these constituent elements – justice and truth – are achieved through a process of resolution by pursuing the restitution of property rights or providing adequate compensation for lost property. According to Lederach, the search for individual and group rights, for social restructuring, and for restitution represents justice; "the acknowledgement of wrong and the validation of painful loss and experiences represents 'truth'."[52]

---

[49]Simon, Bagshaw, see note 47.

[50]David Bollmfield, Teresa Barnes and Luc Huyse (eds.), *Reconciliation after Violent Conflict: A Hand book*, Stockholm: International Institute for Democracy and Electoral Assistance. 2003, p. 12.

[51]John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies*, Tokyo: United Nations University Press, 1997, pp. 29-31.

[52]John Paul Lederach,. *The Journey toward Reconciliation*. Scottdale, PA and Waterloo, ON: Herald Press, 1999.

Justice is rendered by attempts to rectify past injustice done in issues relating to properties and that is the essence of property restitution and compensation. This is achieved either by returning the appropriated or lost good or by ensuring that the aggrieved is paid pecuniary damages in compensation for the loss suffered. One of the essential conditions for making restitution and compensation programmes render justice to post-conflict issues is that the local population should not regard such actions as unjust.[53] Examples of BiH and Kosovo have proved the positive impact of these actions in that large majorities in these regions have generally accepted the underlying rationale behind the jurisdiction of the international agencies to rectify wrong doings in property related ethnic cleansing practices.

Case Studies

1). Bosnia and Kosovo: Resolution of Property Disputes and its Contribution to Peace building

In the context of both BiH and Kosovo, the presence of institutions and processes has been found to be crucial in the process of safeguarding the rights of the returnees and IDPs in so far as post-conflict peace-building process is concerned. Moreover, the restoration of stability and the achievement of sustainable peace have identified the importance of international intervention in these two regions.

The two major international peace operations that have been involved in making judgements of property disputes in their planning and execution are (i) Dayton Peace Agreement for Bosnia and Herzegovina (BiH) and (ii) the "UN Interim Administration Mission in Kosovo" (UNMIK). The objective behind establishment of these institutions is to solve ethnic hostility, consequent large-scale displacement and mass refugee flows. There are other institutions like the

---

[53]This could be the case if property restitution or compensation is perceived to violate principles of social justice, or is it is based on previous unlawful acquisition of property, or discriminates among different victim groups.

Commission on Real Property Claims of Refugees and Displaced Persons (CRPC) in BiH and the Housing and Property Directorate and Claims Commission (HDP/CC) in Kosovo. These institutions are unfolded by the application of gauged mass claims system, and they also constitute the potential precedents for the solution of property restitution of the displaced populations in many other conflicts. For example, in January 2004, the Iraqi Interim Governing Council established the Iraq Property Claims Commission mandated to settle property claims that have arisen due to the creation and execution of a localization program by Saddam Hussein in Northern Iraq.[54]

The actual figures of returnees forms the basis for assessing the performance of these institutions as the right to return was the primary justification for the establishment of these institutions. Statistics for BiH of January 2005 show that nearly 1,006,000 registered refugees and IDPs returned to their pre-conflict municipalities.[55] While in Kosovo, most of the 900,000 Albanian refugees came home in 1999, and another 8,000 non-Albanian displacements returned before 2005.[56]

To be precise it is the organization of refugee returns that forms the one significant and potential contribution of international property dispute settlement to peace building in BiH. The CRPC and Housing and Property Directorate and Claims Commission (HPD/CC) have made significant contributions to the international efforts on re-establishing the rule of law and to the protection of human rights for all the ethnic groups present in the region. An effective interethnic dispute resolution was attempted by both the institutions by deciding property claims impartially to the maximum extent possible. These institutions have partly adopted the processes of renting, exchanging or selling the properties as a process of fostering the dispute settlements and thus have functioned as negotiant between groups. The process of settling property disputes through the process of self-help or violence is discouraged by these

---

[54]Human Rights Watch, 'Claims in Conflict. Reversing Ethnic Cleansing in Northern Iraq', Report vol. 16, no. 4(E), 2004, pp. 63-77.

[55]UNHCR Statistics, available at: www. Unhcr.ba/return/index.htm.

[56]Reports of the Secretary-General on UNMIK, 30 April 2004, pp. 21-2.

institutions by following the practice of issuing undisputed title and putting the parties into contact with each other. This way these institutions facilitated the furtherance of property transactions and avoided the settlement of property disputes through other means. Moreover, security to the titles was ensured and inclusion of computerized information in the newly established property registration systems was facilitated by the decision-making processes of CRPC and HPD/CC. Finally, the reconstruction of properties and the development of new property legislation were greatly assisted by the actions of these property expert bodies.[57]

Finally, the concept of 'truth' is being recognized by the restitution and compensation and also by "publicly recognizing the harm and wrongs done to the victims of crime and abuse of power".[58] Thereby, the respective programmes comprise narratives of past events. Unavoidably, these narratives might contradict the truth that possessed by those perpetrating groups in a society. By establishing the CRPC and the HPD/CC, there was a public acknowledgement by the new order that ethnic killings and exclusions need to be considered as internationally crime and it is necessary to counteract their results. Therefore it becomes important that the victims should be allowed to return to their territory of origin. In addition there should be the gaining of the main proceeds through these acts, in the form of restitution of refugees' and IDPs' property, or payment of compensation in cases where the rights could not be restored. The HDP/CC fully acknowledged the discrimination against the Kosovo Albanians in Serb's regime was rooted in property dispute. To address Kosovo's repression was in fact one main objectives of the establishment of the HDP/CC. As such it provided an exit for Albanian to release their choler in the institutionalized property restitution mechanism and was essential to prevent potential ethnic conflict in the future.[59]

---

[57]See note 45. Leopold Von Carlowitz, 'Crossing the Boundary' and Lynn Hastings, 'Implementation of the Property Legislation'.

[58] Theo Van Boven, 'The Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms', in Gudmundur Alfredsson and Peter Macalister-Smith 9eds.), The Living Law of Nations, Kehl: N.P. Engel, 1996, p. 354.

[59]Ibid.

2). Cambodia: No House, No Peace

Contrary to the situation in BiH and Kosovo, the experience of property dispute for displacements in Cambodia is full of chaos and grievances. These have badly impeded the furthering of the peace process in this country.

The *Agreement on a Comprehensive Political Settlement on the Cambodia Conflict* was the manifestation that was meant to focus on and guide the return process. However in reality it acted quite against its mandate, by not explicitly ensuring the right to housing or property restitution.[60] In the Agreement the generic right to voluntarily return to the place of their choice, protection of human rights and the right to property were included. However the Agreement was silent on the restitution guarantees which profoundly shaped the manner by which the return took place. In the context of Cambodia, reasons like the long period of war leading to the flight of the refugees, the highly destructive period between the flight and return of those wishing to repatriate, the absence of a proper legal framework and clear agreement on who had rights to which house or land would have prevented the direct restitution. However there is little to suggest that pursuing at least an attempt at restitution would have been totally impossible.

