Bridging the Gap

Involuntary population movement and reconstruction strategy

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It should be noted however, that the view expressed in this paper are those of the authors and do not necessarily reflect the views or policies of ECHO and partners.

Chapter 1

Origin of the study and introduction

1.1 Origin of the study

This booklet summarise the results of the project titled "Bridging the Gap. Research project on Involuntary population movement and reconstruction strategy" founded by ECHO through the budget line "Grant Facilities for Training, Studies and Networks in the Humanitarian Fields".
The project was a six-month small research scheme, implemented in 2003 by:

- *CRIC, Centro Regionale d'Intervento per la Cooperazione, Italy*
- *ASB, Arbeiter-Samariter-Bund, Germany*
- *MPDL, Movimiento por la Paz el Desarme y la Libertad, Spain*
- *SOLIDAR, independent international alliance of NGOs, Belgium*

The project was born in the SOLIDAR network, over recent years, in which great effort was made in experimenting with alliances, partnership and research-training experiences. This was achieved through network members involved in the humanitarian sector, with considerable potential for encouraging and facilitating far-reaching improvements.

The rationale of "another research" is aimed at realising the networks potential through an investigation and critical reflection work, which systematically focuses on those aspects of the sector. The research is strategically significant and amenable to intervention, and useful to the membership and the wider humanitarian sector. It would improve the quality of humanitarian assistance programmes by providing a forum for the identification and dissemination of practice and the building of consensus on common approaches in refugee and internally displaced person (IDP) interventions.

The research project consists of two field research periods in two different locations (Balkan, Middle East); each of them consisting of field research on the subject of involuntary population movements and reconstruction strategies. In this regard the two field research locations have been selected, because applicants and their partners were or are running projects in the field of humanitarian aid and development.

1.2 Rationale and objectives

The general objectives of the project make reference to small-scale research schemes, within the context of the contributing to an improvement of the quality and impact of humanitarian assistance in general, as specified in the general objectives of the Grant Facility complementing the ECHO Strategy 2002.
The aims of the project are to study and develop a comparative research on intervention policy and guidelines in relation to involuntary population movements and reconstruction strategy.
The specific objectives are:

- *To enhance the quality of the aid delivery by improving knowledge and expertise of Humanitarian Agencies, developing a comparative research, bridging the gap: between refugee research and resettlement research; and between the displacement and reconstruction;*
- *To improve the impact of humanitarian assistance through adopting innovative or alternative*

combined solution strategies on return and reconstruction;

- *To enhance practices within a learning organisation, which include a commitment to: Valuing different kinds of knowledge and learning styles; Encouraging dialogue and the exploration of different perspectives and experiences to generate creative thinking; Working collectively and breaking down traditional barriers or blinders within organisations;*

1.3 Research method

The project propose was to develop on-field integrated research, thanks to the full immersion in reality and the close co-operation of project members and related stakeholders.
The projects approach seeks to blend the most effective use of skills and expertise of the research team, conceived mainly in three stages. It combines desk top study (literature review) and a study of the "working environment" in two specific areas: South Eastern Europe - Balkans, Palestine and surrounding countries (Lebanon and Jordan) mainly focused on dialogue with practitioners and policy makers. This forms the basis for a final synthesis report and a development of a common and comprehensive set of recommendations on involuntary population movements and reconstruction.
The main themes for research were based on the following sectors:

- *Return and reconstruction*
- *Continuum or contiguum? Developmental relief approach and vulnerability reduction*
- *Temporary settlements and long term solutions – The impact on urban planning activities.*

These sectors are sufficiently overarching, encompassing key aspects of the broad issue of refugees and IDPs, in the frame of the general objectives of the Grant Facility, complementing the ECHO Strategy 2002.

1.4 Structure of the booklet

This publication is organised into four different parts that can be read independently. At the end of each main part a bibliography is provided as tool for further research. The conclusions and findings are organised according to the literature review and the field trip research.
Camillo Boano, as research co-ordinator, edited the whole booklet and wrote § 4.2, § 4.5 and § 5.2; Francesca Viliani wrote § 1.4; § 4.4 and § 5.5; Axel Rottlaender wrote § 4.3 and § 5.3, and Alberto Sanchez Bayo wrote § 4.6 and § 5.4. A common effort from all researchers was done in order to write § 2, the review of literature.

1.4 Introduction

The European Union of today has achieved peace, integration and cooperation, which started more than 50 years ago. The idea that launched the European project was clearly expressed by Robert Shuman, the French Minister of Foreign Affairs on 9th of May 1950: "any war between France and Germany would become not merely unthinkable, but materially impossible".

The European Union has greatly evolved since its foundation, broadening in areas of portfolio and enlarging in the number of Member States. Nowadays it is a point of reference for the rest of the world, despite the disagreements and tensions outlined by the Iraq-case, it arguably serves as "an example of how to create a more prosperous and peaceful world" as was envisioned by Jean Monnet.

In order to pursue peaceful and sustainable development and to provide a durable solution to the refugees issue, it is necessary to spell out the differences between policies that set up the agenda for the international community in regards to these matters.

Security concerns and the war against terrorism are a high level priority on the agenda of national governments and international institutions and are shaping the framework within which international and national policy, including humanitarian aid policy, will be defined and implemented.

Security is a complex issue that cannot be achieved merely with the use of force in third countries or by the closing of borders in our own countries. Asylum policy, migration issues and security concerns have to be tackled in a holistic way, however the line separating them should remain clear.

During the Cold War refugees were perceived and considered, at least by western countries, as political activists escaping from the "communist regimes", and therefore in accordance with the 1951 Refugee Convention, the status of refugees was easily given to them. With the end of the Cold War the perception of refugees has changed. The recognition of refugee status has become more difficult and new forms of "protection" have evolved.

After September 11th, Western Countries restricted their policies towards forced migrants even more due to the "risk of terrorism". The main concern over migration policies appears to have shifted from refugees who are fleeing life-threatening persecution, to the security of the host countries, particularly true in the rich "West".

In reality the actual flow of forced migrants is made up of people escaping from different types of violence and poverty. The UNHCR today officially recognises about 12 million refugees and 25 million internally displaced people. Civilians needing international assistance find themselves more often dislocated within their own countries than as refugees in exile. Their vulnerable and dispossessed status within their own nation draws international relief and human rights organisations more directly into the conflicts that produce displacement.
This drastic change has an impact in the way of dealing with refugees but also in the overall management of humanitarian aid. It was largely the West that in the 1990s promoted the transformation of the concept of humanitarianism, from a narrow and distinctive framework, designed to mitigate the impact of war into an organising principle for international relations.

Many factors have concurred in the reformulation of the basic concept of humanitarian aid, that now is perceived also as a tool for peace-building and the starting-point for addressing poverty, as well as a palliative in times of conflict and crisis. The reason why we approach the reflection on this new paradigm of aid in a research study on refugees is quite simple. During the nineties, humanitarian values and refugee issue, were closely linked on the operational side, became subject to political calculations.
The objective less and less has the interest of human beings at the centre of the conflict.

It is important in this context to underline that humanitarian principle is enshrined in international treaties and warring parties are obliged to respect them (ECHO 2002). This shift concerning the refugee issue as a security problem and the politicisation of development and humanitarian aid has a dangerous impact on the life of refugees and delivery of humanitarian aid. As the EU Commissioner Paul Nielson (2002) pointed out, humanitarian assistance has its own rationale, rooted in the universality of humanitarian principles in which the EU recognises itself. The allocation of humanitarian aid is made according to the needs of affected populations, focusing on the most vulnerable such as children, women, the disabled, refugees and uprooted people.

At the International Symposium on Refugees in Africa, Ruud Lubbers, the High Commissioner for Refugees, argued that a "better targeting of development assistance can facilitate self–reliance on the way to durable solutions" for refugees. He also stressed the need for burden–sharing to alleviate the strain on host governments, as stated in the Convention on refugees. Although we share the two statements mentioned above, we would like to underline that the issues of refugees and aid are quite complex and are often subordinated to the interests of others.

Politics has interacted historically with aid and refugees policies in at least two ways. In a basic sense, war as a continuation of politics creates human suffering, either inadvertently or because noncombatants are deliberately targeted. Secondly, the political considerations of parties to conflict, nearby states, and the major powers may have a profound impact on the scope and character of humanitarian response. The degree to which political factors influenced the provision of aid has often been determined by the geopolitical significance of the conflict, as well as its visibility.

In the same way refugee policies are the mirror of diplomatic relationship and internal interest. There appears to be a lack of commitment by Western Countries to find a solution to the problems that generate refugees and to respect the Convention of 1951. The broadening of humanitarian objectives has not been matched by revitalised international political engagement in conflicts in the poorest countries. Instead, humanitarian aid is now the primary form of political engagement.

Mrs Ogata, former High Commissioner for Refugees, pointed out that: "Too often, refugees are seen solely as a humanitarian problem. Attention is focused on ensuring protection, providing relief assistance, and identifying solutions through voluntary repatriation, integration or resettlement. If human security is our goal, then we must analyse refugee questions in a broader context – by linking the humanitarian dimension of forced human displacement with development, security, human rights and governance related issues".

The European Union, as a global power that "wishes to remain a continent open to culture, learning and social progress; and that it wishes to deepen the democratic and transparent nature of its public life, and to strive for peace, justice and solidarity throughout the world" (preamble of the proposed Treaty Constitution for Europe), has the responsibility to shape the framework within which the international community is working and to put at core of its work human beings.

The Convention on the Future of Europe, which brought together a wide range of governmental, parliamentary and other representatives of the 25 future EU Member States and EU Institutions, has established a draft Treaty Constitution for Europe. In the Constitution there is an important chapter regarding the fundamental rights of the Union and within it an attempt to address asylum, migration, and security concerns.

Chapter 2

Literature review

2.1 Methodology introduction

The sphere of humanitarian aid is well researched with articles, books and reports charting its development, highlighting "issues of the day" and proposing changes to improve the overall performance of aid delivery systems.
As the number of humanitarian aid situations, both natural and man-made, exploded during the 1990s, the number of reports and studies grew accordingly. In addition to an increase in the number of emergencies during the last decade it is important to recognise that the complexity associated with these emergencies has also increased at an alarming rate.

In the above-mentioned frame, this literature review examines the nature of problems and challenges in the field of involuntary population movement and reconstruction strategies seeking to reshape and reformulate the existing paradigm, which is a relatively new and underdeveloped area in sociology and in the humanitarian and development literature.

There is now a considerable body of literature for refugee studies, migration, development studies and humanitarian policy. The bibliography, although selective, gives some indication of this, in order to help organisations, practioners and students to orientate in the frame of the "new aid paradigm" (Macrae, 2001).
The literature review had tried to capture the diversity and complexity of the interactions between different field of analysis in order to develop, a clear conceptual model built on existing literature to examine the interactions using a comprehensive framework.

Equally, professional experience, evident in a number of publications relates to reconstruction experiences, mainly during the 90s in the Balkans. Manuals and an extensive range of project evaluations have not been effectively disseminated and are generally of insufficient quality at present, to provide an effective body of replicable experience for policy makers and field staff.
Lacking an institutional memory, the knowledge and experiences gained from previous responses have been inadequately transferred to other refugee crises (Zetter, 1995).

These objectives are set within the wider context of current debates about the nature of durable solutions and the form and purpose of refugee and IDPs assistance in the wider perspective of the "emergency-development", linking debate with the intention to enhance the value of the findings for policy formulation within NGOs and networks.

2.2 Humanitarian actions, conflicts and displacement

As Chimini (2000) stated, there are few words more frequently used in the contemporary discourse of international politics as "humanitarian". There is talk of humanitarian issues, humanitarian action, humanitarian assistance, humanitarian community, humanitarian standards, humanitarian intervention, humanitarian war and so on.

Moreover as Joanna Macrae (2002) argued, presuming to identify trends in humanitarian action is a perilous business. The very meaning of humanitarianism has become elusive, as a new set of actors has claimed it as part of a new, more interventionist international order.
In the changed political environment of the post-Cold War era, not only UN agencies, but also a wide spectrum of humanitarian organisations and other international actors began operating in war-torn countries and regions to a greater extent than ever before. There was a dramatic increase in intervention by multinational military forces in internal wars, and the media -particularly in the form of live television reports- played a key role in driving international responses to humanitarian crises around the world (UNHCR, 2002).

2.2.1 Humanitarian system and the new security agenda

Wars are not what they used to be (Kaldor, 1999). While the origins of "new wars" can be traced back to much older conflicts of colonisation, decolonisation and the Cold War, the seismic shifts in the global political economy since the mid-1980s have moulded a new generation of violence and misery. While the extent of warfare may not have changed significantly, the wars of the twenty-first century appear particularly threatening, not only for the countries involved, but also more broadly for international security (Macrae, 2002; 2003).

Throughout the 1990s, there was an emerging consensus that security is not just about bombs, bullets and elite politics, but also about development. A redefinition of security was required by the near-disappearance of conventional military threats to the major powers, and by an increasing awareness of the costs of the political economy of the new wars, both for affected countries and internationally.

Insecurity and poverty continue to result in people leaving their home countries to seek asylum and employment, particularly in the West. When these migrants reach the West, they can expect less support than in the past. There is now a greater emphasis on containing refugees within the borders of their own states (Hathaway, 1995). It is becoming harder for people to get out, and stay out of, their home countries. Thus, international borders with Afghanistan were effectively sealed in 2001, preventing significant population outflows. In Macedonia in 1999, asylum for Kosovar refugees was negotiated with the Macedonian government on the condition that they would subsequently be transferred to other countries (Macrae, 2002).
Cathrine Goetze (1999), in analysing the conceptual design of relief and development strategies, concluded that the use of humanitarian aid as a political factor within the security policy of a state, is a core issue. This misuse of humanitarian aid is leading to dependency of humanitarian organisations on security policy. Humanitarian relief has, of course, a momentum of long-term development in its procedures, but there is no political aim to be reached.

In part reflecting this trend towards keeping conflict affected populations in situ, as well as drawing on lessons of past responses, humanitarian agencies have become more concerned with protection issues. The protection agenda is no longer seen as the monopoly of the UNHCR and the ICRC. As demonstrated by Nicola Reindorp (2002) a succession of papers have been produced by the UN in this area, and there have been important attempts to build common understanding around the meaning of protection – and strategies for achieving it – between those concerned with refugees and with IDPs, and between human rights and assistance actors.

The past decade has seen a rapid transformation in the policy and institutional context of humanitarianism. Humanitarian assistance, which once covered a very narrow set of activities carried out by a small group of relatively independent actors, has expanded significantly (Macrae, 2002, Reindorp, 2002). Humanitarianism is now seen by some to be an organising principle for intervention in internal conflicts, a tool for peace building and the starting-point for addressing poverty, as well as a palliative in times of conflict and crisis.

The assumption that relief could serve these multiple purposes has been sorely tested in the emergencies of the past decade. The limitations of humanitarian assistance in providing protection to civilians has now been recognised in principle, occasionally prompting interventions in practice – Kosovo and East Timor being the most obvious examples. The limitations of relief aid in peace building and development have prompted the creation of new institutions and budget lines, free of the demand for political independence (Macrae, 2002, Reindorp, 2002).

The expansion of the humanitarian system over the past decade has relied heavily on a dramatic increase in the capacity of international NGOs to mount large-scale humanitarian operations. In addition to the increasing size and complexity of international NGOs working in this arena, there have also been a number of significant changes in their relationship with official donor bodies and among themselves (Macrae, 2002, Reindorp, 2002).

As Macrae (2002) stated, events in Kosovo in 1999 cemented the association between humanitarianism and a new, and sometimes controversial, security agenda. Under the banner of "humanitarian intervention", while the alliance's strategy, tactics and deployment without Security Council authorisation continues to be debated. Its actions have intensified discussions on the issue of a "just war" and the unacceptability of gross human rights violations carried out behind the shield of sovereignty and the importance of respecting minority rights (Troeller, 2003; UNHCR, 2000).
The events of September 11th have reinforced this link between assistance and security issues (Macrae, Harmer, 2003)
On the one hand, these events highlighted the need to invest in poor countries to tackle inequality and poverty, and so address perceived grievances. On the other hand, these events are likely to prompt the adoption of a harder edge to the West's analysis of security, in which a humanitarian agenda is more likely to be relegated to the sidelines of international relations. At the same time, the humanitarian label is being used by Western governments to legitimise their military intervention. The use of this label, and the fact that these same governments are the financiers of the humanitarian system, risks compromising the independence of humanitarian action (Macrae, 2002).

Moreover there is a second issue concerns the increasing diversity of international actors working in conflict-related crises. A new generation of military, paramilitary and developmental actors have emerged to fill the gaps apparent in international crisis response. These groups have different mandates and operating principles from those of conventional humanitarian agencies. The inevitable confusion of humanitarian actors with these other groups is a pressing issue because it compromises the actual and perceived neutrality of humanitarian action, and therefore endangers the access of humanitarian agencies to people in need (Macrae, Harmer, 2003).

2.2.2 Conflicts and displacement

The large-scale population movements in the Balkan region which began in 1991, resulted in a series of even more complex international relief operations. This saw humanitarian actors, both agencies and NGOs working in close cooperation with multinational military forces in dangerous and highly politicised environments (UNHCR, 2003).
Since the fall of the Berlin Wall in 1989 a complete new development in the international politics started. Before '89 the world was divided into two major entities: East and West. At the end of the 80s and the start of the 90s, the winds of change were promising with the political changes in the USSR and Southeast Europe; it was expected that from now on a new phase of peaceful international understanding and prosperity would arise (Fukuyama, 1992).

Today, forces of globalisation at one level, and those of ethnic conflict, nationalist secessionism and communal violence at another level contribute to instability in many parts of the world. The concepts of good governance, civil society, protection of human rights/security, individual sovereignty and humanitarian intervention are gaining weight in policy discourse. (Troeller, 2003). The prominence these concepts

enjoy, at least rhetorically, is tied in no small way to two related but distinct phenomena: migratory movements and the forced displacement of peoples.
The phenomenon of forced displacement has resulted in refugees becoming a defining characteristic of the post-Cold War era and contemporary international relations. Long regarded as a peripheral issue or a matter of discretionary charitable concern to policy makers, refugees now figure prominently on the international policy agenda (Troeller, 2003; Gordels, 1991).

With the end of the Cold War there was a short-lived optimism that with the triumph of liberal democracy and market forces we would enter a new era that would be characterised by less conflict (Nuscheler, 1995).
Between 1988 and 1994, 21 new peacekeeping operations were mounted, compared to 13 UN peacekeeping operations during the previous 40 years. This optimism gave further impetus to the human rights movement. However as is well known hopes for a new world order quickly faded with the upsurge in what are popularly described as ethnic conflict and the related phenomenon of nationalist secession movements. The increase in intrastate conflict also led to massive forced displacement and further pressures on asylum countries (Troeller, 2003).

Since the end of the Cold War, approximately 100 armed conflicts have been fought, over 4 million persons have died as result of armed conflict or political violence and UNHCR has seen the number of persons under its care rise from 15 million in 1990 to a high of 27.4 million in 1995 (UNHCR, 2000). The magnitude of the latter figure is better appreciated when one considers that in 1970 UNHCR was responsible for two million refugees (Troeller, 2003, UNHCR, 2000).

The international community tried with a certain number of interventions to develop peace and provide stabilisation measures. In most of the cases, both have failed; neither the peace agreements nor ceasefires lasted for a long time or the enforced peace was not sustainable (Cohen, Deng, 1998). Unable to provide peace to these regions or countries, the international community was faced with an high number of refugees; millions of human beings were on the run, those fortunate enough to survive are refugees.

2.2.3 Refugees and Internally Displaced Persons

Literature on migration has largely focused on voluntary migration, with very little emphasis on the phenomenon of forced migration and involuntary population movement. Although scholars (e.g. Peterson, 1956) began to incorporate forced migration among typologies of overall migration, the main focus of general migration theories tends to be exclusively on voluntary migration (e.g. Lee, 1966). Only two sociologists (Kunz, 1973; 1981; Richmond, 1988; 1993), unsatisfied with the lack of focus on forced migration, in migration theories, began to write on the issue of refugee migration.

At the end of the 20th Century, different causes of uprootedness have left populations, in what are described as, refugee-like situations. Such common sense understandings seem to advocate the primacy of the refugee experience as the paradigmatic case of uprooting and displacement (Voutira, 1997). From a policy perspective a major underlying challenge is the feasibility of arriving at a theoretical model of displacement and resettlement, which applies different situations of forced migration, whether resulting from impoverishment, civil strife or "development" projects which uproot populations (Cernea, Guggenheim 1993; Cernea 1997).

As Barbara Harrell-Bond (1994) stated, refugees represent two conflicting dimensions of international politics. On the one hand, there is the question of realpolitik represented by the tensions, which refugees create among and between states and other international actors. On the other hand, refugees represent a fundamental challenge to sovereignty, by forcing international actors to consider ethical principles and issues of fundamental human rights, which are part of their international obligations, over and above the interests of a tidy system of sovereign states (Skran, 1988; 1995). The history of responses to

international refugee movements, and the development of legal and organisational norms to shape them, reveals a continuing concern on the part of the international system to codify, order, and make stable a process which is inherently unstable and presumed be transitory (Rogers, Copeland, 1993).

As Voutira (1997) argues in one of her papers, a variety of categories are used to distinguish between different types of displacement underlying that these categories are invented in order to accommodate the interests and aims of the international humanitarian regime. So, these bureaucratic categories become labels that create and impose identities on individuals and groups defined as "oustees", refugees or IDPs.

Formally, the term oustees, refers to persons who are involuntarily re-settled because their homelands have been appropriated for capital intensive projects, implemented by companies to expand exports and increase profits, or by governments to improve the quality of life for a larger population (e.g. hydro-electric plants or dams for irrigation) (Voutira, 1997). Their resettlement is, by definition, permanent. The most visible international actor in supporting development projects, which have created oustees, is the World Bank. Over the years, research has shown that these involuntarily resettled populations tend to become impoverished (Cernea, Guggenheim 1993; Cernea, 1997; Scudder, Colson, 1982; World Bank 1990; OECD 1991).