More than 350,000 refugees were transferred from Thailand to Cambodia on a mass scale during the period from 1992 till date. It was proposed by the UNHCR even at the time of planning the rehabilitation program that an area of two hectares land and 1000 square meter of housing plot in the location as preferred by each displaced family would be allotted to them. However this could not be brought to practice as most of the landed areas that were identified for allotment to the returnees were made unusable since there were mines plotted in those areas or the locations were unsuitable for living since security could not be guaranteed in those locations. Therefore these areas were declared unfit for

---

[60] The Agreement provides: "Refugees and Displaced Persons Art 19. Upon entry into force of this Agreement, every effort will be made to create in Cambodia political, economic and social conditions conducive to the voluntary return and harmonious integration of Cambodian refugees and displaced persons.. ..Art 20(1) Cambodian refugees and displaced persons, located outside Cambodia, shall have the right to return to Cambodia and to live in safety, security and dignity, free from intimidation or coercion of any kind".

resettlement by the UNHCR and the people who were about to return to those areas have been restrained from returning to these locations. At this stage it became clear to UNHCR that the proposed allotment of 2 hectares and one housing plot was an impractical solution as it could not be extended to all the returnees. For instance the results of one of the studies conducted in the area of Battambang province revealed that almost 99 per cent of returnees could not be allotted any land, and that most of the returnees who were supposed to receive 2 hectares of land and housing were actually rendered homeless and remained as destitute without any shelter.[61]

In order to meet the challenges posed by the problems relating to the returnees there were several assistance packages conceptualized. One of the most attractive packages was to offer a cash grant of US $50 per adult returnee and US $25 for each returning child. There were also attempts by UNHCR to make land titles available to the returnees. But the agency used its influence to enter into informal arrangements with local officials to accomplish this. However the real situation turned out to be that once UNHCR returned these agreements were never given effect to. The issue of land allotment and resettlement became more complex since the refugees started returning at a time when the process of privatization and allotment of titles to land commenced which has increased the competition for the best lands available which are already scarce.[62] According to latest reports from some humanitarian agencies the process of land allotment has resulted in more severe conflicts involving more instances of land grabbing and forced evictions in Cambodia which has made the situation from bad to worse. This has severely hit the normal life of several civilians and also the process of resettling the returnees. The position of indigenous and minority groups has been found to be still worse as they have been forced to lose more areas over the time. This situation of losing the property rights has inflicted additional sufferings in the form of relocation of landless returnees and has

[61]Marita Eastmond, Joakim Ojendal, "Revisiting a 'Repatriation Success': The case of Cambodia', *In the End of the Refugee Cycle?*. 1999, P, 38.

[62]David Whittaker, 'Asylum Seekers and Refugees in the Contemporary World', *Journal of Refugees Studies.* September 2007 (20), pp. 542-546.

affected the process of resettlement to a great extent. This has also led to loss of economic and social welfare. Physical threats, intimidation, violence, imprisonment or even death were the outcome of this process.[63]

---

[63]World Report 2008 – Cambodia, Human Rights watch, 31 January 2008. UNHCR Refworld, available at: http://www.unhcr.org/refworld/docid/47a87bfb55.html [accessed 27 June 2008]

CHAPTER 4: RETURN AND REINTEGRATION ISSUE OF DISPLACEMENT IN PEACE BUILDING

Within the context of displacement and peace-building, the action of reintegration can be construed as the process that aims at making the groups of people who are earlier displaced to enjoy a progressively greater degree of security in all extents. In addition, reintegration encompasses the efforts to eliminate the distinctions which place the returnees in positions different from their compatriots, more particularly in terms of their socio-economic and legal status.[64] Peace building, on the other hand, refers to the process that attempts to re-establish rules of law and to restore judicial procedures. Peace-building also aims to make an equitable distribution of resources among displaced, and to drive away the social and political violence.

The objective of post-conflict peace-building is mainly to represent the "process of consolidating peace in war-torn societies". [65] The international community has viewed the return and reintegration as the most durable solution for addressing the miseries of the displaced and it is also considered as critical to the success of post-conflict peace building process. The issue of return and reintegration of refugees and IDPs has assumed a greater role in the international peace making process in preference to seeking more relief and humanitarian considerations. It may be noted that that almost all major international peace-building agreements and treaties among the nations beginning with initiatives taken by the leaders of the Central American countries in the late eighties (who called for a regional approach to end regional armed conflict) have focused on the inclusion of specific provisions in such agreements

---

[64]'Return and Reintegration', *The State of the World's Refugees: A Humanitarian Agenda*, UNHCR, 1997-98.

[65] Monica Liamazares, "Post-War Peacebuilding Reviewed A Critical Exploration Of Generic Approaches
To Post-War Reconstruction". *Centre for Conflict Resolution Working Paper 14*, University of Bradford Department of Peace Studies. February 2005.

relating to the return of the displaced citizens. This is the case with any agreement whether in Cambodia, Bosnia, Mozambique or Namibia that had been concluded. Supported by many cases, there has been a growing recognition amongst states and other actors that there is a definite role to be played by the displaced people in making an effective contribution to local, national and regional security and this can be achieved by the return and integration of such displaced population.[66]

It becomes necessary to study the ways in which the process of return and reintegration can contribute to the search for peace and stability in regions that have experienced extreme suffering caused by violence and human rights abuses. The following section presents some views in this direction.

First, in the perspectives of the World Bank, there can be no solution to the conflicts so long as there is a considerable displacement of the population belonging to a society. The World Bank is also of the view that normalcy can be returned in the Nations only when a majority of the population displaced are made to return and their position is reintegrated into the respective societies. [67] As this statement suggests, displacement movements should be considered an aberration in a modern society. The displacements represent symptoms of the circumstances under which the State does not have the ability to offer any protection to its citizens and it also represents a state in which there is no possibility for different groups of people to co-exist peacefully. In order to protect the national security and to reinforce the human security it is vitally important to ensure that the process ensuring the return and reintegration of people who have been uprooted or affected by violence is undertaken with all sincerity.[68] Since the return of the displaced population can be considered as a strong and tangible move towards achieving the protection and signals the restoration of security, the

---

[66]Oladele Arowolo, Return Migration and the Problem of Reintegration, *International Migration* 38 (5), 2000, pp. 59-82; Martina Fischer, *Recovering from Violent Conflict: Regeneration and (Re-) Integration as Elements of Peacebuilding*, 2004, pp. 6-15. http:www.bergof-handbook.net.

[67]Steven Holtzman, 'Post-conflict reconstruction', *Environment Department Work in Progress*. Washington DC: World Bank. 1995.

[68]Nicole Ball, 'Transforming security sectors: the IMF and World Bank approaches', *Conflict, Security & Development*, volume, 1, issue 1, April 2001, pp. 45-66.

voluntary return of displaced people play an important role in influencing public confidence in the peace building process.

Secondly the failure to reintegrate the displaced people in to their own community in a proper shape and to their satisfaction would certainly impede the peace-building process. Political extremism and factional conflicts are due to rise when there is no way for the displaced people to reclaim their lost properties and to re-establish themselves with some economic activity to ensure a livelihood or when they are made to live constantly under fear of social discrimination and threats of violence against their peaceful living. Under these circumstances it is necessary to consider the process of effective and sustainable reintegration as an essential prerequisite for preventing the incidence of future conflicts.[69]

Third, there are doubts cast on the consideration that the refugees and IDPs were the innocent victims of conflicts and violence which are beyond their control as it has come to light recently that armed conflicts and political instability can be instigated even by the people who are exiled from their own home countries. This situation arises in cases where the individuals who have been committing crimes against fellow human beings, are actively engaged in the process of causing destabilization for their home country, have been made to leave the country on exile or they have acted in concert to instigate civil conflicts in the countries where they were living as refugees. Under such conditions unless the armed exiles are made separate from other civilians the peace-building process cannot be strengthened. Once the armed exiles are separated from the total mass the civilians can be encourage to return to their home land for a possible reintegration.[70] This phenomenon of separating the militia and making the civilians return to their homeland represented one important aspect in

---

[69]See Alpaslan Ozerdem, 'Disarmament, Demobilization and Reintegration of Former Combatants in Afghanistan: Lessons Learned from a Cross-Cultural Perspective', *Third World Quarterly*, vol. 23, no. 5, Reconstructing War-Torn Societies: Afghanistan (Oct., 2002), pp. 961-975; Kees Kingma, 'Demobilization of combatants after civil wars in Africa and their reintegration into civilian life', *Policy Sciences*, vol. 30, no. 3, 1997. Pp. 151-165.