Refugees are persons who have lost the protection of their state because they have fled across a border as a result of individual persecution or conditions of high risk, due to violent conflict.
Therefore, the concept, "refugee", represents at once a legal, political, cultural, psychological and sociological category (Voutira, 1997; Colson, 2003; Zetter, 1991).
The main international legal instrument is the 1951 UN Convention which defines refugees as individuals who have a "well-founded fear of persecution for reasons of race, religious, nationality, membership of a particular social group of political opinion" (Hathaway, 1991). The major revision of 'who is a refugee' is found in the Organisation of African Unity's Convention on refugees (which incorporates the contents of the 1951 Convention) expands the definition of a refugee to include those who fled their countries "owing to external aggression, occupation, foreign domination or events seriously disturbing public order" (Voutira, Harrell-Bond, 1992; 1995).

The internally displaced persons (IDPs) represent another category of person forcibly uprooted in their own country. They stand in between oustees and refugees in that IDPs share with oustees the predicament of being displaced within the territory of their own state. Therefore, falling under the states sovereignty, but share with the violence against refugees and armed conflict, as a typical result of being uprooted (Voutira, 1997). Refugees and IDPs are both populations forced to move because of violent conflict and persecution while oustees and IDPs share the predicament of being displaced within the territory of their own state.

As Minear and Weiss (1993), stated, "The most populated category of non-combatants is composed of internally displaced persons, those who did not or could not cross an international border and who are therefore without internationally recognized rights and an international agency as permanent guardian". According to international rules, only the government to which the IDPs belong to is in charge of taking care of them. In situations were a country is affected by conflict "IDPs tend to be among the most desperate" (Minear, Weiss, 1993).

The introduction of this special category, IDP, as an issue of international concern as a recent development largely coinciding with the end of the Cold War and the increasing numbers of intra-state violent conflicts (Duffield, 1994; Boutros Ghali, 1995; Holsti, 1997). Francis Deng (1995) gives the working definition of IDPs: "Persons or groups of persons who have been forced to flee or to leave their homes or places of habitual residence as a result of, or in order to avoid, the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised border".

Because they are displaced as a result of internal conflict, famine or natural or man-made disasters, the reaction of their government to their situation is related to the extent to which it takes responsibility (Voutira, 1997). Uprooted from their homes and deprived of their resource base, many suffer from profound physical and psychological trauma. "They are more often deprived of shelter, food, and health services than other members of the population" (Cohen, Deng, 1998).
In the mid-1990s, "the number of internally displaced persons receiving attention has surpassed the 13.2 million refugees " (Cohen, Deng, 1998).

IDPs generally remain marginalised and helpless, until they are once more incorporated within state policy, which invariably demands at least their return home. Particularly when civil wars divide countries along racial, ethnic, linguistic or religious lines, they do not resolve themselves easily, but they leave deep wounds within the society. "Wars within states often reflect a crisis of national identity in a society that occurs when a state becomes monopolized by and identified with the domain group or groups to the exclusion or marginalisation of others, who are thereby denied protection and assistance that a state owns to its citizens. The displaced are perceived as the "enemy", either through their association with an insurgent group, an opposing political or ideological tendency, or more generally with ethnic, cultural, religious or social groups considered inferior, threatening, or simply 'other'" (Cohen, Deng, 1998: p. 6).

In general terms, labels confer status on individuals and are part of the whole process of stereotyping and "standardising". Labelling is a way of referring to the process by which policy agendas are established and more particularly the way people, conceived as objects of policy, are defined in convenient images (Zetter, 1991). In the case of labels attached to the different categories of the displaced, the major function has been to assign responsibility for each to particular organisations within the international bureaucracy. At the same time, as Zetter (1999) notes, "The refugee label is more than a taxonomic problem, because far from clarifying an identity, the label becomes instead an extremely complex set of values and judgements which are more than just definitions".

In '70s, most of the situations giving rise to mass exodus were taking place in Asia and Africa and UNHCR began to promote its now very familiar "durable" solutions: repatriation, integration, and resettlement (Harrell-Bond, 1988). By the end of the 1970s, with some notable exceptions (Daley 1989; 1993), UNHCR's policy to make refugees self-sufficient through its camp or settlement policy was found to have failed (Stein, Clark 1985; Harrell-Bond 1986).
The recognition of the failures of integration as a durable solution, and the fear that refugee influxes constituted a serious threat to international stability, led to a series of attempts simply to eliminate the problem. One of the responses for the failures of integration was to blame the victims, and discussions on the so-called "dependency syndrome" suffered by refugees began to appear (Waldron 1987; Zetter 1988; 1991; Clark 1985). Refugee status began to be undermined through the promotion of the idea that refugees were not victims of human rights abuse at all, but rather simply poor (and opportunistic) people "pulled" by the aid offered as a result of gaining refugee status. If the aid package was simply moved back across the border, like sheep, refugees would all go home (Harrell-Bond 1992).
Nevertheless, of all the "durable solutions" repatriation is perhaps the most desirable, not because it will resolve the human situation, but because theoretically it eradicates the problem for states (Harrell-Bond 1992).
For instance, as Voutira (1997) argued, the IC and practioners became aware after the end of the Cold War, in discussing displacement, that we are not merely referring to "people moving across borders but also to borders moving across people".

2.3 Forced migrants: focus on the main concerns

People move for a variety of reasons, and often for a complexity of reasons; even the simplest of cases will reveal mixtures of motive, pressure and desire.
Literature on migration has largely focused on voluntary migration, with very little emphasis on the phenomenon of forced migration. Although, early on scholars (e.g., Peterson 1956) began to incorporate

forced migration among typologies of overall migration, the main focus of general migration theories tends to be exclusively on voluntary migration (e.g., Ravenstein 1889, Lee 1966). Only two sociologists (Kunz 1973, 1981; Richmond 1988, 1993), unsatisfied with the lack of focus on forced migration in migration theories, began to write about the issue of refugee migration (Schmeidi, 1995).

International forced migration is contrasted with internal forced migration, showing differences as well as similarities.
As Kuhlman (2000) wrote, "forced" is not an unambiguous term; "deportation is obviously forced, but there are many situations where not all people leave, implying that there is still some sort of choice. Is flight from famine forced migration? If so, why not flight from unemployment?" (Kuhlman, 2000) Clearly the aspect of choice or force is a matter of degree.

As mentioned by Christina Boswell (2002) there is a failure to offer a systematic categorisation of the causes and dynamics of migration and refugee flows, or the temporal sequence linking these different factors. Such a typology will be indispensable as a basis for defining the nature, sequencing and possible impact of policy responses.

In the globalised world "around 175 million people now live in a country other than the one in which they were born, and more people than ever are moving or trying to move from one country or continent to another" (Boswell, Crisp, Borjas, 2002). According to them, it is important to point out that not only the migrations figures are increasing; there is also a large contingent of people waiting for opportunities to migrate; so, conflicts should be viewed as a good opportunity or the only solution to leave their countries of origin.
Scholars divide theories of international migration into three main types: macro, meso and micro theories, which are not mutually exclusive.
Macro theories emphasise the structural, objective conditions, which act as "push" and "pull" factors for migration; in the case of economic migration, push factors typically include economic conditions such as unemployment, low salaries or low per capita income relative to the country of destination. Pull factors would include migration legislation and the labour market situation in receiving countries. Involuntary displacement would be explained through factors such as state repression or fear of generalised violence or civil war (Boswell, 2002).

Meso theories (Bilsborrow, Zlotnik, 1994) reject the macro focus on push and pull factors, instead locating migration flows within a complex system of linkages between states. Two concepts are particularly important for meso theories: systems and networks (Boswell, 2002).

Networks refer to a set of individual and collective actors (actual and potential migrants, their families, firms, religious or social groups, and so on) and the multiple social and symbolic ties that link them together (Bilsborrow, Zlotnik, 1994); Once formed, networks can substantially influence the direction and volume of migration flows, providing resources that help people to move, such as information, contacts, economic and social support (Faist, 2001).
This meso level is less relevant for explaining forced displacement, although it can help explain the choice of destination for refugees - systems and networks may make particular places easier to reach or obtain protection, or more attractive as destinations.

Micro theories focus on the factors influencing individual decisions to migrate, analysing how potential migrants weigh up the various costs and benefits of migrating. Costs could include the financial and psychological resources invested in moving and integrating in the country of destination, while benefits could include a higher salary or physical safety. Micro theories often draw on rational choice theory, which makes a number of controversial assumptions about how and why individuals take decisions (Boswell, 2002).

From this perspective it is easy to understand that "the motivations for movement have become more complex, blurring the line that traditionally separated economics migrants from refugees" (Boswell, Crisp, Borjas, 2002). Others migration studies put the emphasis on the simple fact that terms such as voluntary and forced migration are inadequate today "Voluntary migrants may feel compelled to seek new homes because of pressing problems at home; forced migrants may choose a particular refuge because of family and community ties or economic opportunities. Moreover, one form of migration often leads to another" (Martin, 2001).

When the civil and economic panorama is unpromising, a lot of people decide or desire to migrate, forced by bad circumstances. These situations are also exploited by parties in the conflict, who can use migration as a mean of achieving goals or for traffickers that see it as a profitable business. The Great Lakes, Balkans and Afghanistan crises are good examples of this.

Other important aspect we must consider in the issue of forced migration is the role that past waves of migrants play in recent flows. Often there are links that determine to some extent the direction of migratory flow, and/or facilitate life conditions not only for forced migrants and returnees, but also for those who stayed in their place of origin, despite the conflict. Migration is assumed to occur within a migration system, i.e. a group of countries linked by economic, political and cultural ties as well as migration flows (Boswell, 2002).

2.3.1 Interlinked basic aspects of migration discourse

In order to understand the behaviour of migration flows, we can consider a set of three basic inter-linked aspects founded in the literature: legal, economic, and cultural.

2.3.1.1 Legal aspects

Legal categorisation is a form for labelling migrants. When "Labelling is a process of stereotyping which involves desegregation, standardization, and the formulation of clear cut categories. In the institutional settings these characteristics assume considerable power, for labelling simultaneously defines a client group and prescribes an assumed set of needs (food, shelter and protection) together with appropriate distributional apparatus" (Zetter, 1991), then labelling means conditionality and differentiation, inclusion and exclusion, stereotyping and control (Zetter, 1991).

The legal definitions mentioned in § 2.2.3, represent existing bureaucratic structures entailing a specific of the division of labour and responsibility among the UN and NGOs, which become labels that create and impose identities on individuals and groups defined as "oustees", refugees or IDPs, (Voutira, 1997).

In general terms, labels confer status on individuals and are part of the whole process of stereotyping and "standardising". "Labelling is a way of referring to the process by which policy agendas are established and more particularly the way people, conceived as objects of policy, are defined in convenient images" (Zetter 1991). In the case of labels attached to the different categories of the displaced, the major function has been to assign responsibility for each to particular organisations within the international bureaucracy. At the same time, as Zetter (1991) notes, "The refugee label is more than a taxonomic problem, because far from clarifying an identity, the label becomes instead an extremely complex set of values and judgements which are more than just definitions". Some of these values are informed by the changing constructions about what would constitute an appropriate policy in each case and what would be the 'successful' outcome of that policy. Particularly for refugees a successful policy is an intricate part of the perceived solution to the "refugee problem" which has since the creation of the humanitarian regime been in continuous evolution (Voutira, 1997).

Within social science literature, the concept of identity typically refers to group membership and self/other identification. More recently, research on identity tends to focus on the contexts of group interaction whereby the identity of a group is determined by its juxtaposition with other groups and the demarcation of the boundaries between "us" and "them" (Voutira, 1997; Cohen, 1974; 1985).

2.3.1.2 Economic aspects

Economists have long taken an interest in migration. At first, this interest was focused on why migration occurs; it was seen mainly as geographic mobility of labour in response to better income opportunities elsewhere, and as such a major factor in the process of economic development (Lewis, 1954; Fei, Ranis, 1964; Harris, Todaro, 1970; Todaro, 1976).
The effects of migration have also been studied, as for instance the remittances from migrants stimulating economic growth in their areas of origin (Stark, Lucas, 1988; Adams, 1991; Brown 1990). In the field of forced migration, however, economic research is extremely scarce (Kuhlman, 2002).

Armed conflicts suppose an economic collapse through the destruction of the economic structures Groups of populations urged to move from their settlements of origin lose their possessions (houses, tools, lands, etc) or rights (citizenship, right to work, tenancy, pensions, etc). The abandoned possessions might have new owners and the claims to recover them are long and tedious. These situations establish a clear link between legal and economic aspects that are to be addressed by legal and administrative proceedings.
The rupture of the socio-economic organisation at a microeconomic level is however only one side of the relationship between migration and economy. Armed or civil conflicts mean also the deterioration of social services and of civil infrastructures that have the functions of giving coherence and functioning to the whole economy. In this way the channels that connect microeconomics to macroeconomics are obstructed, and the population suffers from the lack of provision of food, energy, water, transport, health, education, etc. In other words the rates of consumption and investment fall, as a consequence of these opportunities.

As a result of the above mentioned, the level of deterioration of the economic structure implies that the population lacks the necessary resources to satisfy their needs and this determines the proportion of migrants or returnees forced to migrate.

Another important role of economics is seen in examining the consequences of forced migration (Kuhlman, 2002). These consequences can be separated into those for the migrants themselves, for the recipient country or area, and for the area of origin. Most often studied is what migration does to the migrant: how do people cope with the loss of home, income, with the trauma of violence, how do they rebuild their lives, and what factors influence that process (Kuhlman, 2002).

An interesting theme for interdisciplinary research in the economic aspect of migration would be the impact of migrants on social capital. This means the degree of social organisation to the extent that such organisation helps to augment incomes, including non-monetary income such as food security or access to public services (Kuhlman, 2002).
There is considerable interest in social capital at present; it has been shown to be positively related to income and well-being, and for the poor it may be a more important resource than, say, education level (Narayan, Pritchett, 1999).

Directions of migrant flows involve a new distribution of human resources, not only between countries, but also the modification of the relationship between rural and urban areas. Qualified human resources move to third countries in which they expect to find better opportunities, and economies in conflict lose a high proportion of their most qualified population (Lowell, 2003).

In other cases, however, people without qualification like rural and industrial workers, move from rural settlements to urban areas and/or vice versa looking for employment, financial resources and opportunities. If conflicts produce migration, migration can press economies to new conflicts. So, massive migration alters the local demographic structure. Sometimes the loss of inhabitants means the reduction of the pressure that existed on territorial resources, but in most cases it just means the loss of human resources, that is the work force.

Moreover we must not forget the economic power of immigrants located in third countries and their relationship with local populations. Remittances play an increasing financial role in flows between territories affected by migration. In fact "Remittances are an important source of income for many developing countries. Remittances are growing on both an absolute and a per migrant basis. And the cost of sending remittances is a major loss of income for the developing world" (O'Neil, 2003).
As Black (2001) argued, the estimations of global remittances by migrants rise, is at a level that is on a par with global development assistance and foreign direct investment in the developing world.

What are remittances spent on? In the one hand, remittances are used to help people: "Remittances from the Diaspora can help individuals and families to survive during conflict and to rebuild afterwards. The limited evidence available suggests that these transfers are used in similar ways to those sent by economic migrants to people at home in more stable societies: for daily subsistence needs, health care, housing, and sometimes education" (Van Hear, 2003).
In the other hand "remittances and other transfers from refugees and others in the Diaspora may help perpetuate conflict by providing support for warring parties" (Van Hear, 2003).

Usually, migration is seen as a source of opportunities for those who emigrate and also a source of income for those who stay in their countries. "Trans-national connections and practices can provide important means for sustaining people caught up in conflict" (Van Hear, 2003). They also play their own role in reconstruction "These exile communities are making reconstruction… their capabilities depend on the resources available to the community, or on its internal Organization. It also depends on the extent to which individuals still identify with their country of origin" (Black, Koser).

2.3.1.3 Cultural aspects.

In all migration cases, new living conditions require adaptation. Migrants rebuild their life in new places, a process of transfer of individual and social values.
To the refugees themselves, the loss of social capital is an important aspect of their suffering, and it may be a principal cause of the "refugee syndrome" (Allen, Turton, 1996).
The work of Scudder and Colson on the long-term adjustment process of people who were displaced because of the Kariba dam in Zimbabwe and Zambia covers the aspects of adaptation and integration (Colson 1971; Platteau 1994).

As Kuhlman (2002) argued, the concept of integration, would take into consideration:
- *the possibility of a plural society;*
- *the multi-dimensional nature of integration (cultural, psychological, social and economic); and*
- *the impact of refugees on the host society as well as the position of the refugees themselves.*

The most appropriate conceptualisation on the integration concept was drawn up by John Berry Kuhlman (2002); in his scheme, the process by which the migrant adapts to his new environment is called acculturation, and integration is one of four possible outcomes. Following this scheme, integration would be the outcome of an adaptation process where the migrants maintain their own identity, yet become part of the host society, to the extent that host population and refugees can live together in an acceptable way. Such a concept has the advantage that it is applicable to a plural society and that it can be studied in many aspects - cultural, psychological, even legal, and also economical.

The theory was developed by Egon Kunz; who formulated the first theoretical framework for refugee resettlement (Kunz, 1981). This was supplemented by a model for immigrant adaptation by Goldlust and Richmond (1974). Moreover as described by Kuhlman (2002) a comprehensive model of the economic aspects of integration can be defined as follows: "Economic aspects of the adaptation process have to do with how and to what extent the refugees' basic needs such as food, water, shelter, health and education are met; and with how their presence affects the population of the host country in terms of incomes, income-earning opportunities, and access to natural resources and public facilities - the goods where access is not defined by income level".

Furthermore, integration does not however mean breaking the ties with the homeland; identification with original cultural spaces remains and it is expressed in different ways. The Palestinian case is a good example: "The identity of the al-Nakbah generation is intrinsically linked to the villages, town and cities from which they were dispersed. The subsequent future generations are raised with memories of the homeland, which contrast sharply to their reality in the camps. The village serves as a means of identification among Palestinian refugees, their descendants and is the objects of the dream to which the refugees hope to return"(Masriyeh, Hazbourn, 1999). Strong feelings of identification with the homeland in the Diaspora, develops ties between its members. The social organisation of migrants and the international network that they have built can play not only an important economic role but also an important political role.

The social organisation of the Diaspora can facilitate integration of migrants identified with their homeland, but can also facilitate that conflicts be imported from countries of origin. "Conflict will not only involve the homeland or the actual arena of conflict; trans-national links and Diaspora connections that develop to sustain societies in conflict are likely to be irrevocably integral parts of the 'post-conflict' society to be reconstructed" (Van Hear, 2003)
All that we have pointed out above reveals that the cultural element is a key element in the life of migrants. Not only is it related and has an important impact in the legal, social and economics context and policies, but it also affects migrants' integration in new societies and possible return.

2.3.2 Conditions and factors

As briefly introduced in § 2.3, most migration theorists described internal and external conditions crucial for explaining displacement (Boswell, 2002). Internal conditions refer to the environment of violence people suffer before fleeing. What is relevant about violence is that it threatens people's sense of security. People evaluate the level of violence as information that they can use to develop an expectation about the future behaviour of a/the belligerents towards the population. Hence, the greater the violence, the greater the perceived threat. Whereas the level of violence seems to be important for migrant flows, only a few authors argue that different types of violence existing in a country, can have a different result on the flow of migrants. Therefore it would be useful to make a distinction about this (Daventport, Moore, Poe, 2003; Russell, 1995)

External conditions are mainly related to the recent globalisation trends of world economics, leaving very little space for negotiations by developing countries. This leads to the consideration of other external conditions: "colonialism, unfair trade regulations, global inequality, the impact of trans-national corporations on the local economy and the environment, arms trade and development cooperation itself, particularly the role of the International Financial Institutions and their structural adjustment programs" (Scholdan 2000).

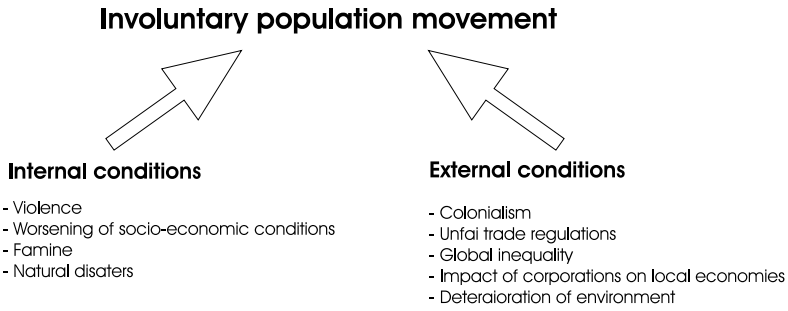
Macro theories (Jonassohn, 1993; Russell, 1995; McGuinnis, 2000) emphasise the structural, objective, conditions, which act as "push" and "pull" factors for migration.
Push factors typically adduct the worsening of socio-economic conditions (unemployment, low salaries or low per capita income) inside countries; while proposing to consider also the structural violence of famine as a cause of refugee flows (e.g., Zolberg et al., 1989, Schmeidl, 1997).
Weiner and Munz (1997), for example, take a linkage between poverty and refugee movements for granted and advocate "sweetening" economic conditions in "sending countries" as a way of dealing with the problem. As Dieng explains, poverty can be considered a cause of refugee flows because it inevitably leads to increase "competition for scare employment opportunities as well as basic necessities, which tends to intensify latent ethnic hostilities and feed secessionist tendencies, political extremism and conflicts", the very conditions that cause refugee flows (Dieng, 1995).

Moreover, pull factors are the characteristics of another location, which stimulate the movement. Often, these factors are dominated by perceptions rather than on realistic information gathering. Pull factors are

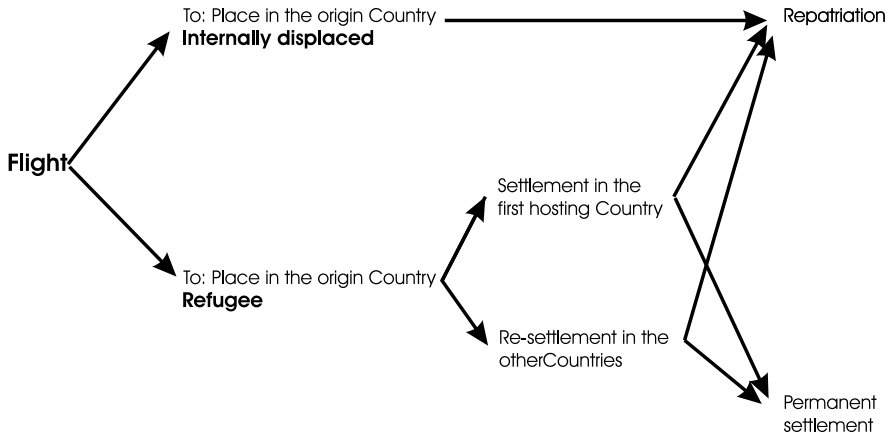
further distinguished between personal and external ones, possible ones are: higher incomes, better medical care, better education, family presence, political stability, lower levels of violence, asylum policies, and the presence of refugee camps.
The flow of forced migrants can move in different directions and can be articulated in various steps of movement; every step will be influenced by pull factors that attract refugees in a country rather than another. All steps will be further analysed as follows.