[70]Oladele Arowolo, Return Migration and the Problem of Reintegration, *International Migration* 38 (5), 2000, pp. 59-82.

converting war into peace situation in the countries of Cambodia, Namibia, Nicaragua and Rwanda, for example.

Fourth, it has been proved that he economic recovery of the war-torn states had been greatly facilitated by the process of reintegration of the displaced population. The World Bank is of the opinion that in many of the countries where there are conflicts, the proportion of the displaced population represents a large volume of the total population and this clearly undermines any attempt made by the respective state towards development. It is to be understood that where at least 10 to 15 per cent of the population does not have their roots in the respective countries in which they reside and also since in those cases their future domicile cannot be predicted with precision there can be no systems of designing any schemes that offer social services, or schemes to promote agricultural activities and other basic programs and often they will be found to be problematic at best.[71] Other examples may be found in the Horn of Africa, and the Ogaden region of Ethiopia. In these regions the former refugees and IDPs have contributed greatly to the process of peace building after their return by helping to revitalize the local economy. Even if returnees do not bring a great deal of financial capital with them in many cases, they offer a sizeable proportion of human capital and offer the revitalizing of the social capital in the respective nations.[72]

DDR – representing the disarmament, demobilization and reintegration of the militia among the exiles has been regarded as one of the key elements in the process of peace-building and reintegration in the post-conflict scenario. The successful attempts to initiate DDR programs are considered as an essential prelude to the process of preventing conflicts since the DDR process implies multiple transitions involving disarmament helping to build-up national initiatives

---

[71]Seymour Holtzman, 'Post-conflict reconstruction', Environment Department Work in Progress, World Bank, Washington DC, 1995, p. 15.

[72]B.S. Chimni, 'From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems', Refugee Survey Quarterly, 2004 23(3), pp. 55-73; John Rogge, Joshua Akol, 'Repatriation: Its Role in Resolving Africa's Refugee Dilemma', International Migration Review, vol. 23, no. 2, summer 1989, pp. 184-200; Oliver Bakewell, 'Repatriation and Self-Settled Refugees in Zambia: Bringing Solutions to the Wrong Problems', Journal of Refugee Studies. 2000 13(4), pp. 356-373.

for the prevention of wars and armed conflicts. The process is also considered invaluable from the angle of accommodating the returnees for the purpose of rebuild economy in host communities. It is essential to consider the DDR programs as having close association with the elements of post-conflict activity.

The reason for such consideration is that there is an extremely high risk that the ex-soldiers who are not shown the path of peace by integrating them in to the society to which they belong might become the recruiting center for organized crime entities and might cause further disturbances to the society. In the context of Bosnia Herzegovina it came to the realization of the international intervention agencies after the lapse of five years that the failure to adopt demobilization and reintegration programs as properly embedded in a generally accepted concept of security sector reform has resulted in the failure of their intervention efforts.[73]

Similar situation is prevailing in Chechnya, since the Second Chechen war until the present, due to the reason that the there was no reconstruction of economic and political capacities, the ex-combatants have turned to be the major force of Russian Mafia operating from Chechnya. In those instances it turns out to be so that the returnees themselves have become the cause of security threat, and, therefore lead to a breakage in the peace process. It has not been accepted with conviction that the individual who is a returnee may also be the fighter and therefore becomes both the victim and perpetrator himself.[74] In Angola one of the major hurdles in implementing the peace-building process was the demobilization of ex-combatants. Although through the efforts taken by UN there had been a successful disarmament of 105,000 ex-combatants in the year 2002, a lot more remain to be done in the areas of providing attractive demobilization packages to the ex-combatants including the chance of reuniting them with their families which will be a better motivation for them to get disarmed. Many of the international observers of the peace-building process has viewed the issue

---

[73]Heinemann Gruder, Tobias Pietz, *Turning Soldiers into a Work Force. Demobilization and Reintegration in Post-Dayton Bosnia and Herzegovina*. 2003. BICC brief 27, Bonn: BICC. Pp. 21-79.

[74]Howard Adelman, 'Refugee Repatriation', in Stephen John Stedman, Donald Rotchild & Elizabeth M. Cousens, eds, *Ending Civil Wars: The Implementation of Peace Agreements*. Boulder, CO: Lynne Rienner, 2002, pp. 273-302

relating to the disarming the ex-combatants as a sensitive one, since they carry the high risk of complicating and impeding the peace process.[75]

Case Studies

1). Bosnia and Herzegovina: Integration of Minority Returnees — Unrealistic Expectations and Sequences

Bosnia is a region where reintegration of displaced people had gained much attention since more than half of the 4.4 million populations became refugees or IDPs. Nevertheless the process of return was not very successful and was marked by a series of failures. In particular, there could not be any effective motivation of the members of the minority communities who returned even after the implementation of the Dayton Agreement. Still there were serious problems raised in the various programs designed for motivating the returned people. Previously, since the action of expulsion and the division of Bosnia-Herzegovina into ethnically pure territories remained unacceptable, the international priority was directed towards pressing ahead with minority returns. Finally it was understood that it was not practical to motivate people to re-settle in regions and to a context under which they still are considered as a part of the ethnic minority. Only elderly people were ready to accept this settlement process while the younger and middle age populations preferred to stay at places to which they had migrated or pursued different options of their own.

Due to the reason that there has not been an effective reintegration of the displaced population in the absence of an efficient return plan, international intervention agencies United Nations, the High Representative for Bosnia-Herzegovina (HR) and the European Union attempted to make a refinement t their political objectives concerning the resettlement of the displaced groups. However these agencies were still holding on to the concept of 'right to return'. But this time more focus was diverted on making legal and financial support

---

[75]Kees Kingma, 'Demobilization of combatants after civil wars in Africa and their reintegration into civilian life", *Policy Sciences*. 1997 vol. 30, number. 3, pp. 151-165.

available for all those who wished to return to their homeland while exercising their freedom of choice with respect to the place of return. Apart from this initiative the international agencies involved in the peace-building process started thinking in the direction of attempting new solutions which had the concept of facilitating integration in a new place of residence other than the original home.

This change in focus is in consideration of the fact that many of the displaced people having no intention of returning to their homeland infected still by hostilities have strongly put in their roots in their new places of residence. The former High Representative, Wolfgang Petritsch, remarked that it is impossible to think of restoring the old ethnic map or the multiethnic and multicultural society in Bosnia which is the dream of the diplomats and artists because, "the displaced people are not prepared to return to places where they do not feel safe and where they do not see any potential for their future well being and this kept the lofty political objectives of the foreigners at bay".[76]

The overlapping of war related changes with changes caused by system transformation posed a strong impediment for the smooth and speedy return programs and had led to slowing down of the reintegration process. For instance, there was a fillip in the process of urban-rural migration caused by the war situation. Which otherwise would have also happened due to changes in the economic processes caused by economic transformation. This implied that some of the re-settlers have decided to move out of their original places in pursuit of economic opportunities. Therefore this situation exemplifies the overemphasis on minority returns and also the missive forced return to depopulated regions even in cases those were their homes before the war – which seems genuinely anachronistic.

The Bosnia peace building process suffered from yet another issue in that the international actors had a narrow focus on the wellbeing of only the displaced population instead of considering the wellbeing of the nation as a whole. This situation prevailed particularly with respect to the distribution of available

---

[76]Wolfgang Petrisch, Bosnien and Herzegowina: 5 Jahre nach Dayton – Hat der Friede eine Chance?, Klagenfurt u.a.: Wieser – Verlag. 2001.

resource and the planning of the process of re-settlement. The over-emphasis focused on the reintegration of the returnees posed a potential danger of implicit discrimination or exclusion of other local groups who did not constitute the returnees but whose living conditions were also equal to or worse than that of the returnees. In every initiative aimed at providing assistance to repatriation and reintegration needs of the returnees, it is important proper care is taken to ensure the avoidance of the perception that the needs of the returnee population are taken care of to the exclusion of or at the cost of the wellbeing of the current residents, as such perceptions and feeling may lead to social resentment and eventual conflicts among the groups.[77]

2). Afghanistan: Reintegration of 'Return Combatants"

Afghanistan presents a good example of the significance of the DDR program and reintegration of combatants in the displaced groups. For a long time, Afghanistan and the neighbouring nations have been confronted with the potential threat of building of military capacity amongst displaced populations. This had a significant impact on the peace building efforts of the nation. In fact it is apprehended that the infamous *mujahedin*, as well as the Taliban group derived much of their strengths from within those groups. It was the order of the day that the armed insurgents continue to attack civilians, local governments, humanitarian workers and international peace keeping forces. It was found that the guerrillas staying in the neighbouring Pakistan were responsible for the creation of bases that masterminded a number of those infiltrations. A similar situation was found to exist in some particular regions of Afghanistan like the provinces of Faryab and Jowzjan. These regions witnessed the political tensions frequently. Here the chances of attacks on the refugees and IDPs were high and that was used as a way by those warlords to enhance their military strength and

---

[77]Roland Paris, Peace-building and the Limits of Liberal Internationalism, *International Security.* Vol. 22, no. 2, Autumn 1997. Pp. 54-89; Would Resettlement Solve Bosnia's Dilemma? *New York Times.* December 8, 1998.
http://query.nytimes.com/gst/fullpage.html?res=9B0DE4D61239F93BA35751C1A962958260

political position. However the efforts of the humanitarian agencies in these regions have to be appreciated as they have put all their efforts to reduce the chances of repatriation.[78]

It was practically impossible to precisely find out the extent to which the repatriates form a portion of the insurgents. In the meantime, the neighbouring countries like Pakistan and Iran which are situated very near to Afghanistan have taken a stand to refuse to accommodate new migrants. These countries identified them as "illegal intruders" and decided to deport them as and when they enter their borders. It is their necessity to earn a living that many of the Afghan refugees were made to join insurgent groups. They out of pressure continued to extend support to local Afghan warlords with armed capacity. In the case of Afghanistan it may be that the implications for regional security may be large and conspicuous. This is due to the reason that it involves intrusion into the rights and interests of the Afghan government as well as the neighbouring countries. From an altogether different perspective it is also possible that the continued unrests and attacks caused by the actions of the exile-based groups that destabilizes the country politically and economically would certainly invite retaliatory actions from the government of Afghanistan or from other forces supporting the cause of the government from within that country.[79]

Based on a recent report it is stated that the deteriorating security conditions, lack of availability of proper accommodation and unemployment problems may compel many of the Afghans returned to their homeland to leave the place again in pursuit of better living conditions and economic opportunities. The UN Refugee Agency UNHCR reports an enhanced rate of insurgency-related violence which is much in excess of that prevailed during 2002-2003. The report also suggests that the feeling of insecurity has made some returnees reconsider their decision of staying in their homeland to which they have returned recently. Therefore it follows that in order to achieve a sustainable peace for

[78] Larry Goodson, *Afghanistan's Endless War: State failure, Regional Politics, and the Rise of Taliban.* Washington DC: University of Washington Press, 2001. P. 79.

[79]Alpaslan Ozerdem, Disarmment, Demobilization and Reintegration of Former Combatants in Afghnistan: Lessons Learned from a Cross-Culture Perspective". *Journal of Peace Research,* 2004, Vol. 41, No. 4, pp. 499-516.

Afghanistan and its neighbouring states it is vitally important that the international agencies adopt newer techniques to push the DDR programs forward with vigour and make everything possible to reintegrate those combatants to civilian life. Without this peace in Afghan region will be a distant dream.[80]

---

[80]*Afghanistan: Returnees my become refugees again – ministry.* IRIN, Wednesday 25 June 2008. http://www.irinnews.org/Report.aspx?ReportId=78822; Insecurity hindering return of Afghan refugees to their homeland, says UN agency. UN News Center, 27 February 2008. http://www.un.org/apps/news/story.asp?NewsID=25769&Cr=afghan&Cr1=

CHAPTER 5: THE SOVEREIGNTY AND INTERVENTION DEBATE OF DISPLACEMENT IN PEACE BUILDING

The issue of sovereignty and intervention debate of displacement in the process of peace-building is complex and different from the issues discussed in the other sections of this paper. Contrary to the issues involved in property concerning the displaced population this issue is more directed towards the tensions among sovereign states and those non-governmental organizations that involve themselves in the process of peace-building and other humanitarian issues caused by the atrocities caused by governmental atrocities. This issue is getting prominence due to the enlarged numbers of intra-state conflicts in which the provision of humanitarian aid is complicated by the action of the states. In his Millennium Report to the General Assembly, UN Secretary-General Kofi Annan noted that national sovereignty, although serves the purpose of being a strong protection against weaker nations, they should not take the form of a shield to commit crimes against humanity and mankind. It has always been a dilemma to have a proper coordination between the national sovereignty and human rights. The Security Council no doubt has a moral obligation to protect the cause of international community. However in most cases it is quite possible for the international community itself to take measures that would ensure the continuance of peace without really infringing on to the State Sovereignty.[81]

State sovereignty has quite often been cited as one of the main reasons for the unavailability of the international aid to displaced population. However this reason has been proved as not having any valid ground during the times of late 20th and early 21st centuries to be treated as not tenable. It cannot be considered that the concept of sovereignty has been proved to have an

---

[81]Kofi Annan, "We the Peoples: The Role of the United Nations in the 21st Century," Secretary-General's Statement to the UN General Assembly, New York, 3 April 2000. Accessed at http://www.un.org/millennium/sg/report/state.htm, 7 November 2002.

ineffective purpose. The main purpose of sovereignty is to offer vital protection to the freedom of states against external interference and to enable the states to discharge their functions of governance unhindered by the external influence.

Sovereignty, however, cannot merely be construed as a shield for the states against the coercive attitude of other states. It also encompasses the responsibility of the state to provide protection to its own people and property through the exercise of proper governance. States have always been considered the prime source of political, social and economic stability in the world. As one scholar put it, "... it is within states that a platform of order is established on which the justice we associate with the notion of human rights might be based."[82] Where there are no systems or institutional capabilities to protect the citizens of a country from violence or violation of human rights that country is referred as a 'failed state' as some of the most desperate conditions for human survival and dignity are precisely missing in such a country.