2.3.2.1 Refugees' flows

The first distinction, we should highlight, is between those people able or willing to cross national borders (refugees) and those who will not or cannot (IDPs) and therefore settle in other territories of their country.
All migrations, whether they happen on the local, national or international scale, occur due to a combination of push and pull factors. Each migrant weighs these factors to determine whether to leave their homeland and migrate to an entirely new region, or to stay at home and address possible problems within their society (Daventport, Moore, Poe, 2003).



The variety of push and pull factors introduces another important issue to consider: the possibility of the migrant's choice. If people have no choice but to leave (as the term "forced migration" implies), then there is no need to analyse single cases: one can work at the macro level, treating individual human beings as stimulus-response mechanisms. However, if we consider people as having a choice to either stay (and fight or, perhaps, become a martyr) or escape, then it is important to explain what impacts the decision.



Davenport et al. (2003) states that a theory which removes choice from human decisions cannot account for the behaviour of those who choose not to flee in the face of persecution or who choose to enter into a situation that while conflictual is still an improvement over their home location (Daventport et al, 2003).

Zolberg et al. (1989) adds that the accepted label of refugees leads one to focus on the sending or producing country. Yet, migrants make the choice to flee from a set of circumstances where they perceive their security to be in danger, towards a situation they expect to be safer (Gibney et al, 1996). Thus, they not only consider circumstances in the nation from which they originate, but also the one to which they might travel. A better measure of forced migration then, would consider not only conditions in the source country.

Some scholars (Stepputat, Sørensen, 1999; Van Hear, 1998; Pedersen, 2003) affirm that in general all movement involve degrees of choice and coercion; the differentiation between migrants and refugees is based indeed on people's motivation to move and "movers" may change from being refugees to being migrants or vice versa over time. This is a crucial point also to better understand the dynamics beyond the reintegration of returnees. The circumstances surrounding a person's departure influence in fact their return, as well as affecting their relationship to their country of origin while they live abroad (Kibreab, 1999). As Pedersen (2003) argues in her research on Lebanese returnees, the relations between returnees and stayees are not easy and depend from different factors. Such relations are not fixed but are quite dynamic and continuously renegotiated. The ones that decided to stay or could not leave transform the decision into a moral choice, thereby condemning those who left.

Generally, the earliest refugee flows tend to settle in the neighbouring countries because they are the easiest to reach for the majority who had to walk out of their country. Other more organised flows, try to reach third countries, where refugees have members of their family or a social network supporting them.

2.3.2.2 Direction of the flow

The destination of refugee flows is influenced by various elements, namely pull factors. Pull factors can be further distinguished in: the personal capital of the refugee, mainly the social network, and external capital and the conditions of the possible hosting country.

Regarding the personal capital of refugees (referring to the theory of Bourdieu), the limited number of studies undertaken suggests that transnational social networks perform a number of important functions in the process of asylum migration (Van Hear, 2002). Firstly, those networks act as an important source of information to prospective asylum seekers, providing them with details on issues such as transport arrangements, entry requirements, as well as the detention and deportation policies of different destination states. Secondly, migrant networks provide a means of mobilising the financial resources required for a person to leave their own country and seek asylum in a more prosperous state (Crisp, 1999).
The importance of the network connections in influencing the migrant decisions is confirmed in economist' literature. Massey (1998) argues, that human networks perform an important function by reducing an important set of transition costs: the uncertainty and cost associated with relocating. He argues that a person, who migrates to a new location and does not know anyone upon arrival, faces substantially higher costs than someone who migrates to a location where friends or family members already reside.

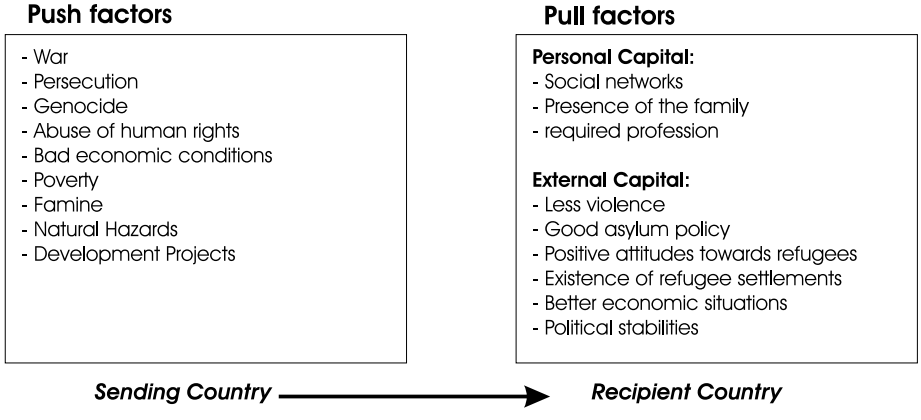
The movement of people from one place to another, either within the home country or first asylum country, creates particular human relations that affect the way refugees look at a possible local integration or at a possible return home. Van Hear (2002) affirms that at least three sets of relations may emerge among these main domains:

- *Between the "homeland" or territory of origin and the neighbouring country of first asylum;*
- *Between the neighbouring country of first asylum and the wider Diaspora (settlement in third countries); and*
- *Between the "homeland" and the wider Diaspora.*

Each set of relations consists of movements or exchanges of people, money and information.
Relations may be strong or weak and may vary over time and by type: they might be political, military, social, economic or cultural.
In the case of the Palestinian Diaspora, for example, Van Hear (2002) has stated that the relations between the three domains have changed over time. Until the Gulf crisis of 1990, the economic centre of gravity was arguably located among Palestinians in Kuwait and other Gulf states, on whom many living in territories closer to historic Palestine (such as the Occupied Territories, Jordan and Lebanon) depended heavily. This relation was ruptured with the invasion of Kuwait by Iraq in 1990: several hundred thousand Palestinians were forced to leave Kuwait and other Gulf states in 1990-92, the great majority of them ending up in Jordan. While Jordan and to a lesser extent the West Bank received a one time influx of capital as a result, the remittances that helped to sustain families in less prosperous parts of the Diaspora over many years was suddenly curtailed (Van Hear 1995).
Among the external capital type of pull factors, we can identify: the kind of asylum laws, the level of violence in the hosting country, the wages level (the economic situation in general), the existence of structures to host them (refugees camps or collective centres), and the attitude of countries towards migrants.

2.3.3 Access to countries and status of refugees

The policies of asylum in many countries have changed after the end of the cold war, especially in the Western Countries. Not all the countries are likely to open their frontiers to refugees. Thus are several examples of borders closed to people escaping war; among these there is the case of afghan refugees who –in the last decades- have been denied their right to seek a safe repair by Iran and Pakistan (HRW, 2002).
In the past two decades many Afghans became refugees fleeing their country into the immediate neighbours – over two million to Pakistan, and between one and a half and two million to Iran. Faced with such numbers and receiving little help from the IC, both of these countries tightened their policies and officially closed their borders to Afghan refugees in 2000. Tajikistan also closed its borders to Afghan refugees in September 2000 (HWR, 2002).
After September 11th, Afghanistan's three other neighbours, Turkmenistan, Uzbekistan, and China, also closed their borders to Afghan refugees citing security concerns as well as their inability to absorb more refugees.
These governments' actions directly undermined core refugee protection standards, in particular the right to seek and enjoy asylum, set out in article 14 of the 1948 Universal Declaration of Human Rights, and the principle of non-refoulement - the right of refugees not to be returned to a country where their lives or freedom could be threatened, as stipulated under article 33 of the Refugee Convention. Iran, China, Tajikistan, and Turkmenistan are all signatory countries and so bound by the 1951 Refugee Convention and its 1967 Protocol (HWR, 2002).



In Europe, mostly in the last decades, refugees tackle a complex reality: too often they are subjects of normal migration policies (which are more and more restrictive) rather than refugee laws. Western Countries have strengthened the control of their frontiers in the last years, instituting this as antiterrorism measures and measures to limit economic migration. The reality is that countries, such as in Western Europe, want to preserve their local market from low-income foreign workers and are afraid of the social instability migrants can bring. With these policies, many governments have treated refugees as if they were migrants and they have eroded refugee rights by linking them with terrorism (HRW, 2003).

In the case of refugees from former Yugoslavia, the host states, mostly European, offered various forms of protection to them. However, few countries have allowed refugees to seek refugee status within the meaning of the UN Refugee Convention, as amended by its 1967 Protocol. Instead, most countries have provided them with various forms of temporary protection status. In some countries, Bosnian refugees have been treated as immigrants and their status was determined under national immigration laws, with the intention of eventually returning them to Bosnia-Herzegovina. Other countries have granted varying numbers of refugees' permission to remain on humanitarian grounds (AI, 1997).

Most host states are signatories of the UN Refugee Convention, yet many are refusing to fully recognise or respect the rights of Bosnian refugees on the basis that since they were temporarily protected they do not ensure the protection granted under the UN Refugee Convention (AI, 1997).

Developments in the post-Cold War era regarding intervention to protect human rights suggest a gradual change in attitudes and challenges to state sovereignty and its corollary principle of non-intervention (Abview, 1998: p. 61). "A state should not be able to claim the prerogatives of sovereignty unless it carries out its internationally recognized responsibility to its citizens, which consist of providing them with protection and life-supporting assistance. Failure to do so would legitimise the involvement of the international community in such protection and assistance. When states whose population are at risk deliberately obstruct or outright refuse access, they should expect calibrated actions that range from diplomatic demarches to political pressures, sanctions, or, as a last resort, military intervention" (Cohen, Deng, 1998: p. 7).

Many organisations are concerned that temporary protection should not be used by host states to avoid their obligations to asylum-seekers or to undermine refugees' right to effective and durable protection. Also UNHCR has stated that many of the persons benefiting from temporary protection may also qualify as refugees under the 1951 Convention. Moreover, human right organisations believe that temporary protection should not be ended for refugees until the conditions in the country of origin are demonstrated to have substantially and durably improved to the point where there is no risk of serious human rights violations against returnees.

Efforts to ensure international protection for refugees have been repeatedly frustrated, as states have expressed an increased reluctance to offer asylum. These frustrations have prompted some authors to call for a new approach to burden sharing by identifying mechanisms through which the burdens bore by countries offering asylum could be more equitably distributed among a greater number of states (Milner, 2000).
Rooted in a desire to reverse the emerging restrictive asylum trends, there has been a recent resurgence of interest in the prospects of burden sharing (Milner, 2000).

One attempt to realise an effective burden sharing is the so called "reformulation project" based at the Centre for refugees study of York University. The project proposes a mechanism to alleviate burden based on four principles (Milner, 2000): firstly, it argues that refugee protection should actively seek solutions in line with state interests, and not be bartered away as part of the current upsurge of interests in addressing the root causes of involuntary migration. Secondly, refugee law should adopt a more robust concept of temporary protection according to the logic that if the protection of refugees is respectful of human dignity, it need not be permanent. Thirdly, the Project challenges the 1951 Convention's unnecessarily

rigid definition of state responsibilities and concludes that there is no need to assume that every state will play an identical role. Finally, it argues that the institutions of the international refugee regime need to be retooled to promote and coordinate a process of collectivised responsibility, thereby ensuring confidence amongst states that a more systematised and coordinated approach to burden sharing would result in a more dependable response. The Reformulation Project concludes that burden sharing would be more effectively administered if it took place in the context of pre-negotiated responsibilities within "interest-convergence groups" (Milner, 2000).

All these considerations on refugees' status are interesting elements not only while analysing the pull factors, but also, in consideration of a more sociological approach towards refugees, an approach that takes care of the impact of recognition on the person itself.
Refugees are in fact affected by their recognition because of the labelling it implies. In a study focused on refugees within Cyprus, Zetter analyses the impact of the labelling process on the identity of single persons and the community (Zetter, 1991).

From their own point of view, refugees become a category having fled the invasion in which the politico-historical antecedents to their situations were much more significant. Their identity is not predetermined by thoughts of housing programmes, eligibility and access rules. Rather it is constructed with a social language drawing on past norms: community, village, extended family, and dowry house provision for daughter upon marriage. These familiar kinds of attachments – re-establishing the pre-existing identity – have been replaced by a bureaucratic imposed identity (Zetter, 1991).

2.3.4 Refugees: costs or benefits for host countries?

Refugees, living in camps, can face different types of reception, both from local society and local government. Very often the reaction is hostile and refugees face discrimination and violence by locals (both inside and outside the camp), closed frontiers, restrictive immigration laws and opposition for refugees' naturalisation etc.
NGOs working on human rights issues as well as UNHCR have witnessed how refugees are subject to discrimination and xenophobia from the local community, generally, because they feel expropriated of their land, labour, and security.
Often, a common source of discontent for a local population is to see refugees receiving services or entitlements, which are not available to them. UNHCR attempts to eliminate this disparity, for example making camp-based primary health care available to the local population (Chalinder, 1999).

In the case of Palestine, the initial response of neighbouring host states to the "nakba" with the consequent massive flow of refugees during the '48 was to offer Palestinian refugees protection and assistance, without prejudicing their claim to return home (Weighill, 1999). Commitment to residency rights among host states has waned over time, partly as a result of the threat that Palestinians were held to pose for host states (Shiblak, 1996). Israeli occupation and settlement and periodic violent upheavals and displacement have further contributed to generating great variation in status and living conditions among Palestinians in various parts of the Diaspora (Van Hear, 2002).

In Jordan, for example, there are marked differences in status between the "'48 refugees" who came to Jordan after the creation of Israel, the "'67 refugees" who fled into Jordan as a result of the Six Day War, and those who came from Egyptian-administered Gaza. The "'48 refugees" were housed in camps on the edge of major cities and were granted full Jordanian citizenship. Many of the "'67 refugees" were placed in rural areas, and do not hold full citizenship, but have renewable residency status. Those who came from Gaza generally hold Egyptian travel documents, and have the least secure status of those displaced to Jordan. These divisions are compounded by variation in residence, principally between those who live in camps and those who live outside them in villages and towns (Shiblak, 1996).
In addition, with the phenomenon of an aggressive environment, tensions between refugees and the local society could be better exemplified by the case of Palestinian in Lebanon. They were treated as sec-

ond-class citizens (Haddad, 2000). Palestinians continue to be excluded from more than 72 professions. These restrictions force them to work in the informal sector with low wages, insecurity and no secure benefits (Haddad, 2000).
The increase of population movement has caused overpopulation and new social economic responsibilities, which affect host countries worldwide and cause more problems (Chimbete, 1999).
In Africa, many countries, traditionally with a reception-oriented policy, have affirmed their already weak economies being strongly affected by refugees' presence (Chimbete, 1999 and UNHCR, 2003) and have asked for a wide intervention in order to share the security burden, defined as "the threats perceived by a host state related to the granting of asylum and the resources required to effectively address those threats" (Milner, 2000).

Tanzania, for example, has abandoned its open door policy in the last decade: in December 1996 the government took the unprecedented move of closing the camps and forcibly repatriating the overwhelming majority of the Rwandan caseload.
Chaulia believes it could be linked to the economic liberalisation measures, taken by the government, that have had a negative impact on the ability and willingness of the state to host refugees (Chaulia, 2003). Mahiga, (1997), adding that environmental degradation also reached alarming levels and that the local population watched "with increasing frustration as large tracts of forest and agricultural land was destroyed" (Mahiga, 1997; Milner, 2000).
There are no doubts that the presence of refugees can have serious consequences on the local stability from different points of view: social, political, environmental and economic. However, this cannot justify a discriminatory approach; it rather calls third country governments and international donors for an intervention in order to both share the security burden and help host countries with development programmes.
UNHCR in a recent research (UNHCR, 2003) suggests that refugees rehabilitation programmes should take into account the negative impact of refugee' presence and thus support the host country in the most affected sectors: security, infrastructure, social pressure due to population growth, local economy, education, sanitation, health and environment, in the sense of deforestation, soil erosion, water, and land's productive capacity.

Nevertheless, Chalinder (1999) pointes out that there are direct and indirect economic benefits associated with the presence of refugees; indeed, they bring skills and resources, which can contribute to local development initiatives.
As Zetter (1991) notices in Cyprus refugees "have literally and metaphorically rebuilt the economy". What was being provided was not simply good quality housing, because the housing programme was simultaneously formulated to achieve an effective model of economic reconstruction and development. Refugees were also a structural resource as producers and consumers. On the supply side they provided the wage of labour essential for the housing construction programme and for rebuilding and extending the manufacturing and service base of the economy. On the demand side they have provided the market for light industrial/consumer goods, which predominate in small countries (Zetter, 1991).

This should be of interest to donors and host authorities: a less dependent population means cheaper programmes; for the regional economy it (Chalinder, 1999) could mean accelerated development and economic stimulation; infrastructure programmes can be targeted at regional needs rather than purely the logistic and survival needs of running a DP programme in an isolated and remote location.

Chalinder (1999) advises to also consider the problems potentially associated with this kind of approach, because over the time, the poorest of the local population may have to bear the brunt of the negative impacts such as rising inflation and competition for unskilled work. In other situations, the DP has itself been reduced to virtual slave labour, providing local populations with a source of very cheap labour, but contributing very little, if anything, to the development of the DP as a community.

Really awareness of the high potentiality of refugees seems to be found in Zambia. Here, an ambitious project is underway in order to integrate refugees into their host communities whilst helping to develop the local region. The so-called Zambia Initiative, proposed by the Zambian government, with the support of UNHCR and several donors, is a holistic approach aimed at linking development to relief assistance and addressing both issues of durable solutions for refugees and burden sharing with their host communities (Marie, Shimo, 2002).
Zambia has a deep-rooted culture of receiving refugees despite its limited economic resources. Zambia's hospitality is shown in its assistance and support to refugees, as well as in its efforts to develop a legal framework - which includes the ratification of OAU Protocols and International Conventions - for the protection of refugees. On the basis of this record, Zambia is considered a model in Africa (Marie, Shimo, 2002).

In Zambia, which is an area with a long history of hosting refugees, refugees are expected to be "agents of development" through their contribution to the local economy. For instance, many refugees have been allocated enough land to enable them to produce export-quantities of sweet potatoes, tobacco and other products, thus bringing much-needed foreign currency into the country.

Some of the long-standing refugees would also be considered for naturalisation. This pilot project, if successful, will hopefully be reproduced in other refugee-hosting countries, particularly in Africa (Marie, Shimo, 2002).

2.4 Refugee Settlement: spatial options

2.4.1 Spatial options for refugees/forcibly displaced

Once they have fled across a border, refugees must find accommodation, either with official assistance, or by relying on the hospitality of the host community. In some cases, the host government grants full refugee status and refugees are allowed and encouraged to become integrated into the host society. More commonly, host governments prefer to manage refugees by locating them in camps or organised settlements. However, most refugees bypass official assistance, and find ways to settle themselves amongst the local population, in a pattern known as self-settlement or dispersed settlement (Jacobsen, 2001).

According to the literature there are different options in terms of refugee settlement.
Self-settlement, also known as "dispersed settlement", "spontaneous settlement" or "self-directed settlement", occurs when refugees settle amongst the local community without direct official (government or international) assistance. Refugees share local households or set up temporary accommodation nearby, and are helped with shelter and food by local families or organisations.

Other form of settlements is assisted settlement for refugees, which takes various forms, but all are intended to house refugees on a temporary basis (Jacobsen, 2001). In rural areas, camps and local settlements are much more typical, either in urban areas, refugees are often housed in mass shelters in public building or community facilities such as schools, hotels, barracks, etc. This type of accommodation is often intended to be temporary or transit, because of the host population's housing needs.

Camps are purpose-built sites, usually close to the border, and thus usually in rural areas. Since camps are intended to be temporary structures, they are seldom planned for long duration or population growth. Dwelling structures are tents or flimsy huts, and water and sanitation infrastructure is problematic, especially over the long term (Jacobsen, 2001).

Local settlements, also referred to as organised settlements, are planned, segregated agricultural enclaves or villages created specifically for refugees, but which differ from camps in that refugees are expected to

become self-sufficient pending their repatriation. Local settlements have been widely used in Africa, especially Uganda, Tanzania and Sudan, as a response to protracted refugee situations and as an alternative to keeping refugees in camps (Kibreab 1989).There is limited freedom of movement, more permanent housing construction, and refugees have access to land provided by the government (Jacobsen, 2001). The camps usually located in poorest part of nations; also burden local resources and ecosystem services already relied upon by the pre-existing inhabitants. This can cause conflict and even violence, defeating the camps' original purpose of providing at least temporary peace and security.
Their location can be determined by myriad factors, including geography, geology, economics, political and security concerns, resources and, sheer necessity and desperation (OAU/UNHCR, 1998; Milner, 2000). Following the UNHCR suggestions, "wherever possible" refugee camps should be located "at a reasonable distance from the frontier of the country of origin" (EXCOM, 1987).

Emerging research has demonstrated how, for social, economic, environmental and health reasons, the consequences of placing refugees in camps are often negative, not only for the refugees themselves but also frequently for the national populations and governments of receiving states Black, 1998). In his article, Black (1998), tryed to identify why camps so often have been preferred by both host governments and IC, in order to develop an essential step for those wishing to push policy in a different direction and translate our knowledge of the negative consequences.
For example, the most obvious example of "camps", as described by Natali Dukic and Alain Thierry (1998) is that of the Saharawi refugee camps in Algeria. These are, effectively, tented cities, supplied wholly from the outside.
In contrast, Edith Bowles (1998), using a wider definition in her article about the Thai-Burma border. She uses the word "camp" to describe both "small, open settlements where the refugee communities have been able to maintain a village atmosphere" and "larger, more crowded camps" where they are "more dependent on assistance".

2.4.2 The conceptual understanding of refugee camps

The literature on refugee camps, is dominated by two main themes: an extensive body of technical and field reports concerned with camp planning, logistics, site planning, operational needs (e.g. Cuny, 1977; 1980; UNHCR 1989; Goethert, Hamdi 1988; 1989) and second, a parallel body of literature which exposes the largely negative impact and consequences of encampment on the lives of refugees (for example, Rogge, 1981; Harrell-Bond, 1986; Reynell, 1988; Waldron, 1988; Pacheco, 1989; Hitchcox, 1990; Chan, 1991; Kibreab, 1991; 1994).

The debate about settlement options has become polarised precisely because camps are such powerful symbols of the orthodox managerialist relief model, as Zetter (1995) wrote.
On the other hand the role of camps as managerial devices is crucial. The existence of these manuals underlines the fact that, whilst they all note the disclaimer that "the establishment of camps must be only a last resort" (UNHCR 1982), the encamping of refugees is the managerial "solution" adopted by most host countries and relief agencies for well rehearsed political, logistical and managerial reasons which need not be repeated here.

As Zetter (1995) argued, camps are the form of settlement most commonly associated with shelter provision for refugees, moreover, he noted that the debate about settlement options has become polarised precisely because camps are such powerful symbols of the orthodox managerial relief model and, its inherent limitations. Camps are usually designed according to fairly crude engineering principles; planning processes are at best piecemeal and are frequently dictated by donors and NGOs who, as the implementing partners, provide capital inputs for the physical and social infrastructure according to their own mandates, timescales, and funding options.

The conceptual understanding of refugee camps is dominated by their role as vehicles for the provision of material assistance to refugees, not as one constituent in a complex relief model (Zetter, 1995); one

reason host governments and many relief agencies prefer camps is that in addition to making the management of assistance easier, camps are seen as facilitating repatriation – not least because the austere conditions discourage people from staying in them long (Jacobsen, 2001). Camps are the first humanitarian reaction adopted to facilitate refugee flows. Some are carefully planned by humanitarian operators, while others just spring up seemingly on their own. They should exist as long as crisis duration, but the reality is that in most cases refugee camps become mere enclave cities in foreign territory.

Refugee settlement is seldom fixed; it should rather be seen as a fluid process, in which refugees settle in different situations, depending on when they arrived, the density of refugees vis a vis the local population, their coping strategies, local socio-economic and security conditions, and the actions of local and national authorities.
Refugees often arrive in a series of waves, with earlier arrivals settling in different situations than later ones. Self-settled refugees often risk being forcibly relocated into camps by local authorities but many avoid relocation, and in some cases, refugees move out of camps and become self-settled.
In some cases, refugees use the camps as part of a broader household strategy of survival. Within an extended family, the workers might live in the local community where they can farm or find income, and the dependents (elderly, mothers and children) might live in the camp where they have access to assistance. Refugees leave the camps to find work, to trade, to explore repatriation options, to join the rebels, to visit the city or to move there. They might return to the camps during the hungry season, or when there are security threats outside. New refugee populations might live in different settlement situations than older ones (Jacobsen, 2001).
The fluidity of their living situations and the desire by refugees to remain flexible about their options means refugees are often unwilling to be counted and are reluctant to reveal their exact locations to authorities. The numbers and proportions of refugees in the different types of settlement are notoriously difficult to determine. It is generally accepted that there are many more self-settled refugees than refugees living in camps, and that most refugees in urban areas (Jacobsen, 2001).

Refugee camps reflect two interacting sets of interests inherent to refugee relief and assistance programmes. On the one hand there are the physical attributes, the need to ensure provision of shelter, the design of camps according to basic standards of health and hygiene and also locational factors. There are many technical elements to be addressed in the design of better settlement policies. But, in the context of these policies, an immeasurably more important problem to resolve is the political will of host governments and relief agencies to confront the fundamental dilemma which refugee camps pose: the presumed temporariness of refugees (Zetter, 1995).

2.4.3 Durability and temporary status

As already mentioned, refugee camps during the initial emergency stage are typically laid out in military style, with rows of tents, standpipes; refuse outlets, simple roads, etc. Then the refugees may start to improve their dwellings into more permanent structures, using locally available building materials such as mud-brick, wood, and finally concrete and brick. The infrastructure, however, requires major public investment for permanent roads, sewage, refuse collection, water supplies and schools, and the lack of such investment can create long-term environmental and ecological consequences both for the refugees and the surrounding community.

Another interesting matter of great concern is that camps are politically conceived as a temporary option (Zetter, 1995), but evidence confirms that they remain, sometimes for decades (e.g. Palestinian refugee camps in Gaza, in Lebanon and Jordan (Shamir, 1971; Ben-Porat, Marx, 1971;Sayigh, 1979; Zolberg, 1986; Jarrar, 2003; FAFO, 2003), Afghan refugee camps in Pakistan (Anderson, Dupree 1990), becoming semi-permanent physical landmarks of a refugee presence and evolving social and economic entities (Marx, 1992).

Living in a camp for long time, strips refugees and IDPs of their status as members of society and deprives

them of their capacities to act as citizens, social actors and economic agents. Political changes happen without their involvement; and living outside the national debate can freeze the relations between refugees and IDPs and the remainder of the society, as consequence delaying the application of durable solutions (Gervais, 2002).

In the cities and towns of countries like Georgia and elsewhere in the former Soviet Union, hotels and other public buildings have become permanent housing for refugees and IDPs (Jacobsen, 2001).
The "quasi-urban" character of so many settlements of refugees and displaced people also makes for a natural merger between the humanitarian and human settlements fields. Usually self-settled, crowded and under-resourced these emergency settlements have much in common with the poverty in fast-growing cities; extensive research, drawn from many cities in the developing world, describes processes of informal settlement consolidation and upgrading remarkably relevant to the situation of refugee camps (e.g. Davidson, Payne 1983; Skinner 1983, 1992; UNCHS 1994; Payne 1982, 1984, 1989).

Despite their structural and procedural limitations, these well tested processes of mass housing supply for the urban poor provide a technology for an enabling approach, an "upgrading" or "progressive development" model, which is replicable for refugee settlements.
Only one detailed study on urban informal housing processes for refugees/forcibly displaced has been located in the literature search, in Beirut (Souhail, 1989). It mirrors surprisingly closely the literature on rapidly urbanising cities.
As Zetter (1995) argued, there are of course very different expectations, operating conditions, implementing agencies and political frameworks as between refugee and "conventional" settlement processes. And there are important contrasts between the urban setting of these experiences and the rural setting of many refugee camps and settlements.

A dichotomy exists between emergency humanitarian relief and developmental assistance, the contention analysed by Zetter (1995), is that concepts of relief and development are inseparable in the context of refugee situations. It is precisely because shelter provision and settlement planning constitute both humanitarian needs and developmental resources, that they provide the means to bridge the dichotomy at the core of conventional responses to refugee influxes (Bulcha et al., 1983).

2.5 Displacements and returns: steps in the movement

After the permanence in a host country, the return or "back home" is seen as the natural end of the cycle of a refugee: the end of the refugees' transitional period, the gate for the restoration of the life before the war, the famine and the violence (Shurke, Zolberg, 1989).
At the beginning of 1990s was a great optimism that the end of the Cold War might also result in the end of the global "refugee cycle" (Koser, Black, 1999). In reality, the global refugee population increased substantially immediately after the end of the Cold War, from about 15 million in 1990 to 17.2 million in 1991 (UNHCR, 1995a).

During the 1990s repatriation has occurred on a scale far more substantial then during previous decades. It was estimated that up to 12 million refugees have returned to their countries of origin during the above mentioned period, either independently or under organised programmes; in the majority of those countries, policies to assist repatriation have been linked to attempts to support political reform, democratisation and economic reconstruction; as important examples we can use the case of Rwanda and Bosnia, the latter represents the largest repatriation movement in Europe since the Second World War (Koser, Black, 1999).

There is a need to understand the priority of refugees in exile, for many of whom repatriation is not a desire outcome, and for whom "home" has come to mean something quite different from the meaning often ascribed by policy makers.

Even when return has occurred, there is a need to pay much closer attention to relation after return, and to recognise that even if repatriation is the end of one cycle, it is also usually the beginning of a new cycle which can challenge and expose some returnees to different vulnerabilities (Koser, Black, 1999).

As Cornelius (1994) said, is practically impossible understanding the repatriation discourse in isolation from the changing political context affecting attitudes towards refugees, which is, at least in industrialised democracies, controlling immigration, in a period with high level of insecurity, where the tendency to exclude migrants has been extended to refugees as well (Cornelius at al., 1994).
Refugee status is too often seen by policy makers as something exploited by individual migrants to circumvent normal immigration rules, rather then and important safety net of protection for those genuinely suffering persecution (Collinson, 1993). However, we should not forget all the different meanings refugees could give to "return" and the possibilities people have to choose. Thus, it means we should take into consideration even the possibility that to return to the previous life, in the previous country may not be at all the desired solution for refugees.

2.5.1 Repatriation and durable solutions

Repatriation, rehabilitation, reconstruction and resettlement are some of the "terms" used in literature to refer to the return. Generally speaking, we can identify at least four different options for refugees: the voluntary return back home, to go back to the national country but not in the place of origin, to be resettled in a third country (resettlement or temporary protection) or to integrate the local society. In the first three cases, international help is necessary for the programmes of rehabilitation and reconstruction (Edwards, 2001; Black, Koser, 1999).

Repatriation is generally the option preferred by IC, who considers it as "the optimum and most feasible durable solution to the refugee crisis" (Black, Koser, 1999). The UNHCR Executive Committee (UNHCR, 1985, in Milner, 2000) addresses the question of voluntary repatriation in some detail, affirming that repatriation is in principle the best solution to refugee problems, but, it adds; "it does not constitute a binding legal obligation but a statement of good policy".

As we mentioned, during the 90s, repatriation has occurred on a scale far more substantial than during previous decades. It has been linked in several countries to attempts to support political reform, democratisation and economic reconstruction. (Black, Koser, 1999).
Its success of implementation depends directly on the creation of conditions for return in the countries of origin: thus, on the internal legislation, the economic programmes, the possibility of repossession of pre-war rights, human rights protection, housing issue, and on all the other circumstances prevailing in the return' countries (see Government of Serbia, 2002).

As Harrell-Bond (1989) stated, the effects of the increased and accelerated rates of repatriation during 1990s, has been to lend weight and popular legitimacy that repatriation is the optimum and most feasible durable solution to a refugee crisis.
Just as the refugee crisis has risen on political agenda, so repatriation has become a political issue (Koser, Black, 1999).
According to Milner (2000), repatriation should have a place within the respect for the fact that the overwhelming majority of the refugee population should express the desire to repatriate. Repatriation should be coupled with a comprehensive sustainable reintegration programme rooted in the principles of peace building.

On repatriation dynamic, we can adduct as an explicative case the situation in Serbia. Here, the government gives the possibility to refugees and IDPs to choose the most favourable durable solution freely between two options: repatriation or local integration. (Government of Serbia, 2002; Council of Europe, 2002)
Repatriation of refugees and IDPs requires greater effort by both the Serbian state and the IC, primarily

for the creation of efficient mechanism of return of property and respect of rights, such as security and legal safety of potential returnees. The second direction of activities relates to the provision of conditions for local integration, meaning the durable resolution of the essential existential problems of refugees and IDPs as well as their families. The basic aim of local integration is helping refugees achieve self-sufficiency, a financially and socially equal position as that of the other citizens of the country (Government of Serbia, 2002).
Specific attention should be given to housing, which is one of the main issues of repatriation. Serbia, in its national strategy, has defined a programme of durable accommodation (adjusted to financial, social and medical status of refugees) in which are previewed two main ways of arrangement: the first - affordable housing, providing the possibility of purchase and construction of housing with bank loans that would be more favourable than those prevailing at the market (apartments owned by beneficiaries). The second – social housing, (state-owned) apartments for accommodation of the extremely vulnerable persons and accommodation in social welfare/health care institutions (Government of Serbia, 2002).
In Serbia we can notice that, in 2002, only 18% of refugees owned the apartments/houses they lived in. The remaining living either in rented accommodation (44%), with friends and relatives (30%), collective centres (5%) and social institutions (3%). As for the internally displaced population only 7.6% secured their own accommodation while 39.8% lived with family and friends, 40.7 % rented the apartments they lived in and 6.9% had been accommodated in collective centres (Government of Serbia, 2002).

When repatriation is either not possible or not desired, refugees seek other solutions, which could be local integration, where possible, or resettlement.
Actually, some scholars (e.g. Edwards, 2001), think resettlement should be considered when "it is the best, or perhaps only, solution in an individual case; and it should be adopted to avoid situations in which a person has to choose to come back prematurely home or to stay unsafe in a host country where the state is unable or fails to fulfil its obligations and where the victims are considered to be in need of additional protection".

However, when refugee displacement is substantial, where they are seen to impact negatively upon resources and when social and political tensions are exacerbated by refugee' presence, a political push for their repatriation is often involved. While when numbers are perceived as manageable and there is a high degree of certainty that return will not be possible, then local integration has been an option considered (Black, Koser, 1999).

The feasibility and attractiveness of the three "durable solutions" -local integration, third country resettlement and repatriation- as they were called by UNHCR, have varied over time, partly determined by geopolitical considerations: as many commentators have observed, during the Cold War, resettlement or integration were more the norm, because this suited the purposes of the west, while since the end of the Cold War, new imperatives have prevailed and repatriation has become the most desirable durable solution (Chimni, 1999).

To ensure a good degree of sustainability of refugees return it is fundamental to analyse the capitals of the refugee itself. We will make reference to the four different types of capital identified by Bourdieu: economic capital, cultural or educational capital, social capital (social connections), and symbolic capital (Bourdieu, 1999). The lack of the right capital – whether economic, cultural, social or symbolic– is an obstacle for integration into local society, and thus to some extent for the construction of different forms of home.
The concept of social capital to which we refer is the one put forth by Coleman (1988) with a wider definition respect previous authors, who defines social capital as "a variety of different entities, with two elements in common: they all consist of some aspect of social structure, and they facilitate certain actions of actors — whether personal or corporate actors — within the structure"
Although there is a big interest in repatriation, we have to underline that in literature, it has been noticed, that there is a lack of attention to the experiences of the refugee after the return (Black, Koser,

1999). So that, one of the biggest challenges of refugee repatriations is also how to assist refugees in achieving long-term self-sufficiency once they are resettled (RI, 2001), considering, in addition, that returnees are legally less protected than refugees. In fact, if we think of UNHCR example, we can notice that it has been unable formally to extend its mandate to include returnees and at the same time, it has faced the resistance of many to a system of long-term refugee monitoring (Black, Koser, 1999).
Black and Koser (1999) think this is due to the justifiable concern that the extension of protection of the international community to returnees might simply legitimise the premature repatriation of refugee by host countries, as it is a non-uncommon behaviour.
Many times repatriation of refugees has been just an easy solution adopted by governments or even international agencies, in order to give visibility to their capacities of action or as reaction to external pressures. In the case of repatriation to Eritrea, for example, UNHCR has been perceived as promoting the repatriation option in the short term "in response to financial and political pressures imposed by donor states" (Black, Koser, 1999).

As deeply investigated by Zetter (1988; 1999), it is important to explain some of the processes and the strategies by which refugees adjust to the meaning of protracted exile and how this may influence perception of return, suggesting to the policy maker to incorporate in repatriation initiatives refugees' own meaning of repatriation, and their perceptions and expectations of "home" (Koser, Black, 1999).

Large-scale refugee repatriation in 1990s has been forcefully promoted by the UNHCR and other international bodies (Zetter, 1999; Zieck, 1997), as the most desirable of the three durable solutions, where local integration and settlement and resettlement to third countries of permanent asylum are the other two.
Other "solutions" which are sometimes adopted, or which materialise for lack of durable solutions, include the protracted restriction of refugees to holding camps in which they are kept in conditions of interminable dependency; the forced return or refoulement of refugees to their countries of origin. Or, in attempts to find their own durable settlement solution, refugees end up perpetually drifting in orbit between countries because they denied residence status by one potential asylum state after another (Rogge, 1991).
More then 10 million refugees have indeed returned to their countries of origin since 1991 (UNHCR, 1997).However, as Zetter (1999) states, whilst a desirable solution for the international community, in the viability so far as the refugee is concerned is more questionable. Because repatriation is usually a medium-to-long term solution, it involved re-uprooting social structures, which have adapted and developed in the exile (Allen, Morskin, 1994; Allen, 1996). It involve the "reintegration" of refugees in the social and cultural milieu of "home" (Warner, 1994), which inevitably has changed much in the duration of exile or displacement, and increasingly requires the reconciliation of community who were former adversaries; but as a lot of current situations, for a very substantial number of refugees, whilst repatriation may be a desirable objective, it is infeasible in practice.

Economic capital	Cultural capital	Social capital	Symbolic capital
Productive: - Land - Equipment - Machines - Seeds Non productive: - Savings - Housing	- Education - Skills - Trainings	- Family ties - Informal groups - Religious - Networks	- Prestige - Social honour

Anyway as Zetter studied, better understanding of social and cultural factor which shape the refugees' respond to an "exile situation", will ensure that the crucial aspects of repatriation programmes are more fully taken into account Zetter (1999).

There is an extensive literature, which explores the adaptation, displayed by refugees and forced migrants and the transitional stage that they are passing through (Colson, 1971; Keller, 1975; Hansen, Oliver-Smith, 1982; Scudder, Colson, 1982; Cernea, 1990) and the mediating role of reception and assistance programmes in host countries (Robinson, 1993; Bach, 1988; Neuwirth, 1988).
The concept of adaptation is premised on defining stages and process of transition, both at individual and community level (Scudder, Colson, 1982; Scudder, 1993).
At a more conceptual level, repatriation initiatives have consistently tended to underemphasise the concept of home in the mind of refugees. Literature on Cypriot refugees suggest that the duration of refugeehood can influence the definition of home, such that people may feel more "at home" in the country in which they may have been in exile for the whole, or the majority of their lives (Zetter, 1988).

2.5.2 The myth of return

The myth of return is an expression, which is frequently used in studies of both immigrants and refugees, although its origin initially lay in sociological and anthropological research.
The predominance of the myth of return is repeatedly noted among immigrants regardless of the time spent in the host society, the intention behind migration and the economic prospects of immigrants in the new environment (Al-Rasheed, 1994).

The myth is a pragmatic solution of being part of two contexts, two countries and two sets of norms and values, which may not only be different, but in most cases contradictory.
Borrowed from the field of migrant research, the myth of return has been useful in describing the orientation of another category of migrating individuals, namely forcibly uprooted people: those whose movement is caused by political, economic, or environmental crisis (Al-Rasheed, 1994).
While accepting the fact that substantial differences exist between migrants and refugees, some research on the latter emphasise that most refugees continue to see their presence outside their country of origin as a temporary phase even after many years spent in exile (Voutira, 1991).

In the context of refugee studies, the myth of return consists of two elements: myth and return. In common usage, "myth" implies reference to the realm of imagination and creativity. It invokes images anchored not necessarily in the real world, but in belief and thought, which may or may not be subject to objective verification. In contrast, return refers to a concrete movement, an actual physical displacement, a migration or more accurately a re-migration to a point fixed in space (Al-Rasheed, 1994). When someone is described as believing in the myth of return, both the mythical and the real dimension are combined.

This implies that the person entertains the idea of returning to this fixed point, whether a country with known boundaries, or a region with loosely defined borders.
This interpretation of the myth of return require emphasising of the fluidity of the statement of Al-Rasheed, focus merely not on with whether refugees aspire to a "real" or "actual" return to their homeland, but with their orientation and its social consequences (Al-Rasheed, 1994).
As Al-Rasheed, (1994) argues there are two dimensions in this orientation:

- *At the level of individual, the myth of return describe a frame of mind, rooted in the person's physiology, pervious experience, present and aspiration for the future; it ranges from a mild remembrance of a distinct homeland and desire or wish to return to it one day, to a severe obsession which can paralyse the person's willingness to engage activities and daily life in general;*
- *At the level of society, the myth of return is relevant to the social relationship between a refugee and his homeland, and between a refugees and his host society; the myth of return is part of an anthropological discourse with its concepts, ideas and meaning.*

As Zetter (1999) defined the "myth of return" raises the question whether adaptation and integration are necessarily either progressive or permanent, set against the perception of "home" (Zetter, 1999; Kuntz, 1981).
Furthermore the myth of return can imply an essentially static state of affairs, but as Zetter argues, protracted exile, as in Cyprus, creates a dynamic context (Zetter, 1999), where the "time factor" can reshape, profoundly, the social and economic world of the refugees, where implicit here are processes of transition which comprise the core of the refugee adaptation concept (Zetter, 1999).
In the example of Cyprus (Zetter, 1999), the initial experiences of a socio-cultural stress and the coping strategies of "cultural involution" and dependency (Harrell-Bond, 1999) have been augmented by a kaleidoscope of responses (e.g.: autonomy, alienation, nationalism, etc.).
The concept of stages of adaptation could be useful to explain these dynamics, but the main limitation is the premise of an essentially linear progression of sequences of stages. Moreover the closer linkage between processes of adaptation (reflecting the dynamic properties of refugee situation) and the concept of return (with the sense of continuity with the past) could provide a valuable explanatory model and improving the quality of policy making (Zetter, 1999).

The myth of return is in some respects misconceived shorthand; more accurately, what is mythologized is not the return per se, but home. Although the timing and modalities of return are usually very uncertain, return itself is a real and tangible process (Zetter, 1999), but return as a slogan, an idea and a question dominates the international politics agenda since now.
Due to this, what is mythologized, is what is left behind and what, it is hoped, return will accomplish, the belief that home, both as material and symbolic entity, can be restored as is was before the displacement, (Zetter, 1999).

Redesignating the myth of return as a myth of home help to understand that the myth of return was contingent on the constructed notion of home as a physical territory, space and symbol (Al-Rasheed, 1994), since there is an implicit assumption in the concept of displacement and return, that "a natural identity exists between people and places…[with]…bounded territories with demarcate their distinct cultures" (Stepputat, 1994).

But as Zetter (1999) argues, time is an important ingredient in the process of mythologizing in addition to the form and delivery of assistance. Yet, more than this, the "territorial imperative" of homes as Warner terms it, is not just a spatial and locational construct (Warner, 1994) but home designates related and equally powerful construct of ethnicity, the nation state and sovereignty (Stepputat, 1994; Zetter, 1999; UNRISD, 1993; Warner, 1994).