The premise of weakened or lost sovereignty can be identified as a source of potential danger to its citizens. However the debate relating to sovereignty in the context of displacement is indicative of the situations wherein a sovereign state prevents the provision of life access or even international aid to displaced populations. There may be one other situation prevailing in the state when the sovereignty is found to be not strong enough. In such a case one state may not be in a position to control its own territory and prevent other neighbouring states from harming its population. Under such circumstances the responsibility to protect the property and rights of the displaced community does not cease to be that of the state; but however the international community can hardly hold that state accountable if the state is powerless.[83] It can clearly be seen as a disastrous situation for the civilians where there is capability to ensure proper

---

[82]Raymond Vincent, Human Rights and International Relations. Cambridge: Cambridge UP, 1986, p.114.

[83]Article 1 of the Montevideo Convention on the Rights and Duties of States (26 December 1933), defines the core elements of a sovereign state as 1). a permanent population, 2). a defined territory, 3). a government and 4). capacity to enter into relations with other states. The ICRC is permitted to negotiate with authorities who exercise de facto control over a population, regardless of international recognition of such authorities.

governance. There may be other disasters also like different factions fighting for dominance affecting the harmony of life in the state. Such anarchic conditions have recently been witnessed in countries like Afghanistan, Somalia, DRC, and southern Sudan.[84]

A raider to the issue of sovereignty is the principle of non-intervention in the internal affairs of a state. According to Article 2.7 of the UN Charter, the United Nations will not be authorized to intervene into issues that "fall within the domestic jurisdiction of any member nations". Until the close of the 20th century the issues concerning the refugees and IDPs were normally governed by this charter that acted as an injunction.

The present day international system of states represents that of a system comprising of sovereign states. The UN Charter specifies that the hindrance to self-defence or situations representing grave "threats to international peace and security" can only be regarded as the circumstances implying the breach of sovereignty of any nation. But over the period there have been changes in the concept of situations constituting threat to other states. Similarly the understanding as to the elements that enable a state to carry a legitimate mantle of mantle of sovereignty has also been evolved. Circumstances leading to violence and persecution created or tolerated by the state against its own people may lead the state to the position of vulnerability as is being viewed by the international community. Examples may be found in the State of Cambodia under the regime of Khmer Rouge regime and under the regime of Idi Amin in the country of Uganda, where there were no wholehearted defenders who were willing to take up the cause of millions of people whose fundamental rights were violated. It was the situation of the sovereignty of these states being violated by the neighbouring states trying to mitigate the hardships caused by grotesque violation of human rights in these nations.[85]

---

[84] ICISS, *The Responsibility to Protect, Report of the International Commission on Intervention and State Sovereignty.* December 2001.

[85] Ibid.

It is interesting to note that in the case of Cambodia and Uganda and several other states that faced extreme situations, the violation of sovereignty was justified by the international community only on the reasons of self defence or threats to international peace and security. The consideration of pure humanitarian considerations has never been the case. Even in these cases only when the situations rise to the level of causing potential danger to the international peace or security due to extreme outrage of human rights they became valid grounds for intervention. It so happened in many cases the violations have proved to result in massive displacement of people and that led to the intervention of neighbouring states. Algerian President Abdelaziz Bouteflika articulated the reservations held by many states about 'humanitarian intervention'. According to the President the country does not deny the role and responsibility of the United Nations in alleviating the suffering of mankind. But at the same time he does not want to tolerate any action which might have the effect of undermining the Sovereignty of the country. This is the stand taken by him due to the reason that he believes sovereignty is his "last defence against the prevailing rules of a World full of unequal propensities". The action of the country in taking part in the decision making process of the Security Council also make him to remain highly sensitive to actions undermining State Sovereignty.[86]

A number of complex emergent situations have been identified by the UN Security Council as potential threat to international peace and security and these situations have also been included in the UN Charter covering the issues relating to the displacements and resettlements. This charter under appropriate legal cover enables the "provision of possible assistance to the displaced people even without the consent of the heads of states or other governing authorities". By doing this explicitly the Charter had made the international relief efforts available to the displaced people speedily and unconditionally. It so happened in the regions of Northern Iraq, Somalia and Bosnia, the distribution of humanitarian relief and aids was to be protected by the military forces and in some instances

---

[86]As quoted in Ray Wilkinson, "IDPs - Who's Looking After These People?" in Refugees Magazine, Vol. 4, No.117 (December 1999), p.7.

the military forces themselves took the direct role in delivering the relief packages. Although the military people by virtue of the rules of their engagement are not supposed to involve themselves in political-military conflicts that lead to disasters for human beings, the soldiers in this case were not seen as neutral actors in settings which involved the displacement of civilians through deprivation and terror and such deprivation and terror was the strategic objective of one or more parties to the conflict.

The Millennium speech of the former Secretary-General has underpinned the necessity of state sovereignty and intervention in a lead role to protect displaced populations and this issue has become the focal point of many peace building discussions and negotiations. The then UN Under-Secretary-General for Humanitarian Affairs, Sergio Vieira de Mello, observed that the issue of international protection of IDPs and refugees have taken the "soft and very delicate centre of the sovereignty debate".[87]

It is the shocking picture from the Rwandan genocide that generated the momentum for a renewed thrust to addressing the debate of displacement protection and sovereignty. One of most shameful moments in the history of international peace-building process was created when the international community was inert and did not respond spontaneously to prevent the massacres or to tackle the security crisis caused by Rwandan genocide.

Where situations of conflict exist, it is the war aims that routinely take priority over the humanitarian imperatives such as access to depopulated areas. The aspect of displacement is being used as one of the tactical tools for the purpose of achieving different strategic and political aims of nations. As a natural consequence this process leads to the possibilities of indulging in large human rights violations. These violations are particularly focused at disturbing the peaceful existence of minority populations. This is one of the reasons that make the affected people to flee the respective nations in order to protect their lives and secure means of sustenance. With the continued existence of these

---

[87]Sergio Vieira de Mello, "Talking Points on IDPs." (Unpublished) speech presented at a UNHCR/NGO Conference Dinner, New York, 11-12 March 1999, p.3.

circumstances actions towards protection of human rights and international peace building efforts to protect the human rights and alleviate the sufferings of displaced people will be needed. Yet the practical situation that prevails appears to be different. Despite the existence of these clear needs to improve the plight of the affected people, the international response to internal displacement still remains in the form of a controversial issue that disturbs the peace in many of the poor and weaker states. In view of some of the nations this position is seen as the means to open the doors for intervening in the displacements and in also reducing the level of State Sovereignty. In other cases such actions are viewed by the forces acting to protect the human rights from the government and non-government positions as forces that interfere with their objectives in protecting the rights of the people.

Case Studies

1). Chechnya: A Forgotten Corner

One of the mass displacements is found in the lengthy Chechen war which has displaced more than 600,000 refugees and IDPs. Of these, roughly 60 percent remained internally displaced, and many have crossed borders and found asylum in neighbouring Russian regions. Displacement continues now, while profound insecurity and a grave humanitarian situation have kept many of the displaced from returning voluntarily to their homes.[88]

Chechnya has been found to be a complex setting from the perspective of providing humanitarian aids and intervention by the international actors and the state continues to remain so. According to the views of the UN expressed in its appeal for aid to Chechnya in 2003, Chechnya continues to remain as one of the world's least safe region and access to and freedom of movement in the region happens to be one of the challenging issues. The report observed that this situation prevailed despite the assistance provided

---

[88]Global IDP Project, "Profile of Internal Displacement: Russian Federation," updated 23 March 2008. Accessed at http://www.db.idpproject.org, 01 April 2008

by the Russian authorities to aid agencies in confronting the pervasive security threats.[89]

No aid agencies could stay for an extended amount time in Chechnya due to the continued position of regional insecurity, caused by acts of kidnapping and assault. The UN supplies relief necessities to those in need through some partner organizations, such as the Medicins Sans Frontieres and People in Need Foundation. These NGOs deliver assistance within Chechnya independently from the UN system. However neither the UN nor other aid organizations dare to maintain permanent presence in Chechnya region and they mainly rely on the services of the local staff.