Notwithstanding, the concept of adaptation and return home are valuable tools with which to analyse the tenets of the refugees' image of home and sense of place and the impact on their perception of return or continued displacement (Zetter, 1999).
The majority of refugees and displaced, face situations which are contextualised by the substantial, large scale assistance programmes and the enduring political uncertainty, where refugees show "contradictory attitudes" (Zetter, 1999) in the relationship between their past, their aspirations for the future and the mediating role of the present: the myth of return home – with connotation of reclaiming the past- and adaptation and transition – with connotation of future orientations (Zetter, 1999).
The inter-relationship between the past and the future is quite central because the objective of the refugees is to sustain the continuity of their social and cultural inventory (Zetter, 1999):

- *Through a symbolically constructed and culture-specific physical representation of a lost past (the home and differed associated place-related variables), and*
- *Through social and institutional constructs (marriage, funerals, educations, languages, etc).*

Whereas the physical and material symbols are mainly used to relate to the past, the social and institutional symbols represent the future: they are generally non-placed related and non-territorial, a thought they may be linked to place (e.g. property).

The refugee households pass from the past to the future through the socio-economic system of the host society and its structures – including the extensive assistance programmes – within which they are located; the present is conceptualised as mediator since, is not a variable so clearly within the control of the households and is thus less susceptible to modifications by them (Zetter, 1999).

Creating and sustaining the myth of home is the most readily available means of re-establishing continuity with the past, no matter how inconsistence or unreal the myth may seem to the objective observer compared with the evidence of adaptation such as economic integration and prosperity, or building a new house. Even so, the refugees cannot repossess their original houses, either as symbolic or physical artefacts, greater emphasis is placed on factors associated with the future, over which they believe the can exert more influence (education, languages and rites and rituals) (Zetter, 1999).

The external world of the present mediates the refugee's interests and is also important determinant of the process of transition and adaptation, symbolically represented by the contradictory images of internal/external dilemma (Zetter, 1999).
At general level, co-ethnicity with their host enables the refugees to replicate and sustain some elements of continuity between the past and the future, becoming all insiders. Yet, dislocated in space, co-ethnicity has a segmented meaning, for the refugees because co-ethnicity in terms of attributes such a kinship networks, co-villages has been fragmented (Zetter, 1999).

2.5.3 The decision to return home

The decision to return home is based on the interplay of several factors; if the pull factors (those that attract refugees back home) are not sufficient neither satisfactory or if the keeping factors are very strong, it could occur that refugees decide to not go back home.
As it happens for the decision to flight, also during the return refugees have the possibility to choose which path they want to begin. They have to evaluate what are predominantly the reasons to remain in the country of settlement (keeping factors) or those to leave it (in this case both push and pull factors). We can adduct several reasons to explain the decision to not go back home. It could be because in the hosting locations they are enjoying better living conditions (maybe more access to sanitary and health structures, school and job than before); because the situation in the place of origin is so changed from a ethnic point of view, that refugees are not likely to go back because of the fear of being threatened or simply they do not feel a sense of belonging to that place anymore (HWR, 2002); the worsening of the economic conditions: the place of origin could be too poor, it could have nothing to offer and so people decide to not go back (we should not forget that sometimes the migration was just the anticipation of an economic movement due to economic depression) (Black, Koser, 1999); the fear of discrimination from those who have remained; because maybe their housing has been destroyed, planted with mines or occupied by others, etc.

Even the considerations on whether possession can be recovered or whether the property can be repaired and also the political propaganda to which they are subjected, can influence the decision to return (AI, 1997). In addiction, the place of origin could be linked to episodes of violence, death, loss of beloved, thus to certain kind of shocking emotions that stuck refugees in the camp; also the presence of suspected perpetrators of gross human rights abuses (particularly where they still hold position of power of authority) is a key factor influencing whether or not people wish to return (AI, 1997).

2.5.4 Home: a symbolic aspect of return

One of the points of reference in the discourse of repatriation is that return is the favoured option for refugees, for whom the refugee cycle can at least end when they "go home". For many refugees, repatriation does not represent a homecoming, so in the literature the notion of "home" can be view in a number of ways (Koser, Black, 1999):

- *A return to the refugee's country of origin*

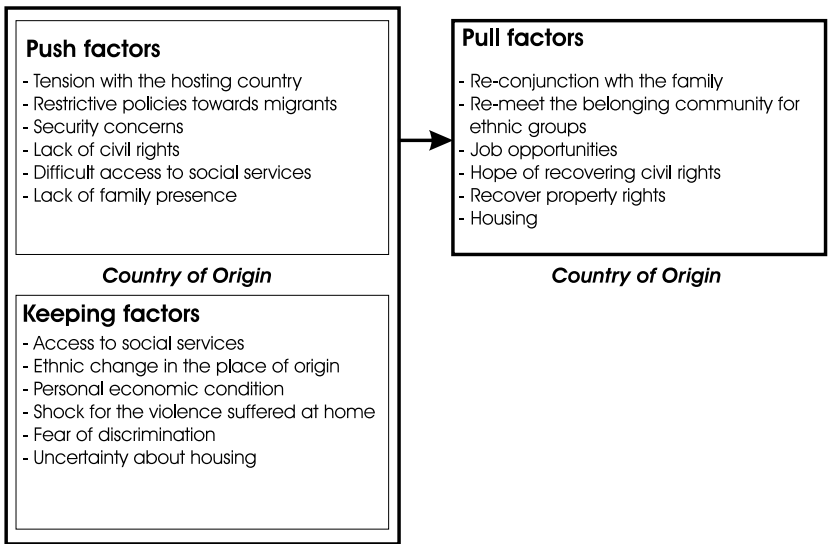
• *A return to refugee's own house or land that was abandoned at the time of flight*

At this point, it could result interesting focus on the concept of home. Indeed, the concept of "country of origin" is conflated with a notion of "home". People are perceived as linked to a place which often is equated with the nation, and belonging to more than one place, or one nation, is not possible. As Rada Ivekovic (1995) pointed out regarding the conflict in the ex-Yugoslavia, the concept of the Nation-State, which implies one single nationality, it is an absurd in a multi-national region like the Balkans. The national identity in fact sets to level all the other identities and therefore the differences; the only identity accepted is the one of the Nation and the ones refusing this label are perceived as traitors.

This place called "home" may have both cultural or spiritual meaning for the returnee, as well as, being the returnee's own property, imbuing it with an economic significance (Warner, 1994; Zetter, 1995). Moreover, Warner (1994) stated that "home, is the association of individuals within an homogeneous group and the association of that group with a particular physical place".

So, there is an implicit assumption that at the end of a conflict, a return to a place called "home" is both possible and desirable; but many times, the return home may be impossible (Koser, Black, 1999).

Different studies pointed out that return may be possible to be combined with the construction of a new home as part of a wider community or nation-building process (McSpadden, 1996; Koser, Black, 1999) as for example, in the case of Eritrea, where the physical destruction associated with war, and the fact that many refugees were born in exile, makes a speedy return to place of origin highly problematic. Yet for the Eritrean authorities, a broader notion of home has been seen as appropriate, with return home potentially representing a return to the national process of reconstruction in a the country as whole (McSpadden, 1996).



As example, in the situation of former Yugoslavia, return is to a country which has not formally existed during the lifetime of most refugees, other then as a level of regional government or as an "imagined state" (Koser, Black, 1999, Anderson, 1993).

We should think that the place named "home" left by refugees, no longer exists, because places, social relations, and culture have changed with conflict and time: home could represent a return to the national process of reconstruction in the country as a whole, rather than being tied to a particular place (Warner 1994, Stepputat 1999, Ranger 1994).
Pedersen suggests thinking of three different meanings of home that appeared as particularly significant. Firstly, home as a personal space of identification; secondly, home as "a nodal point of social relations" (Olwig 1998: 236); and, thirdly, home as a physical place that exists within specific material and economic conditions.

As stated by Warner (1994) voluntary repatriation means return home, not merely return to country of origin. While a country of origin is a simple, geopolitical concept, the home that the refugees are supposed to return to be more then a territorial place that are associated with a political entity.
Voluntary repatriation is more then just return to country of origin; it is return to home and community (Warner, 1994).
The concept of home and community in country of origin is most frequently related to two basic elements (Warner, 1994):

- *Association of the refugees with those who are similar*
- *Association of this group with a specific place.*

As Rypkema states: "by almost any definition community implies existence of a place, - a physical place made up of land, buildings, and public space" (Rypkema, 1993)
Thus, the homogeneous group is inextricably linked to a given territory, what Connolly refers to "a politics of place" (Connolly, 1991).

Home, therefore, is the association of an individual within a homogeneous group and the association of that group with a particular physical space. According to Warner, home is the incorporation of being with one's own in a place that has come to be associated with that group and community over time (Warner, 1994).

The historic fit between the group and the land encompasses the geopolitical entity of the state; ideally, then, the community/government should be historically tied to some land that in it has a sovereignty identity. Individual identity cannot be separated from the identity of the state in which the individual's lives.
Marx (1990), in his description of refugees as a part of mobile social networks instead of static ethnic groupings (Mazur, 1988) sees refugees in terms of social networks that interact with other social networks where the social world is based on relationship that are not related to physical space.

Rogge notes that "For a second-generation refugees, such as now exist in many parts of Africa, return to their country of origin does not always necessarily means "going home" (Rogge, 1992), in fact they may wish to stay in the country of exile and do not wish to return home because they have found other avenues for their aspirations, they have found other "homes" (Warner, 1994).

The main question of Warner arises again, "if we imagine that the refugee's social networks have been uprooted during flight, during a stay in a refugee camp, and eventually during some form of integration into a receiving countries, what do we imagine has happened in the country of origin while the refugee has been away? Would they be isolated, would they be foreigners in their homes?" (Warner, 1994).

Refuges involved in voluntary repatriation are not returning home; they are in fact returning to their country of origin but no more (Warner, 1994). This can be emphasised as Marx argues "Today the refugees shared the toils and concerns of million of their compatriots: keeping food on the table and a roof over their heads. Not easy for anyone when an economy lies in ruins, but harder still for persons who discover that a decade in exile has altered their identities and made their homecoming in some

instances as traumatic as their flights" (Refugees, 1986).
The nostalgia for home and going back is more then just confusion between place and home. There is a fundamental nostalgia about the return itself, about preserving something that was there in the past or imagined in the past, and that cannot be re-created. Even in the pre-exile situation that caused the refugees to leave can be stabilised, there is no going back to the situation as it was before the crisis that caused exile (Warner, 1994). There is no re-creating the conditions because there is no re-creation just as there is no re-adaptation; there is only creation and adaptation.
Durable solution of voluntary repatriation denies the temporal reality of our lives and the changes that take place over time.

Time and space are interrelated; following voluntary repatriation, refugees are not re-habilitated, re-adapted and re-integrated. They find themselves in their country of origins but what happens after that is extremely complex. The refugees are habilitated, adapted and integrated in a process that is at once similar to that for any new arrival and distinct in that the returnees have been in that place before. Refugees return, but they do not return. Refugees go back to their country of origin but they are not in the same, nor are the people in the country of origin (Warner, 1994).

A useful concept pointed out by Al-Rasheed, is the concept of homeland. As he argues, it is related to the myth of return in so far as people aspire to return to a territory, the physical embodiment of the homeland (Al-Rasheed, 1994), where the idea of homeland is often constructed in the period of displacement; it does not include the physical drawing, locating and describing of a geographical centre from which people claim to have originated, but also involves a strong emotive element. In most cases people's discourse on their homeland is not an objective description of the place where they came from, in terms of physical features, but it is often a string assertion linked to national and ethnic belongings (Al-Rasheed, 1994).
In support to this Smith (1986), has rightly pointed out that territory is relevant to ethnicity not because it is actually possessed, not for its objectives characteristics of climate, terrain and location but because an alleged and felt symbiosis between a certain piece of earth and its community (Smith, 1986); so what matters about territory is its symbolic aspect, displaced community or exiled communities emphasise their link to a geographical centre which is perceived to be a sacred habitat, a "homeland" (Al-Rasheed, 1994).

While the concept of repatriation has been subjected to a detailed critique and evaluation in refugee studies, as Al-Rasheed, pointed out, the myth of return is universally based on the mistaken assumption that refugees constitute and undifferentiated mass of individuals just because they share a common cause of flight or displacement, while it is self-evident that some refugees do in fact entertain the myth of return, constructing imagines of their homeland in exile, it is not the case that every single member of a refugee population would have such an orientation towards their eventual repatriation (Al-Rasheed, 1994).

The development of the myth of return seems to be very much dependent on the relationship of the refugee group with the population of the home country prior to flight.
According to Kunz (1981) refugees, especially those whose flight is caused by political crisis, civil disorders and revolutions, falling into one of three categories:

- *Majority identified refugees who identified themselves enthusiastically with the nation they have left behind;*
- *Event-alienated refugees who are ambivalent or embittered in their attitude to their former compatriots, such as religious or ethnic minority who have been marginalised or discriminated against by the majority population of the country of origin;*
- *Self-alienated refugees who for various ideological reasons have no wish to identify themselves with the nation.*

2.5.5 Returning refugees

Post-war return is mostly discussed as a movement between places and often as a movement between nation states. However, for the people who are moving, the crossing of social borders may be more important than the crossing of national borders (Olwig, 1997).

Returning refugees are often viewed unsympathetically by many who remained throughout the war, particularly by those who see the refugees as having escaped the hardships of war and having supposedly been able to earn substantial amounts of money abroad (AI, 1997).
The relations between returnees and stayees are not easy and depend on different factors. Such relations are not fixed but are quite dynamic and continuously renegotiated. They are influenced by the different access to resources available in the society and outside; different perception on the situation based also in the personal change undertaken by the returnees when they were abroad. Making the choice to stay worthwhile is reached by transforming the decision into a moral choice, thereby condemning those who left. In other words, having stayed becomes symbolic capital for those people who did not or could not leave (Pedersen, 2003).

Returnees as minority in the national country can be find a discriminatory environment, characterised by lack of equal access to education, health, pensions and welfare stare system. In the case of Croatia, Human Rights Watch, in its last report (2003), has affirmed that ensuring minority rights remained Croatia's biggest human rights challenge in 2002 as the government remained reluctant to lend strong support to the return of Serb refugees and backed away from its previous record of cooperation with the International Criminal Tribunal for the former Yugoslavia and it also failed to enact a long-pending constitutional law on minority rights (HRW, 2003).
Moreover, would-be returnees might be at risk of violence or intimidation, either from the security forces or from civilians in a situation where the police force is unwilling or unable to provide adequate protection (AI, 1997).

Other impediments to repatriation of refugees are arrests and criminal persecution of returnees: the possibility of prosecution on false charges of alleged war crimes, or for desertion from the armed forces the absence of reliable information and the ignorance of legal procedures that increase the fear in potential returnees (Government of Serbia, 2002; AI, 1997).

The return is hard also because of the poor economic situation (a lack of economic prospects is an extremely discouraging factor for the potential returnees), and in particular because of the high unemployment rate. Serbia, for example, in order to tackle this situation, has planned programmes that shall target 50% of unemployed refugees: first ensuring funds for employment of the extremely vulnerable refugees through in kind grants; ensuring preparation for employment of students and workers from destitute refugee families through scholarships and re-training programmes. Second, for the able-bodied refugee families (as with the citizens) will be available the employment schemes under a variety of crediting conditions (Government of Serbia, 2002).

Moreover, in many case returnees have faced in the country of origin a situation more difficult than that one lived in the hosting country. In the case of afghan refugees, for example, many returnees have declared (UN/OCHA-IRIN, 2003) that their return had solved no problems, as "they have to depend on agriculture to survive, but they do not have enough water and means for that" (IRIN, 2003).

Nevertheless, the main problem for a returnee remains the possibility to recover his/her social and basic rights.
As Pendersen (2003) highlights talking about Lebanon returnees, in order to be included the society, often had to downplay their "origin side". They had to learn to control their behaviour to fit in with their surroundings.

The first difficulty is to prove the own identity, as often the same national governments have voluntarily deleted documents, archives, passports or any other relevant identity card in order to deny rights to a certain minority of population.
As it happened in Bosnia Herzegovina, many of those who left were forced to sign documents transferring their property to the municipality (AI, 1997).
One of the direct consequences of loss of identity documents is the loss of property rights. This issue is very relevant in the Balkans where a special commission has been constituted to consider claims from people who lost their houses, and to rule on property title in disputed cases (AI, 1997).

In 1997, the Commission for Displaced Persons and Refugees decided that the return of property was its highest priority and affirmed that compensation in place of the return of property could only be realistic when the international community and the states sponsoring the peace agreement had provided adequate funds for reconstruction (AI, 1997).
This meant that the many thousands of people whose homes were deliberately damaged or destroyed as a result of their nationality, religion, ethnicity or political opinions had to wait for the availability of funds before pursuing their rights to compensation (AI, 1997).

Conditions of return differ essentially in the extent to which refugees are able to exercise their pre-war rights. As example, we can adduct the cases of Bosnia-Herzegovina and Croatia, in particular their behaviour towards property repossession and reconstruction, both at a theoretic and practice level.

In Bosnia and Herzegovina the OHR passed a number of property related laws thus completely protecting the rights of the pre–war owners and the holders of tenancy rights. These laws stipulate the inalienable right of the owners and do not condition the provision of alternative accommodation to temporary occupant before the owner can repossess his property. It must be noted that in this way not only was the repossession of private property legalised but of the tenancy rights as well. The latter group was given the possibility to purchase apartments immediately after re-acquiring tenancy rights. Thereby their status was made equal to that of private owners (Government of Serbia, 2002).

Unlike in Bosnia and Herzegovina, the process of property repossession in Croatia is governed by the Program of Return of the Republic of Croatia. Repossession of property in these areas is conditioned by provision of permanent accommodation to temporary occupants, whose right to accommodation is de facto above that of the owner. Also the situation is further complicated by non-recognition of tenancy rights of former holders (HRW, 2003), so that currently the option of repatriation does not apply to urban population (Government of Serbia, 2002).

The Croatian Parliament set December 31st 2002 as a deadline for the government to issue administrative decisions on return of occupied private properties to their owners. For property not returned by this deadline, the government obliged itself to pay compensation to owners who had filed property claims. The amendments disbanded the inefficient local housing commissions and vested the State Prosecutor with the authority to file lawsuits against temporary users who refused to vacate occupied property. The amendments left in place, however, a number of obstacles to repossession of property. Most significant among these was the requirement that before evicting temporary occupants the authorities must provide them with alternative accommodation, which often proved difficult. The right to alternative accommodation applied even to temporary occupants who could afford to obtain other housing and to occupants who had previously lived within a single household but since the war had multiple homes thanks to their occupancy of Serb houses. (HRW, 2003)
While eviction of illegal occupants of Serb properties was legally mandated, in most cases in which they refused to vacate the property, the competent housing commissions had not sought court-ordered eviction. (HRW, 2003)

The condition is somewhat better in respect of the damaged property, for the Law on Reconstruction of the Republic of Croatia stipulates the right of all returnees to reconstruction. Since repatriation is one of

the main preconditions for receiving reconstruction assistance, all the persons whose property is to be reconstructed must return and continue to live there. If they fail to do so they will be asked to compensate for the reconstruction costs (Government of Serbia, 2002).

In addiction, it is striking that further pressure on the availability of housing comes from demobilised soldiers, who feel they are entitled to property in return for their sacrifices, and serving soldiers, paramilitaries and others who carry out violent evictions or harassment to acquire better accommodation. (AI, 1997)

Seven years after the Dayton Peace Agreement brought peace to the region, by the close of 2002 most of the 350,000 displaced Croatian Serbs had still not returned home. (HRW, 2003); while between January and August 2002, 7,800 Serbs returned (primarily elderly persons returning to villages), increasing the total number of returnees to 110,000, according to UNHCR (2003). These figure present officially registered returns only. The actual numbers are assumed to be higher as not all returnees register upon return (OCHA, 2003).

Between January and the end of August 2002, UNHCR (2003) registered 69,550 minority returns to pre-war homes, a 30 percent increase over the same period in 2001. The year also saw improvements in the return of property to its pre-war owners. As of the end of August, housing authorities had solved 62 percent of property claims in the Federation and 54 percent in Republika Srpska, while at the end of 2001 the respective figures had been 49 and 31 percent (HRW, 2003).
Property rights violations remained widespread, however. Many people, including public officials, continued to occupy others' property. Authorities in Republika Srpska encouraged or tolerated Serb construction of houses on land owned by displaced non-Serbs (HRW, 2003). Property issues remained the principal impediment to sustainable return, with thousands of returnees finding their pre-war homes destroyed or occupied by others.
More complex is the return issue for Palestinian refugees. International NGOs, scholars and international agencies, all agree on the right of return for the Palestinian who were forced to leave in 1948, but, as we know, the problem here is not just legal but rather political.

In the early years after the creation of the state of Israel many Palestinians hoped that the international community would come to their rescue and restore their national and natural rights. Their only hope was that Arab states would resolve the problem whether by force or diplomacy. However, the most they were offered were a variety of resettlements schemes that they fiercely rejected, preferring to remain refugees than to give up all claim to their land. (Sluglett, Sluglett, 1991)
The most important piece of international legislation on Palestinian refugees is undoubtedly UN resolution 194 (III) of 11 December 1948, the essence of which is to guarantee Palestinian right to return home and to demand compensation. However, since the resolution (194) has never been implemented, UN focus shifted to the humanitarian dimension in an attempt to improve the conditions of Palestinian refugees in the host countries. For this purpose, the UNRWA was created to assist Palestinian Refugees in the fields of education, work, healthcare and relief (Haddad, 2000). At the same time, Palestinian refugees in the occupied West Bank, inside the territory of the Israeli state and in exile launched the Palestinian-International Campaign for the Defence of Palestinian Refugee Rights, which aims to raise awareness about the ongoing legitimacy and practicality of the demand for the right of return; and to support all forms of refugee self-organisation, which strengthen the steadfastness of Palestinian refugees (BADIL, 1999).

Rangwala (2003) states that the sense of Palestinian return has been understood, portrayed and deployed in two competing senses.
Firstly, it has a role of a maximalist political demand. Few would disagree that the capacity for refugees to return to their homes is something that the Palestinian national movement as a whole wishes to achieve. To reach a practical realisation of return, in as many cases as possible, the only way is negotiation with Israel; however, Israel will only accept the return of some refugees if the possibility of others is

foreclosed (Rangwala, 2003). Secondly, the right of return has been conceived as a human right, within the sphere of international law of human rights. In this sense, it is absolute and inalienable and it is not negotiable at political level. By contrast, the rejection of Israeli of the right of return of Palestinian refugees is articulated in a non–legal language. There have been some attempts either to deny in law a general right of refugees to return to homes, and there are specific arguments that have been deployed that try to show Palestinian refugees in particular are not entitled to a right of return. However, the predominant strategy has been not to engage with the Palestinian appeal to the international law, and instead counter through references to demography, security and tendentious readings of history (Rangwala, 2003).
It is interesting what has happened last January (2003): BADIL, resource centre for Palestinian residency and refugee rights- has organised meetings in Palestine to discuss about the experience of refugees return to property restitution in Bosnia-Herzegovina.