When the question of sovereignty comes there was no issues raised by the international community against the Russian Federation's sovereignty in Chechnya. Similarly there was no question on the government's right to act to preserve its territorial integrity. In Chechnya, the situation was that the state was unable to maintain full control over its own territory which marked the absence of one of the most fundamental attributes of sovereignty. This inability of the state led to the creation of a state of insecurity that much international action was to be initiated through remote control. But on the contrary the reassertion of Russian sovereignty has also proved to hinder the process of providing aid to the displaced difficult and rebuild peace in the area. As a matter of fact, the actions based on Russian sovereignty have authorized actions that prevented peace-building forces and humanitarian aids gaining access to the displaced.

2). DRC: A War-Zone of Inaccessibility

Democratic Republic of the Congo was one other region that stood as the fitting example of political instability for more than a decade and the country faced the hardships of what has been called "Africa's World War" for a period of more than six years. This period witnessed the large scale

---

[89]UN OCHA, "Consolidated Inter-Agency Appeal for Chechnya and Neighbouring Republics (Russian Federation) 2003," 19 November 2002, p.14.

48

displacement of nearly three million citizens within the borders of the Democratic Republic of the Congo (DRC).[90] The majority of the internally displaced people are in the Eastern provinces of North and South Kivu, near the border with Rwanda, Ituri province along the border with Uganda as well as in the far south eastern province of Katanga. Most live in deplorable conditions. Widespread physical insecurity is compounded by food shortages, frequent outbreaks of disease and a lack of health care.[91] Access to these vulnerable people is hindered by almost every kind of obstacle humanitarian organisations encounter.

In the context of DRC security has been identified to be the foremost concern from the point of view of both the internally displaced people and the humanitarian actors present in the DRC. There does not seem to be any power or authority left with the central government to control and monitor the situation prevailing in the country. This is evident from the discontinuance of the cease-fire agreements which were brokered by the government as it happened in the case of Ituri province during May 2003. The local civil population as well as the displaced population were attacked by armed militia and former military force members who were associated with the losing side in Rwanda's civil war and who have mingled in the local community.[92] The actions of the humanitarian organizations in DRC was challenged due to the creation of a highly complex operational environment since almost all of the neighbouring countries of DRC have placed their troops or proxy forces in DRC during some point of time since the year1996, and this made the job of these organizations tough. In a gruesome incident the murder of six ICRC staff took place in April 2001, n Ituri province in the northeast. This has led to the suspension of all the activities of ICRC on a

---

[90]Global IDP Database, "IDPs in Democratic Republic of Congo: Population Profile and Figures," updated August 2002. Accessed at http://www.db.idpproject.org/Sites/ idpSurvey.nsf/.../, 14 August 2002.

[91]Save the Children Fund, "Save the Children UK Emergency Bulletin DR Congo," June 2002. Accessed at http://www. reliefweb.int/.../, 26 June 2002.

[92]Norwegian Refugee Council (NRC), "Analysis: Internal Displacement in the Democratic Republic of Congo," 28 July 2000. Accessed at http://www.cides-congo.org/eng/anaylsis07282000.html, 26 June 2002.

temporary basis in the territories controlled by the Congo Liberation Front as well as the Ugandan People's Defence Force. This murder incident has made the staff of the agencies to re-think about their involvement and their morale went to the lowest ebb affecting their commitment. This was particularly the case with the staff who operate in dangerous regions of the country. The murder and the subsequent change in the thinking of the staff of the agencies have left only few organisations with permanent workers in the country. The agencies had to face additional constraints due to the vast landed area of DRC and the undeveloped transportation infrastructure. This made accessing the people who are in need difficult and impeded the peace process to a great extent. The limitations in accessing the internally displaced people had its effect on the ability of the agencies to precisely determine the needs of the people and to address the other issues of the displaced people.

It has been an arduous task for both UN and NGO staff for building up infrastructural facilities to get access to the mass of the displaced population. Uncertainty to the negotiations on the delivery of assistance was the order of the day since it was not possible to find out clearly which armed group is in control of a particular territory. It severely affected the demobilization process also. Rebel groups were having control over significantly large areas especially the ones which had large displaced population. It was not at all possible to establish any sort of a basis for trust so that the agency staff can negotiate with the insurgents.

.   The UN Organisation Mission in the Democratic Republic of Congo (MONUC) was the responsible agency for monitoring the United Nations ceasefire-monitoring operation in the DRC. This agency attempted to organize the return of the internally displaced people to the areas which were highly depopulated. However only few internally displaced people decided to return to their homes, even in areas where there was adequate security to protect their lives and property. This is due to the fact that most of the social and economic infrastructure had been devastatingly destroyed by

the militia. Moreover there were only very limited internationally-supported attempts at any form of reconstruction have been initiated. Further, when the conflict in Ituri province intensified a large number of civilians were displaced and these people changed their residence to locations both within the province and some of them crossed borders to neighbouring Uganda. The renewed fighting has diminished all the hopes for continuing the negotiations with the belligerents which might have eventually led to effective peace at the local level. The fighting left a majority of the IDPs to continue seeking settlements within war zones. These locations presented an environment which seemed totally dangerous for the international relief providers, who were left largely unarmed and unprotected. This further dampened any hopes for peace-building in the region.

CHAPTER 6: CONCLUSION

It is to be appreciated that the displaced persons also represent the symptomatic elements of the societies that are ill affected and results in more misery. These categories of people are to be seen in isolation to other categories of people with distinguished vulnerabilities: physical assaults from wars, human rights violations, discrimination, unequal distribution of resources, and psychological trauma ever after conflicts. Humanitarian efforts can do much to help people alleviate their suffering while the catastrophes that result in further displacements and the consequent miseries of the mankind. But there are chances for the reviving the chances of the peace processes within many of the countries which have been affected seriously and these chances have enhanced in the recent periods. It is also seen that the likelihood of resolving some of the catastrophes have been found to be excitingly within the reach of the nations which are willing to revitalize the process.

The issue of continued displacements and the associated hardships faced by the people of the respective nations is deeply rooted in the social system of poor and undeveloped nations. The only way to mitigate this issue is to carry on an effective peace building process in these nations. In fact the continuance of the issues connected with displacement situations is caused by the economic and political situations prevailing in these states. The root cause of this issue and the consequences thereof are interconnected in many ways. First of all the continued exile of the refugees and IDPs is the result of failure in the attempts to end the conflicts and speed up the peace building process. Similarly the prolonged existence of the displaced population is the main cause for emanating further conflicts thereby endangering the peace-building efforts.

This situation is prevalent in some of the African, Asian, and Latin American countries. In these countries the continued presence of a large volume of displaced population has resulted in a prolonged state of conflict and instability. There are other manifestations of recurring displacement issues. They normally can be found to be the source of international, national, and regional conflicts thus causing instability in neighbouring countries. This necessitates an intervention in to the everlasting challenge and sometimes this issue forms the basis for emerging insurgencies and formation of terrorist outfits. Even the militarization of displaced groups cannot be found to be a better solution as it leads to various security problems for the country of origin. In this process even the host communities get affected and the process also affects the international sphere.

It is not possible to rule out the indirect security implications being caused by the displacement crises. There are occasion where tensions arise due to the perceptions of the local populations that the shelter-seeker are offered preferential treatment in the matter of providing new shelters. In the course of time there is deterioration in the number of donors who are willing to engage for displaced populations. This becomes an increasing source of conflict as there is always the competition between refugees/IDPs and the host communities over the resources which have become meagre and scarce.

In the absence of continued and permanent solutions to these challenges legislators and policymakers are often endowed with scepticism and helplessness. They are at a loss to find permanent solutions to mitigate the hardships caused by large scale atrocities and evictions. However one cannot lose the optimism since there is still faith among the people in other nations in the phenomena of justice and humanity. Besides, it is identified throughout history the people have been equipped with the quality of resilience to push their lives through all miseries. There are examples where the countries have partly succeeded in their efforts to get back to their normalcy with respect to displaced population. These are countries like Cambodia, South Africa, Mozambique and other Latin American contingents. Even in these countries the pace of the

progress varies with some action faster and some slower. However the progress in these countries has clearly demonstrated that there are ways to dissolve the antagonisms and with continued efforts there is every chance that the grievances can be healed. It is to be recognized the willingness of the people to live peacefully is stronger and will act against the inclination to commit any evil to the society. If one thinks that there are no ways of stopping the most terrible conflicts, there should at least be a mindset that the process of peace-building should be given a chance to progress so that the re-occurrence of the conflicts that cause untold miseries to poor and helpless people will be stopped.

REFERENCE LIST

1. Edward Newman, Joanne van Selm, editors, *Refugees and forced displacement: International security, human vulnerability, and the state*. United Nations: University Press, 2003, pp41-60.
2. Tim Allen, *In Search Of Cool Ground War, Flight & Homecoming in Northeast Africa*. Africa World Press, 1996, pp. 118-36.
3. Pete Lakin, Garth Stein and Therese Cuny, *Repatriation Under Conflict in Central America*. Georgetown University Center, November 1991, pp. 71-84.
4. Jim Miller, Uganda's IDP Policy, *Forced Migration Review*, 2006, 27, p.78
5. RSG, *Internal Displacement and Peacebuilding: A Contribution to the Discussion*, submission to the Peacebuilding Commission. 2007.
6. [1]International Council on Human Rights Policy (ICHRP) (2006) *Negotiating Justice? Human Rights and Peace Agreements*, Geneva: ICHRP
7. *Guiding Principles on Internal Displacement*, CN.4/1998/53/Add.2
8. Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Resolution 1998/26 Commission on Human Rights Resolution 2005/46.
9. UN Security Council Resolution 1325 on Women, Peace and Security (S/RES/1325-31 October 2000), paragraph 8(a).
10. UN Secretary-General's address to UNHCR Executive Committee, Geneva, 6 October 2006.
11. '2007 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons', UNHCR, June 2008.
12. Michael Pugh (ed.), 'Regeneration of war-torn societies', Global Issues Series, London: Macmillan Press, New York; St. Martin's Press. 2000, pp. 14-37.
13. Johan Galtung, 'Three Approaches to Peace: Peacekeeping, Peacemaking, and Peacebuilding', in Galtung, op. cit., 1776. Pp. 282-304.
14. Boutros Ghali, *Agenda for Peace*, New York: United Nations Department of Public Information. http://www.un.org/DOCs/SG/agpeace.html.
15. Hugh Miall, Oliver Ramsbotham and Tom Woodhouse. *Contemporary Conflict Resolution: The Prevention, management and Transformation of Deadly Conflicts*, Cambridge/Oxford" Polity Press. 1999.
16. Erin Mooney, 'The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern', *Refugee Survey Quarterly*, 2005, 24(3): 9-26.
17. Commission on Human Security, *Human Security Now*, New York, 2003, pp. 49-50.
18. Internal Displacement Monitoring Center, IDMC "Global Statistics 1990-2007. April 13 2008. http://www.internal-displacement.org/8025708F004CE90B
19. T.G.Weiss, *Military-Civilian Interactions: Humanitarian Crises and the Responsibility to Protect*, Rowman and Littlefield, Lanham, Maryland, 2005, pp. 137-8.
20. Loescher Gibney, 'Refugees as Grounds for International Action', p. 35.

21. Ethan Cole, 'Massive Zimbabwe Refugee Arrest in S. African Church', *Christian Post Report*. Thu, Jan 31 2008 01:01 PM ET.
22. Daniela Heimerl, 'The return of refugees and internally displaced persons: From coercion to sustainability?' *International Peacekeeping*, vol 12, issue 3, October 2005. Page 377-390.
23. Gen Laurent Nkunda, *DRC: Displacement, insecurity worsen humanitarian crisis in east*. IRIN, 18 September 2007.
24. IDMC, Sudan: outlook for IDPs remains bleak, 12 October 2007.
25. Khalid Koser, "The Return of Refugees and IDPs and Sustainable Peace". University of Toronto Foreign Policy. Coordinating Chaos Conference. February 10, 2008.
26. Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Mission to the Sudan, E/CN.4?2006/71/Add.6, February 2006.
27. 'Sudan: Slow IDP return to south while Darfur crisis continues unabated', International Displacement Monitoring Center, 17 August, 2006.
28. Addis Ababa, Conference Paper, "African Union Addressing the Challenge of Forced Displacement in Africa". AU Experts Meeting, Special Summit of Refugees, Returnees and Internally Displaced people in Africa. 5-7 November 2008. Website: www.africa-union.org.
29. Paulo Sergio Pinheiro, 'Housing and Property Restitution in the Context of the Return of Refugees and Internally Displaced Persons—Final Report of the Special Rapporteur; Principles on Housing and Property Restitution for Refugees and Displaced Persons. " Economic and Social Council Commission on Human Rights, Sub – Commission on the Promotion and Protection of Human Rights, Fifty-sixth session. UN doc. E/CN.4/Sub.2/2005/17, *Refugee Survey Quarterly*, 28 June, 2005.
30. UNECE, *The Role of Economic Dimensions in Conflict Prevention*. A UNECE-OCSE Colloquium with the participation of experts from NATOPrepared by Coordinating Unit for Operational Activities, Villars Switzerland. http://www.unece.org/trans/osce/villars1/final_report.pdf. October 22, 2008.
31. Report of the Secretary-General, UN doc. S/20004/616, paras. 8, 24, 54.
32. Timothy W. Waters, 'The naked Land: The Dayton-Accords, Property Disputes, and Bosnia's Real Constitution', Harvard International Law Journal, Vol. 40, No. 1, 2001, p. 520.
33. David Chandler, 'Imposing the "Rule of Law": The Lessons of BiH for Peacebuilding in Iraq', International Peacekeeping, Vol. 11, No. 2, 2004, pp. 312-33;
34. Leopold Von Carlowitz, 'Crossing the Boundary from the International to the Domestic Legal Realm: UNMIK Lawmaking and Property Rights in Kosovo', Global Governance, Vol. 10, No. 3. 2004, pp. 307-31.
35. Lynn Hastings, 'Implementation of the Property Legislation in Bosnia Herzegovina', Stanford Journal of International Law, Vol. 37, No., 2, 2001, pp. 221-54.
36. Daniel Fitzpatrick, 'Land Policy in Post-conflict Circumstances: Some Lessons from East Timor', Journal of Humanitarian Assistance, Nov. 2001.
37. Madeline Garlick, 'Protection for Property Rights: A Partial Solution? The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) in Bosnia and Herzegovina'. *Refugee Survey Quarterly*. 2000 19(3): pp. 64-85.