Several themes emerged over the course of the lectures on lessons learned from the experience of return and real property restitution in Bosnia-Herzegovina (BADIL, 2003).
First, the two most important elements in the final peace agreement (1995 Dayton Peace Agreement) that brought an end to the conflict were the specific inclusion of legal principles (i.e., refugee rights) and the establishment of international enforcement mechanisms.
Annex 7 of the agreement, which sets out durable solutions for refugees and displaced persons, specifically affirms the right of all refugees and displaced persons to return to their homes and repossess their properties. Those persons not wishing to return are entitled to compensation
In Bosnia- Herzegovina, the IC recognised that a durable peace was not possible without refugee return and restitution.

This, and the fact that similar basic principles have been included in all major peace agreements addressing refugee problems worldwide in the last 10 years, suggests that there is no reason why these principles should not be included in a final peace agreement between the PLO and Israel (BADIL, 2003).
In addition, the Dayton Peace Agreement (Annex 10) also established an enforcement mechanism to supervise the implementation of the civilian aspects of the peace agreement, including refugee return and property restitution - the Office of the High Representative (OHR). OHR was accorded broad powers, which were used to cancel abandoned property laws and impose new legislation that allowed refugees and displaced persons to repossess homes and properties.

Another important lesson learned from Bosnia- Herzegovina -affirms BADIL's report- is that compensation is the least practical of all solutions for refugees and displaced persons.
Even though Annex 7 of the Dayton Peace Agreement and the new Constitution of Bosnia-Herzegovina annexed to the agreement affirm the right of refugees and displaced persons to compensation, no compensation has ever been paid out.
International officials recognised that compensation posed too many difficult problems to be an effective durable solution for refugees and displaced persons (e.g., valuation of properties). Moreover, even though the peace agreement provided for the establishment of a compensation fund to be financed by the Bosnian government and international donors, the fund was never established. Donors were much more interested in reconstructing homes, rebuilding roads, hospitals, schools and other public infrastructure (BADIL, 2003).

Refugees and displaced persons who did not wish to return to their homes of origin were able to repossess their property and then place the property on the open market for sale or exchange. In the end this procedure provided refugees and displaced persons with more money than they might have received from a state or international compensation process and it proved to be a less complicated and more efficient process.
This process, however, did not provide a full remedy for those refugees and displaced whose homes had been destroyed and did not wish to return.

Finally, the last theme that emerged during the lectures was the complete lack of international political will in the Palestinian case to recognise and enforce basic legal principles and refugee rights - i.e., return and restitution - applied in all other refugee cases. In the Bosnian case, international political will stemmed from the fact that western European countries did not want to absorb large numbers of refugees and therefore had an interest in their early return (BADIL, 2003).

2.6 Relief and development

The need of "bridging the gap" between relief and development has been widely acknowledged. Relief has been criticised as being "mediatic, short-term and short lived, top-heavy, centralized, standardized, resource-intensive, donor-dependent and neglecting local administrative structures and social mores" (EU, 1996).
Moreover, the relationship between relief and development has been the subject of considerable debate among policy makers and analysts for some year now. From '90s they were for the most part taken to distinct and largely unrelated stages in responding to emergencies. More recently it has become fashionable to debate whether and how they should be functionally linked (White, Cliffe, 2000).

This chapter examine the nature of the link debate in seeking to identify more precisely, by emphasising their fundamental significance in tacking long-term consequences of aid policies.

2.6.1 Current debate and perspective

Over the past decade or so, link debate and such practices have been referred to in a variety of ways, from "humanitarian plus activities", to "linking relief, rehabilitation, and development", or "developmental relief", or "continuum" and "contiguum" used to address the issue of incorporating relief and development activities within the context of emergencies (Campanaro, Hepburn, Kowalska, Wang, 2002) with specific references on the fragmentation of donors and budget lines (Ooms, 2003).
Moreover, various significant transformations have occurred in the conceptual base used to consider the problem. These have been the result of university type research, discussion and reflections derived from the practice of disaster management from Agencies, NGOs, CBOs, and networks.
Anyway, as a result there remain very significant lacunae in the conceptualisation of link policies, process and impact of the different approach to the link (Zetter, 1995).
So, the challenge is to develop appropriate policies highlighting central dilemmas: Relief or development? Temporary needs or permanent response? Participation or co-optation? Partnership or beneficiaries? Specific countries or international interests? Vulnerabilities or Capacities?

However, the link issue and many of the ideas are not new; some of these have informed changes in management practices. Others remain latent in terms of their application in practice. Some have not got beyond a limited circle of conceptual adepts, whether in the academic or practitioner circle (Lavell, 1999).

During the last decade, the debate on disaster-development relations and the analysis of their practical implications for risk and disaster management finally came of age. The theme has now become an almost obligatory point of reference and reflection when discussing the topic of natural disasters and emergencies, and moreover in CPEs (Complex Political Emergencies).
Anyway the concept of the relief-development continuum has been the subject of renewed interest in recent years, concerned by the rise in relief budgets over the past decade and the absolute fall in development aid resources, so, support has been growing for the concept of developmental relief (Macrae, Bradbury, Jaspars, Johnson, Duffield, 1997).

2.6.2 The link theory in the literature

The concept of the relief and development link derives from natural disasters relief models of the 1980s. Far from being simply an abstract academic construct, the formulation of the link has been built on extensive analysis of the dynamic of disasters and the response of communities.

In simple terms, natural disasters relief models conceive a linear progression, from a state of crisis, through rehabilitation and development. The role of relief assistance is to sustain people through short period of stress until such time as the crisis is over. Through rehabilitation, a normal life or process of development can be reconstructed (Macrae, Bradbury, Jaspars, Johnson, Duffield, 1997).

The assumption of a linear, temporal sequence of stages or phases embodied in the "continuum" idea soon attracted criticism mainly form two different directions (White, Cliffe, 2000):

- *The normal division of programmes into "relief", "rehabilitation" and "development", types is unhelpful and ignores the possibility of "development" support in "relief" situations and vice versa;*
- *The rehabilitation activities have to begin while relief is still ongoing, and development activities continue where possible throughout a crisis and have to incorporate disaster prevention and preparedness too;*
- *Others writers as Duffield (1994), drew attention to the problem of applying the model to complex emergencies, which are distinct from natural disasters.*

In 1983, Fred Cuny published his seminal work on Disasters and Development. He provided a first systematised and comprehensive series of ideas on the ways disasters may interrupt development processes, whilst, at the same time, offering opportunities for future development (Lavell, 1999).
Important considerations were added to this debate during the '80s, particularly by Mary Anderson (1985; 1989). By the end of the decade the theme of disasters, environment and sustainability had also been vented in a number of works edited by Kreimer (1989), Kreimer and Zador (1989) and Kreimer and Munasinghe (1991).
Until mid 1980s the primary response of the aid community to conflict was to provide emergency assistance. This was design primarily as a palliative for the humanitarian crises associated with contemporary wars. During the 1990s, however, an orthodoxy emerged that aid can and should play an active role in responding to conflict. In addition to its palliative role, new claims have been made regarding its potential contribution to the prevention and resolution of conflicts.

Moreover, a new consensus emerged stated that aid can and should seek to fulfil a more developmental role in conflict situation and that, in so doing, it may play and important role in addressing the root causes of conflict (Macrae, 2001). This consensus put forward the link question in the donor's agenda and in the NGOs debate.

In 1998 Leader, made a comparable dissection of relief reform, distinguishing two contrasting reformist imperatives:

- *A deepening to include a role, which was always, in fact, proper to humanitarianism: affording human right protection to those under humanitarian care (Leader, Slim, 1997).*
- *A broadening of humanitarian assistance away from its traditional goals of assistance and protection on conflict towards including responsibility for peace building, capacity building, empowerment and even development (Jackson, Walker, 1999).*

In the same year, Anderson and Woodrow in their Rising from the Ashes (1988), arguing that relief should be linked to development, reducing a population's vulnerabilities to present and future disasters and increasing their capacities to act on there own behalf during future crises.
This book may have sadly affirmed growing interest in relief-development linkage; however the linking of relief and development in this work never implied a linear continuity between the two stages/activities, as the notion of continuum seems to suggest (Sollis, 1994; Jackson, Walker, 1999; Anderson, Woodrow, 1988).

In fact, Anderson and Woodrow suggested that premature attempts to "get back to normal" might increase, rather then reduce, the likelihood of repeating disasters.
Anderson identified two main problem circles " […] the tendency for humanitarian aid to result in long-term dependency of recipients on donors and the tendency for humanitarian aid that is provided on conflict settings to feed into worsen, and prolong wars that cause the suffering it is intended to alleviate" (Anderson, 1998: p. 138).

In order to avoid the total dependency of victims on aid and to "feed" the conflict, Anderson emphasised the importance of the involvement of local capacities. There are many proven situations where the use of local knowledge, skills and social communities improved the situation of the most needed and made aid sufficient. Moreover, at the end of a programme or project, structures should be prepared that make it possible for local capacities to take over the tasks and duties (Muehleisen, Runge, 1999). Anderson explains, "Rather than doing 'need assessments' as the basis for designing interventions, aid providers should (and some do) focus on assessing capacities" (Anderson, 1998).

At the end of 1980s continuum-thinking was given a new impetus by the UN International Decade of Natural Disaster Reduction and later the UN established the Office of Humanitarian Affairs, specifically referred to a continuum between relief and development, cementing the cross-over of the idea from the study of natural hazards to that on man-made ones.

Like many crossover, the continuum was crude and ill adapted to the complexities and nuances of conflict-base humanitarian emergencies. Thus, any merit contained within the idea was quickly buried underneath an avalanches of much deserved criticism: was premised on an unrealistic quick return to normality; and lent the possibility of manipulation for developmental aid by belligerents, and wars seldom, follow a straightforward, linear path back to peace: from disagreement, to open conflicts, to repairing relationship, to resuming a well-trodden path of development (Jackson, Walker, 1999).

In this frame the most developmentalist of whom the back-to-basic writers on relief in fact reject this kind of simple-minded linearity. So the current developmentalist interests are in a relief-development "conundrum".
Mary Andersons in her most recent work Do No Harms (1996), moves away from an interest in relief-development to one in relief-conflict-peace. This works examine the relationship, through different case studies, between relief delivery and the possible exacerbation of violence, suggests programmatic options for reducing such "negative impacts", and investigating whether careful programming might even diminished conflict through aid.

In 1997 the new DAC Guidelines on Conflicts, Peace and development Co-operation (1997) argue that "development assistance and humanitarian aid, help consolidate fragile peace process by supporting societal reconciliation, political development and physical reconstruction".
The Guidelines explicitly reject linearity: "emergency, relief, rehabilitation and development operation are not necessarily sequential, but are often carried out simultaneously. Thus the need for careful planning in order to avoid "doing harm: failure to ensure that this operations are structured to be mutually reinforcing can result in their becoming mutually undetermined" (DAC, 1997). So, in the Guidelines the lead role in conflict prevention is given very deliberately to development work.

In 1998, inspired by environmental impact assessment theory, Bush, attempt to measure project performance by its impact on the "peace and conflict environment" (Bush, 1998), with the broadest range of development actors, from those working with development and humanitarian NGOs, to multilateral donors, in mind.

For Bush the distinction between relief and development is a matter of "very different capacities and resources", rather then profoundly works.
The premise is that any development project set in a conflict prone area will "inevitably have an impact

on the peace and conflict environment". By working thought an impact assessment this can be done "more effectively and sustainably" (Jackson, Walker, 1999).
The new approaches to relief ignore the protracted nature of conflicts, premising their prescriptions on a relatively rapid return to a peaceful normality of development, missing the point that for many populations, the experience of war has become the norm; they also make a false distinction between war like and anti-war structure (Jackson, Walker, 1999).
Bradbury (1998) argues that the myth of dependency and the internationalisation of the cost of war could relief "harm" the relief. Moreover, he says, that this strategy has been used to "to rationalise, the shift form relief to development", with mistakes argument about lack of sustainability and undermining local coping strategies.

At the same time, the EC also began a dialogue around the issue of linking relief and development practices and, in May 1993, produced a communication for the European Council and European Parliament, outlining a special rehabilitation support programme for countries caught in the midst of civil conflicts and/or natural disasters (Campanaro, Hepburn, Kowalska, Wang, 2002).
The IDS held a conference in 1994 exploring the idea of "Linking Relief with Development," and the IFRC, together with the Danish Red Cross and the European Union (EU), also sponsored a conference focused on "Programming Relief for Development" in 1995. In 1996, the EC issued a study entitled Linking Relief, Rehabilitation and Development (LRRD).
The term "developmental relief" seems to have emerged in 1996 as well, having been used in documents such as the World Disasters Report 1996 and the IFRC's 1996 International Review of the Red Cross.

In 2001, several key documents once again brought this issue to the forefront of international humanitarian discourse. VOICE published a discussion paper entitled The Grey Zone, which provided an overview and critique of the EC's approach toward LRRD. The recommendations that emerged from this discussion centred around three primary concerns: global strategic planning, coordination, and timing and flexibility (Voice, 2000; 2001; 2002).

In April 2001, the EC produced another communication to the Council and Parliament, reaffirming the basic rationale for LRRD as was described in its previous communication in 1996. Despite these renewed commitments, the report stated that the linkages between relief and development could be improved in practice and emphasised the need for systematic coordination and sharing of information, as well as the proposal to readjust and streamline the EC's instruments, methods, and internal mechanisms to increase flexibility and rapidity in mobilising resources.

Some key recommendations for the NGOs that surfaced include the importance of relief and development agencies linking in advance: the formulation of exit strategies for relief programmes; the need for conflict analysis at all stages of conflict; information-sharing amongst NGOs; the involvement of local actors in relief activities; and increased transparency in identifying problems and recognising weaknesses in programmes (Campanaro, Hepburn, Kowalska, Wang, 2002).
Traditionally, relief and development have been separate spheres of activity, both within NGOs and donor agencies, be they bilateral government donors or international agencies, such as the UN institutions. "The role of relief assistance is to provide urgent short-term humanitarian assistance to save and preserve [the] lives of people facing serious difficulties resulting from natural or manmade disasters," whereas development is of a long-term nature, concerned with building sustainable capacity in strengthening economic, political, and social structures within developing countries.

However, with the existence of numerous CPEs around the world today — defined by the EC as chronic crises involving armed conflict (EU, 1996) — the separation of the relief and development spheres has become less tenable due to the contexts in which these activities are taking place.
In years past, NGOs often had to wait at least a year after the end of an emergency before donors were willing to fund longer-term projects because funding institutions wanted to ensure that a country was stable before they provided financial resources (Campanaro, Hepburn, Kowalska, Wang, 2002).

In situations where civil war is constantly raging, emergency relief is often vital to ensure people's basic survival. At the same time, NGOs and donors are beginning to recognise that, even in the midst of conflict, short-term assistance alone is not sufficient to address the myriad of needs and vulnerabilities experienced by local communities. Rather than operating in isolation, relief activities must take into account the long-term aims of development and avoid creating dependency on aid or fuelling conflict. In light of these considerations, the focus of aiding developing countries has increasingly included the strengthening of institutions and processes, as well as supporting individuals and communities (Duffield, 1998).

By taking a more developmental approach to relief, it is thought that the occurrence of complex humanitarian disasters can be minimised. However, development policies too often dismiss the risks of crises and do not address the need to protect vulnerable households. "If relief and development can be linked, these deficiencies could be reduced. Better development" can reduce the need for emergency relief; better "relief" can contribute to development" (Duffield, 1998).

In recent years, the relief regime, have urged reform of humanitarian aid in CPEs to move it in a one or more several directions: to link it to peace-building, to development or at least minimising some imputed harm-relief might do in time of conflicts (Jackson, Walker, 1999).
Despite their welcome evolution away from early "continuum" formulation, linking concepts have been subject to ongoing criticism by writers as Bradbury (1998), Duffiled (1998, 1999), Leader (1998), Macrae (1997, 1998, 1999) and Stocklon (1998), who seen them as an instrumental in what has amounted to an erosion of core humanitarian principles (White, Cliffe, 2000).
Much of the concerns of these writers centres on the extension of the linking concept from natural disasters into the very different political context of CPEs.

The growing orthodoxy of developmental relief as a guiding operational principle for NGOs in complex emergencies has given rise to a strong debate between the "do no harm" school of thought and the "back-to-basics" analysts. Both of these entrenched positions offer strongly persuasive views, but the conflict between the two seems to prevent NGOs working with these issues in the field from moving forward, developing and improving their own practice. The arguments would appear to paralyse operations on the ground by stripping NGOs of what they believed to be trusted policy implements and validated operational tools (Ellis, 2000).
In brief, the "do no harm" lobby promotes the potential advantages of developmental relief as being relief that builds capacity of affected populations, reduces their vulnerabilities, builds peace in war-torn environments and has sustainable positive impacts.
The argument is premised on the analysis of '70s modernist responses to natural disasters and states that relief assistance that does nothing to address the root causes of the disaster or to reduce vulnerabilities of communities to future disaster cannot be said to be truly humanitarian.
Supporters of this school of thought advocate that even in the midst of conflict, there may be individuals or groups who reject the conflict and wish to develop new skills, resume or begin production and move away from the passive acceptance of relief assistance towards a more sustainable partnership that supports their innate capacities (Ellis, 2000).

"Do no harm" doctrine necessitates that the highly political environment of CPEs and its effects on relief provision is relegated to the background in favour of an apolitical beneficiary-focused approach. More recently, this position has expanded to include the potential for relief in complex emergencies to encompass peace-building activities among individuals and small groups and thus contribute to ending conflict as well as being developmental (see Anderson, 1996).

The operational capacity of the developmental relief approach in conflict depends upon being able to access affected populations and being able to tap into what human and social capacities are remaining (Ellis, 2000).
Taking the diametrically opposed position, the "back-to-basics" analysts question the possibility for relief delivered in complex emergencies to ever be truly developmental (Jackson, Walker, 1999). They state

that the fundamental difference between relief and development is the political distance from the state maintained by the former and eschewed by the latter: relief being delivered outside the state whereas the primary vehicle of development is engagement with the state in order to achieve sustainability (Jackson, Walker, 1999).

They argue, therefore, that agencies operating under the principle of developmental relief need to be able to identify and work with state structures that are not only stable but also capable and willing to implement neo-liberal policy reform. The existence of such structures in situations of protracted political crisis is stated to be unlikely. Analysts who hold this position also cite difficulties for agencies in reconciling protection issues, in maintaining their neutrality and impartiality and in addressing human rights abuses by those in power. In the face of these difficulties, proponents of the 'back to basics' philosophy believe that there should be a rejection of the new "developmentalist" approach and a return to the roots of relief: the twin roles of assistance and protection (Ellis, 2000).

Whether formulated as the relief-to-development continuum, linking relief to development, or capacity building, these developmental approaches are seen by many to be a central tenet of good practice in relief operation (Jackson, Walker, 1999).
As Macrae argued (1998), developmentalist is one of the four elements in the attack on relief (the other are: realist, right-wing neo-isolationism, anti-imperialist, and neo-peaceniks).

The main purpose of aid is of course, to save lives in crisis situations. Much aid does this, but the reality of dependency is that many aid programmes get extended beyond the immediate crisis. Many turn into holding operation; because there is no normality to return to, no system ready to pick up the pieces, few buoyant local coping mechanism kicking in, many people on fringes of war rely on long term assistance as one among their survival strategies.

Based on careful planning and sharing experience, relief can be more adept. A reflective kind of aid should be looking for ways of identifying and working with, rather then against, local peoples own coping mechanisms. This transforms an argument about dependency into one about capacity (Jackson, Walker, 1999).
But a question rises: When does the notion of relief become a smokescreen itself, justifying the unjustifiable short-sighted practices?

Pottier (1996) is one among many who have noticed the tendency for emergency to be a term to justify the absence of any pause for thought: "emergencies are internationally interpreted as occasion for swift action, not as opportunities for critical reflection. In emergencies, therefore, it has become legitimate to ignore clients' views of problems and solutions. This lead to top-down approaches to crisis management" (Potterr, 1996).

The majority of works cited examining the triangular and obstinate relation between: relief, peace and development. Some blithely push the three together, some try to preserve distinction (Jackson, Walker, 1999). There is a danger that subtleties of the discussion are getting lost in the homogenisation and sloganising.

2.6.3 A critical analysis of the link debate

Neil Britton, a longstanding theoretician and practitioner of disaster management stated "the type of precaution that is institutionalised in order to confront disasters reflects the ways in which disaster is conceptualised by those that take decisions" (Lavell, 1999).

The critical analysis of current link theory and subsequent policy identifies a number of significant weaknesses in current claims regarding the role of aid in disasters (natural and man-made) affected environments. In particular, the transition in aid from relief to development mode imply, however, despite the

existing diversity there are, some definition of common principles, problems and perspectives that allow us to identify certain unifying factors (Macrae, 2001).

The identification of these is a critical input for establishing the basic parameters of any future programme for a real, and effective development of link policy.
The details of such a programme, the fixing of specific parameters, criteria and contents for different countries or demand sectors is an act of calibration that constitutes the principle challenge involved in the design of any broad scoped, multi-national or multi-sectoral programme (Lavell, 1999).

Unity within diversity, heterogeneity and a real sense of moment and context are essential if the programme is to be pertinent and appropriate to the diverse emergency situations that exist today with their specific characteristics (see Macrae, 2001).

As Macrae (2001) argued, donors do aim for "black and white" separation of relief and development aid. Critics of the linking principles are concerned to demonstrate that relief and development are analytically distinct, in technical and political terms. Technical arguments highlight ways in which the linking principles seem to have been used to justify a premature phasing out of relief in complex environment, and the severe constraints to move towards development aid, which is normal criterion of sustainability, where conflict continues to undermine the institutions, an infrastructure on which development depends.

So, a dichotomy exists between emergency humanitarian relief and development (Zetter, 2002).
It is precisely because, as the example of shelter provision and settlements planning, constitute both humanitarian needs and development resources, that they provide the means to bridge the dichotomy at the core of conventional response to a crisis (Zetter, 2002).

In responding to his question: Refugees: Development or relief? Cuenod has made a significance contribution to the exploration of these themes, (Cuenod, 1989).
He challenge the prevailing orthodoxy of refugee assistance by elaborated a conceptual and operational case for developmental approach. He provides an incisive diagnosis of the constraints to developmental and long term policy making, based on the interests of the main actors and agencies in the international relief regime (Zetter, 2002).

In his view the necessity of an economic perspective on refugees impacts inevitably leads to a long term and developmental framework for refugee assistance. These recommendations are endorsed by Smith's re-conceptualisation of the refugees development thesis (Smith, 1989).
This emphasises the importance of policies, which are contextualised within a framework of sustainable development, an essential requirement for refugee-impacted countries in the developing world, which are already facing deteriorating economic prospects (Zetter, 2002).

At one level, notions, theory and debate on linking relief to development indicate and evolution in relief policy and underline the efforts of the aid actors in shaping effective approach. However, debates, regarding the application of link question suffer from limitations on three needs:

- *Need for an adequate temporary base for link analysis*
- *Need for an appropriate common understanding*
- *Need for an appropriate developmental oriented approach*

2.6.3.1 Need for an adequate temporary base for link analysis

As stated from Alan Lavell (1999) any serious analysis of the disaster-development problem must use a temporal framework that guarantees that the full "life cycle" of a disaster can be closely examined, and not just the short-term period immediately after disaster occurs and secondly, large-scale events should not typify and dominate the problem of disaster (Hewitt, 1983).
Moreover as Duffield (1994) argues, far from being conceptually distinct from development assistance,

relief aid is grounded in an essentially developmentalist paradigm.
This focuses on delivery of supplies, primarily food, medical assistance and shelter, to enable survival during period of temporary crises (Duffield, 1994) without taking into consideration impacts of the aid packages and the so-called phasing out strategies.

As Alan Lavell argued, risk and disaster are complex social problems. Due to this complex nature of the topic requires integrated, holistic approaches that are capable of providing a general theory of disaster (Lavell, 1999).
The disaster-development discussion has suffered from the use of inadequate temporal analytical frameworks, which we recognise are of particular importance.
Disasters, in the same way as other types of economic or social crises, have a life history: this includes the period of maturation in which the structural conditions for disaster are established, the period of onset and development of disaster conditions as such, and the subsequent responses of society during what are known as the relief, rehabilitation and reconstruction "phases".
Although it may be convenient to use, this distinction between different moments or stages for certain analytical and practical purposes, at other times it clearly leads to a distorted, partial or inaccurate depiction of reality.

Adhering to the above criteria, the analysis of the factors that contribute to the creation of risk in society and, consequently, to the conditions that permit that disasters occur is the first step in addressing a development-lead approach. In other words the central elements are:

- *The ways in which processes of social change, growth and development lead to the creation of vulnerability and risk;*
- *The analysis of "before", "during" and "post disaster" stages.*

2.6.3.2 Need for an appropriate common understanding

The shifting for relief to development or, as Johanna Macrae (2001) more accurately argued, from using the relief aid instruments to development aid instruments, implies a political judgement on the part of donors (Macrae, Bradbury, Jaspars, Johnson, Duffield, 1997).

Knowledge and information are related but different; together they characterise the third and most important challenge, understanding. Understanding represents the most difficult challenge, a sine qua non for proper timing and a prerequisite for the wise use of whatever funding is available (Smillie, 1998) Inappropriate blueprint-type reconstruction and rehabilitation programmes continue to abound, in part because of serious impediments to institutional learning. These impediments include a fear of, and a consequent aversion to, evaluation and an environment in which relief workers suffer from danger, stress, overwork, and burnout. These realities leave institutional memories shallow and provide experienced workers with inadequate time to educate others (Smillie, 1998).

One of the difficulties in learning from emergencies stems from a paucity of formal evaluation processes and the documentation that might ensue. Part of the problem relates to the culture of emergency assistance. Of necessity, much takes place in fast evolving ad hoc situations. Assessing short and longer-term impacts in unstable environments is difficult and sometimes impossible. (Smillie, 1998).

Even if evaluations occurred more frequently and their results were more widely shared, the process might not help as much as proponents think. Evaluations can be very threatening, especially if failures are put on display. For evaluation to be helpful they should focus more on learning than on verification and control; and financial backers should be willing to tolerate honest mistakes as long as they are not repeated, and as long as lessons are genuinely learned (Smillie, 1998).

Sue Lautze (1996) summarises the problems: "Disaster relief has not enjoyed the same career rewards and status as international development. It is difficult to attract qualified professionals to the profession. A common expression from the field claims that disasters attract three kinds of people: missionaries, mer-

cenaries and misfits. In addition to having a poor professional reputation, disaster relief work is extremely demanding. Days are long and stressful. Relief workers are expected to be highly mobile. Decisions involving massive resources are made with insufficient information. Fieldwork is dangerous and often emotionally disturbing. Staff turnover and "burnout" are relatively high. As a consequence, institutional memories are shallow, leaving the most experienced with the least time to train and educate other staff" (Lautze, 1996).

As Smillie (1998) argued the challenge of understanding in the link debate is clearly the greatest. Understanding what to do in a complex emergency—relief, development, a mix, nothing—is by no means easy. Clearly there is a continuum in the lives of people—from one day to the next, from one event to the next, from war to peace, from poverty to something better (Smillie, 1998). This is the natural continuum of time and hope.
The problem lies in moving from this intellectual continuum to a concrete situation in the field, where myriad overlapping and sometimes conflicting needs compete for the attention of scores of organisations- all with different agendas, budgets, and time frames, along with different levels of understanding and knowledge (Smillie, 1998).

According to Smillie, the problem is not continuum thinking, it is the absence of mechanisms to build shared knowledge and coordinate appropriately financed activities in a logical progression from emergency to peace and development (Smillie, 1998).
To the extent that donors aim for a black-and-white separation of relief and development aid, they face a problem of what to do about aid options, which could serve either of these ends; those that promote neither but can also produce other outcomes.

2.6.3.3 Need for an appropriate developmental oriented approach

There is broad consensus that relief efforts should reinforce or at least not compromise development and that development efforts should prepare actors (at all levels) to better to withstand disasters and emergencies, acting to reduce their vulnerability.

Although since the original 1996 policy document, there have been a number of improvements in EU policy and awareness of the links between relief, rehabilitation and development, it has however failed to focus on effective solutions, and the recommendations proposed have yet to be fully implemented. LRRD is often depicted as characterised by problems of financial resources, budget lines and programs. The link question is not simply an issue of management, or a sort of keyword granting budget access, but rather has to be analysed as a key issue of strategies and implementation mechanisms, because it involves a debate about the very essence of humanitarian aid, its purpose, scope and effectiveness and ability to underline a theoretical logic (ActionAid, 2003).

Within the scope of the disaster-development link, two other dominant discussions have taken stride over the last years.
The first relates to the now pervasive conceptual framework given by the notion of "Bridging Relief and Development". Basically this establishes the need for implementation of response, relief and rehabilitation activities in such a way as to promote and strengthen ongoing development initiatives, as opposed to activities that create dependency, erode local and community initiatives, replace local opportunities for sustainability, etc. As in many other cases, the concept is far ahead of reality and an enormous amount of work needs to be done in order to convert the concept into a generally applied principal for disaster response work (Lavell, 1999).

The second relates to the idea of disaster as a "window of opportunity" for achieving more sustainable, lower risk development in affected communities and regions. This requires reconstruction strategies that promote more resilient economies and communities, stimulate and build on local abilities and capacities, and are built on sound environmental and land use planning principles (Lavell, 1999). The notion of

"sustainable reconstruction" parallels the more embracing notion of "sustainable development" thought a reliance building approach. So, the point on how to guide future developments is at the centre of the debate, rather than linking rigid phases.
As we have tried to underline, there is a failure to distinguish between the outmoded linear continuum from the linking principles, which implies that aid policy can aim at only the point on the continuum at any time, and later forms which promote simultaneous multiple effects (White, Cliffe, 2000).
Smillie (1998) is correct in pointing to founding, timing and understanding as the main challenges to the realisation of the relief-development synergies, but another constraint to the realisation of the link is, as argued by White and Cliffe (2000), which is the flexibility.

NGO approaches to developmental relief are unique to each organisation and are closely tied to each organisation's core values and beliefs. Despite these differences, NGOs share a common set of values and principles that inform their developmental relief activities. One principle is that emergency response should be holistic, analysing and addressing the root causes of conflict. (Campanaro, Hepburn, Kowalska, Wang, 2002).

Common values and principles in developmental relief are sustainability, contextuality, and respect for local culture and knowledge. Accountability to and from beneficiaries is also important.
Other principles guiding developmental relief are to provide incentives for communities to work together and to empower those affected by the emergency to be agents of their own recovery. Many NGOs believe that long-term planning and goal setting at the outset of emergency response are needed to facilitate a developmental relief approach. Developmental relief strives to maintain normalcy of life as much as possible for beneficiaries and to transition from relief to development as soon as possible (Campanaro, Hepburn, Kowalska, Wang, 2002).

2.7 Reconstruction and returns

As we analysed in the previous chapters the continuum relief-development has been routinely mentioned by donors and agencies in documents, reports, and guidelines.
New methodologies and frameworks of a more "developmental" nature – e.g. seeking to work with the affected populations as "actors" rather then "victims" and to recognise their capacities rather than focusing only on vulnerabilities – have been created for relief interventions. The gap is real, and it has several facets: a conceptual one, but also important institutional and financial dimensions.

According the EU statement, rehabilitation is an "overall, dynamic and intermediate strategy of institutional reform and reinforcement, of reconstruction and improvement of infrastructure and services, supporting the initiatives and actions of the population concerned, in the political, economic and social domains, and aimed towards the resumption of sustainable development" (EU, 1996).

The introduction of rehabilitation, on one side reduces relief to the pure provision of life saving measures, but, on the other, gives credit to the idea of adopting developmental measures in times of crisis. In short, "emergency is saving lives, rehabilitation is saving livelihoods" (UNHCS, 2001). However rehabilitation is still under-funded, understudied and under-reported, suffering from unclear definition and from uncertain aims and objectives (Smillie, 1998). Actors engaged in rehabilitation still lack strategic coherent and long-term approaches for implementation (Pugh, 1998). Rehabilitation and reconstruction are still an uncertain territory both for organisation working in relief or development.

2.7.1 Reconstruction and rehabilitation: labels in the system

Defining rehabilitation has the merit of making clear that there is a grey space between relief and development that need to be tackled (Pirotte, Husson, et al, 1999). Rehabilitation is in fact often about investing in "hardware components"(homes, infrastructures.) that have a role in rebuilding the social fabric.

The problem is that if rehabilitation becomes only yet another label - neither solidly grounded in shared practices, nor having a clear institutional or financial space - it might weaken the integration of relief and development rather than to reinforce it (Ferretti, 2003).

Reconstruction is generally considered to be a post-emergency intervention facing the physical, economic and social sector recovery. Reconstruction is mainly accomplished by NGOs funded by the major donors. Reconstruction does not imply only the physical rehabilitation of the disaster-damaged building and construction of both residences and facilities; the economic and social reconstruction is also of utmost importance, together with all the other sectors of the affected country life (Boano, Minervini, 2001).
Reconstruction could be seen as a process oriented to cement together a territory that was fragmented by conflict. Reconstruction must not mean rehabilitation in the sense of recovering the territorial capacity previous to the tragedy, but building a new territorial dynamic from new values.

In this way reconstruction must be the process of peace consolidation and at same time cast long-term development. Reconstruction could be imagined as the structure that sustains the architecture of future development. In this mean reconstruction is a strategic and multidisciplinary action designed from understanding roots of conflict. "The World Bank's experience with war-torn societies indicates that a broad understanding of the context and history of the conflict is required to increase the probability of a project's success. Building peace requires knowing and addressing the causes of conflict" (World Bank, 1999).

The concept of reconstruction is a general, ambiguous and wider concept used by different authors and institutions with different meanings depending of the disciplinary approach of each one. For some authors and institutions the key to reconstruction process is "peace building". For others it is a strategy by which one state emerges or changes: "states undergoing reconstruction will also be described as transitional or emerging status (Petrin, 2002)".

Depending upon the background – NGOs, UN agency, military, academic, diplomatic, – the term "peace building and reconstruction" has come to characterise a multiplicity of meanings and actions (Bush, 1995). Boutros-Ghali (1992) saw that "peace" as a process was spread along a continuum of events, which included preventative diplomacy, peacemaking, peacekeeping and peace building. In short, the Secretary-General viewed the first three stages as follows: "Preventative diplomacy seeks to resolve disputes before violence breaks out; peacemaking and peacekeeping are required to halt conflicts and preserve peace once it is attained" (Boutros-Ghali, 1992). Peace building was seen as the subsequent period, when a unified response, designed to rebuild civil society and "support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict", would be pursued (Tataryn Juergensen, 2000).

According to the above-mentioned definitions, reconstruction could be seen from several disciplinary angles. But also there is an integrated focus as proposed by The World Bank, not exempt of difficulties and challenges "The period of reconstruction is an opportune time to implement major political, economic, and administrative reforms as well as the modernization of production capacities. The economic reforms, however, are often in conflict with needed political reforms and the peace process. The challenge is to develop an integrated and coherent approach that addresses all of these and to see and seize the opportunities presented out of tragedies" (World Bank, 1999). As UN argued "Reconstruction should be multidimensional and multisectorial" (Petrin, 2002).
Worldwide experiences of reconstruction after disasters, have demonstrated the failure of conventional top-down approaches, which concentrate largely on speed, standardisation and technologically oriented solutions (see Kellett, 1987; Davis, 1981; Anderson, 1985). In such approaches, socio-economic, cultural and developmental issue have largely been neglected because of the urgency to re-house victims (El-Masri, Kellett, 2001).
Similarly, Weiss Fagen (1995) saw three weaknesses which burdened the applied international response

to reconstruction: (i) inadequate co-ordination among UN agencies and the donor community; (ii) poor linkage between emergency relief and domestically driven sustainable development initiatives; and (iii) difficulty in uniting peacekeeping and Peace building mandates.
But she also goes on to note that the divide in the practical, analytical and historical literature is a prime contributing factor to the lack of a coherent theoretical/practical approach to the study of the process of Peace building reconstruction (Tataryn Juergensen, 2000).

Moreover, as argued by Sara Petrin (2002), in the past ten years, the discourse on peacekeeping in post-conflict environments has turned into a discussion on state building. Peacekeeping, which is characterised by the absence of war and presence of the IC to prevent the continuation of violence, is different from state building, which is primarily concerned with the emergence of state structures and institutions that can effectively support and win the legitimacy of its people.

In spite of scenarios for reconstruction all are complex and vary in each case, there are common characteristics in all of them (World Bank, 1999):

- *Dominance of elites particularly the military, but also an oligarchy of government and the wealthy;*
- *Fragile peace-consolidation processes and continuing local rivalries;*
- *Lack of confidence among socio-economic actors. Owners of capital may be reluctant to invest in sectors where it is most needed, that is, in fixed productive assets such as agricultural infrastructure;*
- *Weak judicial, financial, fiscal, administrative and regulatory capacities of the state.*

In general terms, "one aspect of successful post-conflict rebuilding has not changed; that is, the necessity for three interdependent and mutually reinforcing pillars—political, economic, and military—to support and consolidate the peace. The absence, neglect, or deterioration of any one of these three pillars is inevitably detrimental to the health and survival of the entire peace process" (Petrin, 2002).

Moreover, the World Bank developed its Decalogue for good reconstruction planning based on the concepts of dynamic and multidisciplinary, (World Bank, 1999). "Reconstruction is a specialized activity with its own dynamics, mandate and costs. The primary objective of reconstruction actions is to build a base for development, thought an effective reconstruction, which is a comprehensive undertaking. A reconstruction strategy must include short- and long-term considerations, public and private roles, and an impact analysis for all sectors of society" (World Bank, 1999).

Therefore, the task of reconstruction is a great and in the present world we must ask if: "[…] given the growing number of post-conflict situations around the world and the enormity of the rebuilding task in each case, the job has simply become too big for any one country or organization to manage" (Petrin, 2002).

2.7.1.1 Reconstruction: political and social

Strategies for reconstruction can not only consider actions lines that involve multi-sectoral and multidimensional levels, but also how to organise the participation of different actors, internal and external and their financial capacity. In this way coordination of reconstruction and coordination of international aid becomes a big issue.

The former general considerations reveal the grade of complexity in the task of reconstruction. Reconstruction is difficult but possible, it is a great challenge that requires a good general vision and at the same time specialisation in different subjects as well and adequate for the different scenarios. Reconstruction can be seen as strategic plan.

As in the Balkans, if reconstruction strategies were oriented to rebuild states or territories, at different levels with a multidisciplinary focus (infrastructure, legal system, social organisation, economy and markets, governance, etc), return could be seen as a step to rebuild lives of individuals. When the decision to emigrate is not easy, and in most cases is forced, decision to return is difficult. Return implies a rebuilding, once again, taking risks, and facing an uncertain future inside a changed environment.

Arthur Helton (2002) would go so far as to define state building as "efforts by the international community to construct or fortify societies driven by crisis in order to...encourage the repatriation and reintegration of refugees".

Like Holm (2003) observes "[…] the issue of emplacement has tended to be underplayed in studies of post-war return. These often focus on the immediate return situation and thereby overlook the creative process of homemaking that takes place in the everyday life to follow once returnees have passed the initial process of settlement. However, in the long-term perspective, the everyday life actually strongly affects how returnees experience their return".

Pugh, in describing rehabilitation had used the term "regeneration" which signifies here a self-sustaining process. An alternative term is rehabilitation. Regeneration implies a generative change rather than a restoration of the status quo ante. Moreover a "Process of social, political and economic adjustment to, and underpinning of, conditions of relative peace in which the participants, not least those who have been disempowered and impoverished by violence, can begin to prioritise future goals beyond their immediate survival" (Pugh, 2000).

Obviously and in a certain sense, migration can be seen as a loss of human resources that can be recuperated in the reconstruction. But, we must not forget that in many cases migration is the consequence of excessive pressure on the population over economic resources, economic migration is a flow to balance the territorial resources assignation. In this sense repatriation policies can be an obstacle to resolve economic conflicts.

From a political point of view, "Large-scale refugee returns can also have adverse effects on state development. First, a state's inability to manage the scope and pace of voluntary returns makes it difficult to plan for reintegration. Secondly, return may encourage internal displacement. Third, international pressure to accept returnees may force a country of origin to receive its population without having the capacity to absorb them into society as full members. It may be impossible to fully reintegrate returnees in an environment where the infrastructure has been destroyed and instability continues due to persisting conflict. Managing refugee return is not always possible (Petrin, 2000; Martin, 2001).

Michael Pugh (2000) points out that in reality many projects are similar: "Within peace building, there is very little provision for 'soft' social projects that have the potential to transform local communities (as opposed to 'hard' visible reconstruction programmes) [and] the dominant intervention paradigm places a premium on imposing stability rather than security, law and order rather than justice, and the ability of societies to participate in global capitalism rather than provide welfare" (Pugh, 2000). This means that long-term measures are mostly determined as reconstruction of hardware, such as housing units and infrastructure, but not as the reconstruction of a stable civil society in which hardware reconstruction is just a tool to reach the final aim.
Emergency relief aim should be "assistance in reconstructing their lives and communities." In order to be able to do so, not only emergency relief is needed but also reconstruction activities to prepare a sustainable solution for victims." Emergency aid is on the rise and post conflict reconstruction and development assistance is dwindling, although victim's needs for both remain the same" (Collins, Weiss, 1996).

The German organisation GTZ established the so-called "Development oriented Emergency Relief".
The aim of this comprehensive approach is to reduce the possibility of crisis through the combination of

emergency relief and long-term development which includes the co-operation on a very early stage with the local structures (Runge, 1998) in order to build a sustainable society with a basic civil approach.

Drawing on experience from a wide range of CHEs, a variety of different agencies and academics are arguing that the key to rehabilitation is a strategy of working with and attempting to rebuild the civil society. Moreover, recent definitions of rehabilitation have argued that strengthening local institutional capacities a crucial component of the transition from relief to development (Harvey, 1998; EU, 1996).
As Hervey et al (1997) argued, rehabilitation is not a separate sphere of activity but a range of programming options for providing assistance in CHEs that meet basic needs and contribute to peace-building objectives.

In this frame civil society is seen as a potentially positive force, as Robinson mentioned, civil society and social capital, play key role in promoting democratic values and participation and serve as a counterbalance to the power of the state (Robinson, 1995).
Putnam (1993), defines social capital as "feature of social organisation, such as trust, norms and networks that can improve efficiency of society by facilitating co-ordinated actions".

In order to reach sustainability, it makes sense to combine relief and development, but this is not possible in all situations: if a crisis because of an economic or political will, like in Kosovo, a sustainable solution cannot be found by NGOs, it has to be found on political level (Muehleisen, Runge, 1999).
If "sustainable humanitarian aid" is possible, the following measurement could lead to this (Muehleisen, Runge, 1999):

- *The orientation on development could become the foundation for a long term development;*
- *Support of self-organisational structures within the affected population;;*
- *Stabilisation of local economies;*
- *Support of the involvement of local population into social, political and economical process;*
- *Long term reduction of crisis and catastrophes.*

The same kind of approach follows Lederbach and Weiner (Lederbach, Weiner, 1998) when they propose three stages within a sustainable peace building process. The authors are trying to reflect the challenges and dilemmas in building sustainable peace in the context of a "post- conflict phase". Especially relevant is the initial development of a set of lenses that might permit identify of the broader patterns and dilemmas posed by a post conflict phase.

In order to reach the above-proposed aims, Lederbach makes a distinction between three different types of activity (Lederbach, Weiner, 1998):

- *Event – one-time activity that may be conducted from a few hours to a few days*
- *Project – refers to a series of events taking place across a year or two*
- *rogramme – connects the projects into a longer-term decade-length effort*

2.7.2 Impoverishment risks and reconstruction model

The theoretical model of population displacement and resettlement, the so-called impoverishment risks and reconstruction (IRR) model was developed by Michael M. Cernea who identified eight fundamental impoverishment risks associated with development-induced, forced displacements: landlessness, joblessness, homelessness, marginalisation, food insecurity, increased morbidity and mortality, loss of access to common property resources, and community disarticulation.

Pointing to the inequitable gains and pains of existing development policies and practices among the populations affected, Cernea also incorporates a component of risk reversal (reconstruction) into his model. Resettling displaced populations through an equity compass would include land-based resettlement, re-employment, house reconstruction, social inclusion, improved health care, adequate nutrition, restoration of common property resources, and community rebuilding.