38. Simon Bagshaw, 'Property Resitution and the Development of A Normative Framework for the Internally Displaced'. *Refugee Survey Quarterly.* 2000 19(3), pp. 209-223.
39. David Bollmfield, Teresa Barnes and Luc Huyse (eds.), *Reconciliation after Violent Conflict: A Hand book,* Stockholm: International Institute for Democracy and Electoral Assistance. 2003, p. 12.
40. John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies,* Tokyo: United Nations University Press, 1997, pp. 29-31.
41. Human Rights Watch, 'Claims in Conflict. Reversing Ethnic Cleansing in Northern Iraq', Report vol. 16, no. 4(E), 2004, pp. 63-77.
42. Reports of the Secretary-General on UNMIK, 30 April 2004, pp. 21-2.
43. UNHCR Statistics, available at: www. Unhcr.ba/return/index.htm.
44. Theo Van Boven, 'The Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms', in Gudmundur Alfredsson and Peter Macalister-Smith 9eds.), *The Living Law of Nations,* Kehl: N.P. Engel, 1996, p. 354.
45. Marita Eastmond, Joakim Ojendal, "Revisiting a 'Repatriation Success': The case of Cambodia', *In the End of the Refugee Cycle?.* 1999, P, 38.
46. David Whittaker, 'Asylum Seekers and Refugees in the Contemporary World', *Journal of Refugees Studies.* September 2007 (20), pp. 542-546.
47. World Report 2008 – Cambodia, Human Rights watch, 31 January 2008. UNHCR Refworld.
48. Leopold Von Carlowitz, "Setting Property Issues in Complex Peace Operations: the CRPC in Bosnia and Herzegovina and the HDP/CC in Kosovo ". *Leiden Journal of International Law,* (2004) 7 pp. 599-614. Cambridge University Press.
49. 'Return and Reintegration', *The State of the World's Refugees: A Humanitarian Agenda,* UNHCR, 1997-98.
50. Oladele Arowolo, Return Migration and the Problem of Reintegration, *International Migration* 38 (5), 2000, pp. 59-82; Martina Fischer, *Recovering from Violent Conflict: Regeneration and (Re-) Integration as Elements of Peacebuilding,* 2004, pp. 6-15.
51. Steven Holtzman, 'Post-conflict reconstruction', *Environment Department Work in Progress.* Washington DC: World Bank. 1995.
52. Nicole Ball, 'Transforming security sectors: the IMF and World Bank approaches', *Conflict, Security & Development,* volume, 1, issue 1, April 2001, pp. 45-66.
53. Alpaslan Ozerdem, 'Disarmament, Demobilization and Reintegration of Former Combatants in Afghanistan: Lessons Learned from a Cross-Cultural Perspective', *Third World Quarterly,* vol. 23, no. 5, Reconstructing War-Torn Societies: Afghanistan (Oct., 2002), pp. 961-975
54. Kees Kingma, 'Demobilization of combatants after civil wars in Africa and their reintegration into civilian life', *Policy Sciences,* vol. 30, no. 3, 1997. Pp. 151-165.
55. Oladele Arowolo, Return Migration and the Problem of Reintegration, *International Migration* 38 (5), 2000, pp. 59-82.
56. Seymour Holtzman, 'Post-conflict reconstruction', *Environment Department Work in Progress,* World Bank, Washington DC, 1995, p. 15.
57. B.S. Chimni, 'From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems', *Refugee Survey Quarterly,* 2004 23(3), pp. 55-73.
58. John Rogge, Joshua Akol, 'Repatriation: Its Role in Resolving Africa's Refugee Dilemma', *International Migration Review,* vol. 23, no. 2, summer 1989, pp. 184-200.

59. Oliver Bakewell, 'Repatriation and Self-Settled Refugees in Zambia: Bringing Solutions to the Wrong Problems', *Journal of Refugee Studies*. 2000 13(4), pp. 356-373.
60. Heinemann Gruder, Tobias Pietz, *Turning Soldiers into a Work Force. Demobilization and Reintegration in Post-Dayton Bosnia and Herzegovina*. 2003. BICC brief 27, Bonn: BICC. Pp. 21-79.
61. Howard Adelman, 'Refugee Repatriation', in Stephen John Stedman, Donald Rotchild & Elizabeth M. Cousens, eds, *Ending Civil Wars: The Implementation of Peace Agreements*. Boulder, CO: Lynne Rienner, 2002, pp. 273-302.
62. Kees Kingma, 'Demobilization of combatants after civil wars in Africa and their reintegration into civilian life", *Policy Sciences*. 1997 vol. 30, number. 3, pp. 151-165.
63. Wolfgang Petrisch, Bosnien and Herzegowina: 5 Jahre nach Dayton – Hat der Friede eine Chance?, Klagenfurt u.a.: Wieser – Verlag. 2001.
64. Roland Paris, Peacebuilding and the Limits of Liberal Internationalism, *International Security*. Vol. 22, no. 2, Autumn 1997. Pp. 54-89; Would Resettlement Solve Bosnia's Dilemma? *New York Times*. December 8, 1998.
65. Monica Liamazares, "Post-War Peacebuilding Reviewed A Critical Exploration Of Generic Approaches To Post-War Reconstruction". *Centre for Conflict Resolution Working Paper 14*, University of Bradford Department of Peace Studies. February 2005.
66. Alpaslan Ozerdem, Disarmment, Demobilization and Reintegration of Former Combatants in Afghnistan: Lessons Learned from a Cross-Culture Perspective". *Journal of Peace Research*, 2004, Vol. 41, No. 4, pp. 499-516.
67. *Afghanistan: Returnees my become refugees again – ministry*. IRIN, Wednesday 25 June 2008.
68. Kofi Annan, "We the Peoples: The Role of the United Nations in the 21st Century," Secretary-General's Statement to the UN General Assembly, New York, 3 April 2000.
69. [1]Kofi Annan, "We the Peoples: The Role of the United Nations in the 21st Century," Secretary-General's Statement to the UN General Assembly, New York, 3 April 2000.
70. Raymond Vincent, Human Rights and International Relations. Cambridge: Cambridge UP, 1986, p.114.
71. Ray Wilkinson, "IDPs - Who's Looking After These People?" in Refugees Magazine, Vol. 4, No.117 (December 1999), p.7.
72. Sergio Vieira de Mello, "Talking Points on IDPs." (Unpublished) speech presented at a UNHCR/NGO Conference Dinner, New York, 11-12 March 1999, p.3.
73. Global IDP Project, "Profile of Internal Displacement: Russian Federation," updated 23 March 2008.
74. UN OCHA, "Consolidated Inter-Agency Appeal for Chechnya and Neighbouring Republics (Russian Federation) 2003," 19 November 2002, p.14.
75. Global IDP Database, "IDPs in Democratic Republic of Congo: Population Profile and Figures," updated August 2002.
76. Save the Children Fund, "Save the Children UK Emergency Bulletin DR Congo," June 2002.
77. Norwegian Refugee Council (NRC), "Analysis: Internal Displacement in the Democratic Republic of Congo," 28 July 2000.