Cernea in his Risk and Reconstruction (2000), has a twofold objective: first, to explore the possible synergies between the two field – refugee research and resettlements research, second, to focus on the reconstruction segment of the displacement relocation continuum, usually less examined in the literature.
The IRR is a framework originally conceived to assess development-induced displacement and resettlements. From different research the IRR model served two purposes in the analysis of both development-induced displacement and conflict-induced displacement (Muggah, 2000):

- *As a planning tool to document the capacities of social actors, and*
- *As a framework for the analysis of key impoverishment risks facing victims of war.*

The IRR model has been widely discussed and supported in the recent development literature as an effective approach to social risk management.
Over the years different writers have proposed several conceptual frameworks to describe planned settlement process. By the late 1960s, Chambers (1969) identified a three-stage general model in the evolution of land settlements scheme in Africa. Soon after, Nelson (1973) confirmed this pattern in a synthesis of many experiences with new land settlements in Latin America. Both models generalised the experience of voluntary settlers and conceptualised the institutional or organisational dimensions of managed land settlements programmes (Cernea, 2000).

Building upon these early concepts, Scudder and Colson formulated in 1992 a theoretical model of settlements process distinguishing four rather then three stages: recruitment, transition, development and incorporation or handing over. This model was built around the key concept of "stage"; it focuses on settlers' stress and their specific behavioural reaction in each stage.
The IRR model focuses on the social and economic content of both segments of the process: the forced displacement and the reestablishment. The model is essentially synchronic, in that it captures process that are simultaneous, but also reflects the movement in time from the destitution of displacement to recovery in resettlements. At the core of the model are three fundamental concepts: risk, impoverishment and reconstruction (Cernea, 2000).

These building blocks are further split into sets of specifying options, each reflecting another dimension, or variable, of impoverishment or of reconstruction. These variables are interlinked and influenced each other: some play a primary role and others a derivative role in ether impoverishment and reconstruction. So constructed, the conceptual framework captures the dialectic between potential risks and actuality. All forced displacements are prone to major socio-economic risks, but not fatally condemned to succumb to them (Cernea, 2000).

Most important is the internal logic of the model. It suggested that preventing or overcoming the pattern of impoverishment would require the risk reversal. This can be accomplished through targeted strategy, backed up by adequate financing. Turning the model on its head shows which strategies must be adopted and which directions should be taken.
So, the internal logic of the IRR as an analytical and planning tool prescribes that overcoming impoverishment requires attacking the risks early on. Similar to how its risk analysis de-constructs the multifaceted displacement processes into distinct risks, the IRR also deconstructs risks-reversal and reconstruction into sets of activities tailored to match the risks identified in the model.
These strategic orientations for reconstruction indicate that the IRR model is more than a predictor of inescapable pauperisation: it maps the way for restoring the livelihoods of the displaced.

Understanding the linkages among these variables enables decision-makers to trigger chain effects and synergies in mitigating or remedial actions. As conceptual templates, the model is also flexible, allowing for the integration of other dimensions when relevant and for adaptation to changing circumstances (Cernea, 2000).

The IRR model is fully consistent with other current approaches to poverty reduction and resettlement used in ADB's analytical and planning work (Cernea, 2001). The key attribute of this tool's effectiveness

is its focus on "prevention first." It identifies socio-economic risks before they become reality. Thus it guides towards pre-empting or mitigating these risks and helps safeguard the interests of risk-exposed people by matching counteractions to identified risks.
Applying this IRR matrix to the circumstances of each project has several cognitive advantages:

- *Ensuring – most importantly – that no single major risk to resettlers is overlooked in feasibility analysis, only to surface later during implementation and cause "surprises";*
- *Organising data collection and structures the thinking-process for project design along pre-identified variables; and*
- *Helping to distinguish the different intensity of each risk (high risk from low risk, in the given project context) rather than treating all risks uniformly.*

Moreover the four distinct but interlinked functions that IRR model performs are: A predictive function, a diagnostic function, a problem-resolution function, and a research function.
The extent and intensity of each of these risks in a contemplated project area must be assessed at the start of project preparation, however preliminary this assessment is. The first responsibility for carrying it out rests with the borrowing agency and its consultants. Then IRR model provides the organising "scaffolding" or matrix for such assessment.
But most important is to start developing, from this initial stage, the risk reduction responses and the positive project provisions for reconstructing resettlers livelihoods (Cernea, 2001).

The internal logic of the IRR as an analytical and planning tool prescribes that overcoming impoverishment requires attacking the risks early on. Similar to how its risk analysis de-constructs the multifaceted displacement processes into distinct risks, the IRR also deconstructs risks-reversal and reconstruction into sets of activities tailored to match the risks identified in the model. The IRR approach calls for constructive, pro-poor support activities able to lead:

- *from landlessness to land-based resettlement,*
- *from joblessness to reemployment,*
- *from homelessness to house reconstruction,*
- *from marginalisation to social inclusion,*
- *from increased morbidity to improved health care,*
- *from food insecurity to adequate nutrition,*
- *from loss of access to restoration of community assets and services, and*
- *from social disarticulation to rebuilding of networks and communities.*

These strategic orientations for reconstruction indicate that the IRR model is more than a 0predictor of inescapable pauperisation: it maps the way for restoring the livelihoods of the displaced.

As with other models, planners can "manipulate" the components of the IRR model: being warned, they can act to modify the outcomes of these inherent risks through a project design that is informed of, and responsive to, the risks highlighted by the model. Understanding the linkages among the correlated risks of resettlement enables project designers to capture synergies and adopt measures that address more than one risk at a time (Cernea, 2000).
The risk model has to be read in reverse, turned on its head, and thus it maps the way for reconstructing the livelihoods of those displaced.

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Chapter 3

On field research

3.1 Introduction

This second part of the study, comprises two separate reports based on two field visits in different countries, done in May and in July 2003, namely:

- *Balkans Area (Croatia, Bosnia Herzegovina, Kosovo and Serbia),*
- *Middle East Area (Lebanon, Jordan, West Bank and Gaza Strip)*

These reports are based on extensive interviews with key actors (from refugee communities, implementing partners, donors, Agencies, Research Institutes, NGOs and CBOs) and direct observations of different projects and programmes implemented in the areas by project' members.
The specific bibliographies, although selective, gives some indication of literature and specific data.

Both reports discuss the central concern of involuntary population movements and reconstruction applied to their specific regional situations. These areas of research have been found to be sufficiently overarching to encompass key aspects of the broad aspect of the refugee and IDP issue.
This on-field integrated research is approached by full immersion in reality and the close co-operations between project members and related stakeholders, which allowed the team the possibility of co-ordinating our own concerns.

Moreover, the experience gave the opportunity to perceive and collect the vast amount of professional experience from the members, (evident in an extensive range of project documents and evaluations), which is normally, not effectively disseminated and generally insufficiently presented, to provide an effective body of replicable experience for policy makers and field staff.

The purpose of these reports is to analyse the way in which different actors manage and implement protracted refugee situations and, on the basis of this analysis, to suggest an appropriate and innovative response to such situations.

These objectives are set within the wider context of current debates about the nature of durable solutions and the form and purpose of refugee and IDPs assistance in the wider perspective of the link debate, with the intention of enhancing the value of the findings for policy formulation within NGOs and Networks.

Chapters were developed among a common "index/framework" on which, the different researchers move into the description of the field experience. Moreover, a brief introductive chapter is provided. Camillo Boano is responsible for § 4.2, § 4.5 and § 5.2; Francesca Viliani for § 4.4 and § 5.5; Axel Rottlaender for § 4.3 and § 5.3, and Alberto Sanchez Bayo for § 4.6 and § 5.4.

Chapter 4

On field research - Balkans

4.1 Acronyms

ASB	*Arbeiter-Samariter-Bund*
AWO	*Arbeiterwohlfart Bundesverband*
BIRC	*Beneficiary Identification and Return Co-ordination Unit*
CIMIC	*KFOR Civil Military Cooperation*
CRPC	*Commission for Real Property Claims*
EUPOP	*Europska Unija Program Obnova za Povratak*
FbiH	*Federation of Bosnia and Herzegovina*
GIV	*Go and Inform Visit*
GoC	*Government of Croatia*
GSV	*Go and See Visit*
HDZ	*Hrvatska Demokratska Zajednica*
HPCC	*Housing and Property Claims Commission*
HPD	*Housing and Property Directorate*
IAC	*Interim Administration Council*
IC	*International Community*
IDP	*Internally Displaced Person*
IFOR	*NATO-led Implementation Force*
IMG	*International Management Group*
KLA	*Kosovo Liberation Army*
KFOR	*Kosovo Force*
KPS	*Kosovo Police Service*
LCO	*UNMIK Local Community Officer*
MWG	*Municipal Working Group*
NPA	*Norwegian Peoples Aid*
OHR	*Office of the High Representative*
ORC	*Office of Returns and Communities*
OSCE	*Organisation for Security and Co-operation in Europe*
OSRSG	*Office of the Special Representative of the Secretary General*
PISG	*Provisional Institutions of Self-Government*
RAE	*Roma, Ashkali and Egyptian communities*
RCG	*Returns Coordination Group*
RS	*Republika Srpska*
RSK	*Republika Srpska Kajina*
RWG	*Regional Working Group*
SASA	*Survey and Administration on State-owned Apartments*
SRSG	*Special Representative of the Secretary General*
TFR	*Task Force on Returns*
UNDP	*United Nations Development Programme*
UNHCR	*United Nations High Commissioner for Refugees*
UNMIK	*United Nations Interim Administration Mission in Kosovo*
UNPROFOR	*United Nations Protection Force*
UNSCR	*United Nations Security Council Resolution*
UNSSCC	*United Nation Security Council*
JCR	*Joint Committee on Returns of Kosovo Serbs*

4.2 Balkans: an introduction

When in 1991 the atrocities in the Balkans broke out, immediately civilians were on the run. At first, thousands of Croats were expelled from areas, which fell under Serb control. Subsequently, thousands of Serbs were forced from their homes by Croatian forces.
In 1992, the war spread to neighbouring Bosnia and Herzegovina, the most ethnically mixed of all the republics of the former Yugoslavia, with even more devastating consequences. According to a 1991 Yugoslav population census, the three main groups in Bosnia and Herzegovina were Muslims (44%) Serbs (31%) and Croats (17%). By the end of April 1992, 95% of the Muslim and Croat populations in the major towns and cities of eastern Bosnia had been forced from their homes and Sarajevo was under daily bombardment. By mid-June, Serb forces controlled two-thirds of Bosnia and Herzegovina and approximately one million people had fled their homes (UNHCR, 2000).

In 1995, when the Dayton General Framework Agreement for Peace was signed, the situation on the ground can be described as follow: on a population of approximately four million people, more than two millions were refugees, of which 1.282.600 were internally displaced, forcedly moved away from their houses. In addition, around 700,000 had become refugees in Western Europe, of whom some 345,000 were in the Federal Republic of Germany (UNHCR, 2000).
But even five years after the end of the war still there were about 1,7 million people estimated to be displaced from their homes and separated from their assets. A third of Bosnia and Herzegovina's population was displaced. Over 300.000 Serbs from Croatia were estimated to be refugees in Serbia and Montenegro and Bosnia-Herzegovina. Refugees and displaced persons represented 13 percent of the population of Montenegro.

Moreover in 1998-1999, the war in Kosovo and the NATO air campaign caused immense destruction of housing and infrastructure and eliminated social, and government services. After the 78-day NATO air campaign against the repressive Serbian regime, Kosovo became a UN's international experience of territorial government (Minervini, 2001). The stability of the region also remained unsettled by the political situation in Serbia and Montenegro, declining living standards, refugees, border disputes and security concerns in the region were all conspiring to create a cauldron of instability and a potential conflict in Europe.
Of all the conflict elements, which prevented regional stability and return to normality, the situation of the war-displaced persons was identified as the most significant element (World Bank, 2000).

Few years later the need for a sustainable solution for the refugees and IDPs was officially recognised when the presidents of Croatia, Serbia and Montenegro and the joint Presidency of Bosnia-Herzegovina declared: "We confirm our willingness to create conditions for return of all refugees and displaced persons who wish to return, in safety and dignity, considering this an indispensable factor for full normalisation of the relations between our countries. We are prepared to harmonise our activities at all levels, to further the process of sustainable return in an organised and unhindered manner. We welcome the active support of the international community to the return of refugees and displaced persons, and we call for its continuation" (Stability Pact, 2002).

4.2.1 Concepts and Practice of return assistance in the post-Dayton.

With the end of the war in 1995, the IC committed itself to rebuild the war affected regions in the Balkans, as democratic countries. With this kind of attention, and with hundreds of millions of dollars pouring into the countries, the Western Balkans were in many ways a good test case of the effectiveness of NGOs.
NGOs play a key role as implementing partners of the major donors, and their strategies are thus crucial to the success of the overall goals of the international community (Gagnon, 1998).

The approach of the IC in the return assistance can be divided in two phases. First phase or shelter phase is characterised by rapid interventions and simple actions. The primary objective of these projects was to assure the minimum "habitable" condition for a dwelling (rehabilitation of roofs, windows) and distribution of essential relief items (clothes and food). In 1996 the IC through projects implemented by NGOs started to reconstruct/rehabilitate houses for the majority, which means the resident population. A second phase was focused on Integrated/Complex Return Programmes, linking first aid to development, shows an increasing attention to the political complexity related with the return assistance. Was the beginning of a synergy between laws (return & property), institution and NGOs fieldwork.

Their work makes visible the difficulties and the mediations needed between the right to return and property rights, between the right of free movement and its real implementation on the ground. The latter phase has added to the political complexity, the question about sustainability, which means on one side community building (restoring the sense of community) and on the other side job creation (Pellizzer, 2001).

Anyway the Dayton Agreement provided the NGOs with a political framework in which they could act. As Gagnon argued (1998) the limitation for them was more based on the fact that the main funds were provided by donors who designed the programme. Moreover, in his analysis he suggest that NGOs are limited by the fact that they depend on funding from institutions and organisations that, themselves, have specific interests and perceptions unrelated to the realities on the ground or the interest of society (Gagnon, 1998).
Too often these factors, rather than the situation on the ground, drive funding priorities and thus limit the implementing partners. But also seems driven by the tendency of donors and NGOs to generalise from experience elsewhere, which leads them to overlook the specificities and complexities, both current and historical.

In the years from 1996 to 2001, there was a continuous adaptation in the objectives: moving from the pure rehabilitation to minorities return. The current phase is more and more referring to themes proper of the development (local capacity building/civil society), even if because of the clear destination of more than the 60% of the budget to the repairing of dwelling the intervention is still structurally belonging to an humanitarian approach; This is also possible to infer from the length of the project (from 12 months to 18 months). It is important to say that in this last phase emphasising the intuition contained in the income generating activities (as for instance: agricultural kit; repairing of stables). This one now is the core of intervention; while in the first return programmes (ECHO) the only possible actions were strictly related to the physical rehabilitation of dwellings (Pellizzer, 2001).

The difficulties experienced with returnees motivated to return to a hostile area counting only on the housing reconstruction, has raised questions related to the conditions necessary for a successful and long term sustainable return, giving a strong accent and anticipating all the questions normally related to development projects.

Normally, NGOs set up a general structure in order to achieve the goal of preventing conflict by rebuilding the community and civil society and by strengthening democracy in the region. These activities, Chip Gagnon categorised into four broad strategies (with cases of some overlap):

- *Directly addressing the issues of political structures and power,*
- *Party-building and civic education,*
- *Building local NGO capacity,*
- *Reconstruction as a way to build civil society.*

Regarding the impact of the above-mentioned measurements, Gagnon (1998) emphasises that "[…] effective strategies are those focusing on rebuilding communities by working together towards a tangible common goal. Such a strategy recreates the organic bases on which any community is built, and moves the focus of energy away from the national political scene (which was the focus of the national-

ists in the lead up to the war and during the war itself) toward the local and regional scene. This leads to what seems to be potentially the most effective strategy, that is, an integrated strategy that uses major projects such as reconstruction of housing or infrastructure as the focus of a process of rebuilding community or civil society, and that is supplemented by programs (such as micro credits) to create businesses and jobs in the community" (Gagnon, 1998)

This kind of strategy puts most efforts into rebuilding a society, which was ripped apart by the war and its atrocities. In this light, physical reconstruction assistance is for instance just used as a tool in order to reach that goal. But not all efforts which were made could be recognised as effective, Gagnon (1998) points out: "[…] if NGOs try to transfer political values and democratic participation into war affected communities, failure of the project or the program might be the result. Less effective, again from a macro perspective, is an explicit and narrow focus on political party building and civic education".

This progressive adjustment is describing the complexity of an action, which has to achieve the best results and have the maximum impact at the same time, due the fluidity of the situation and flexible financial resource allocation. The reconstruction consists of an expensive investment because of the post-conflict context, requiring a clear criteria and a rapid and efficient analysis of all factors in order to not fail. If it is true that there is high demand for reconstruction and rehabilitation of houses it is also true that the real aim of this reconstruction is to make effective the right to return of the refugee and the displaced, but not the right to have reconstructed/rehabilitated pre-war properties.

While a number of case studies have sought to explain this elusive relationship, between return, development, and reconstruction, little comparative analysis has been done to highlight similar experiences and extrapolate lessons learnt for future use. The following reports are based on a small-scale research done in Bosnia, Croatia, Kosovo and Serbia, aiming to identify concepts, contexts and processes, drawing on direct experience of project' members, in seeking to draw out a set of crosscutting key strands, relating to both approach and process.
In order to build a bridge between the literature review and this part of the research, in the following paragraphs, briefly we aim to outline the interactions between the focuses of the research, in order to highlight the crucial role of context.

4.3 Croatia

4.3.1 Introduction

The armed conflict in Croatia (1991-1995) forced over half a million people to leave their homes. Only after signing the Dayton Agreement in December 1995, fighting could be stopped. The Annex 7 of the General Framework Agreement for Peace defines as a priority the facilitation of the return of refugees and IDPs to and within Croatia. The IC, in co-operation with the Government of Croatia (GoC), has introduced a number of initiatives designed to support the rehabilitation of housing, basic infrastructure, restoration of utilities, creation of businesses and employment opportunities and the provision of a physically safe and secure environment.

Despite the obligations formulated in the peace agreement, rates of return of Croatian Serbs to Croatia have been fairly low till 2000. Continuing hard pressure from the IC, particularly from the EU, led the GoC to finally adopt, in 1998, a comprehensive plan for the return of Croatian Serbs to the places of origin in the former United Nations Protection Force (UNPROFOR) Sectors.
The implementation of the plan has been, until 1999, slow however. According to UNHCR figures, until January 2000, 112,356 persons have returned in Croatia, of which 36,279 are Croatian Serbs who mostly returned to their homes within the country.
The latter figure consists of 29,552 Croatian Serb returnees from the Croatian Danube Region and 44.426 Croat returnees to the Croatian Danube Region. The vast majority of the beneficiaries included

in the GoC return programmes were ethnic Croats, while displaced people and refugees of Serb origin were given minimum priority.

It is estimated that 270,000 refugees are still living abroad, and that the majority of the refugees are located in Serbia and Montenegro. In fact, the latest UNHCR Serbia and Montenegro survey indicates that as many as 245,800 refugees from Croatia are still in Serbia and Montenegro while 24,000 refugees remain in BiH (UNHCR, 2003d). In view of the recent changes within Serbia and Montenegro, the return issue now has a regional dimension, which is likely to increase over the next few years. Apart from these refugees, 21,000 people are still displaced within Croatia.

In the year 2000, the Croatian President Franjo Tudjman died and a new government was elected. This changed the political environment considerably. The Parliamentary and Presidential elections of January/February 2000 brought the former opposition forces into power and swept the until then all dominating nationalistic Hrvatska Demokratska Zajednica (HDZ) party out of the government. The new government immediately committed itself to democratic reforms, to persistently pursue the implementation of the programme of return of refugees and IDPs. This was done on the condition of eliminating the consequences of war and normalising conditions in areas affected by war and to assume responsibility for all citizens without any discrimination and to oppose all attempts to divide returnees and finance their return on an ethnic basis. Amendments to discriminatory laws concerning the return of refugees and displaced people were introduced in the parliamentary procedure by March 2000.

There was a broad agreement in the IC that the political changes in Croatia had not only offered a change for the refugees who had left Croatia to come back to their places of origin, but that a successful return operation to Croatia in 2000 would be the key motivating factor for increased return throughout the region. Not to loose this opportunity, support for the return process was provided as quickly as possible.
As UNHCR and the IC expected an important number of spontaneous return movements throughout the year, maximum flexibility of the funding mechanisms was asked for. Quick and flexible support for return movements to Croatia was defined repeatedly as a key political priority on different occasions, for instance, during a financing conference on the Stability Pact in Brussels in March 2000.
And as stated in the Brussels Peace Implementation Council Declaration of May 2000, return of refugees and displaced persons remains a central priority, and much needs to be done not to lose the momentum and favourable environment for return created by the activities undertaken by the IC and the GoC. The return of refugees was likely to accelerate in 2002.
Since 1996 the EC has concentrated its assistance to Croatia on the Return process. In the period 1996–1999, the EC has provided over 46.5 million euros for projects helping Refugees and displaced persons to return to their original homes, mostly implemented by the ASB, mandated by the EC. Reconstruction aid to Croatia is concentrated on the formerly by Serbs and Croats contested areas namely Eastern Slavonia, Western Slavonia and the former UNPROFOR-sectors South and North (Krajina).

On the basis of previous experience, EC return activities have been co-ordinated into a coherent and comprehensive programme: "the European Union Reconstruction Programme for Return" or EUPOP (Europska Unija Program Obnova za Povratak). The EUPOP represents an integrated approach aiming at a sustainable return. It is concentrated at municipal level, which is the natural environment, and level of return. Municipalities faced with the return issue are therefore the natural choice for EUPOP. Spontaneous returns as well as an increasing number of requests for reconstruction and return from Serbia and Montenegro to the Republic of Croatia are demonstrating the necessity of a continued effort to support the return process. In the same way, the efforts of the new government to speed up changing legal and other barriers for return should be capitalised on.
The return of displaced persons and refugees is one of the most important factors in the construction of a politically and economically viable Republic of Croatia and as such is important for the whole region of former Yugoslavia.

According to Croatian legislation, every owner of war-destroyed private property in the Republic of Croatia that resided in this property before the war in 1991 and is willing to return has the legal right to receive reconstruction assistance from the GoC. In order to enter the respective procedure, applicants are required to file a request for reconstruction.

20,000 new positive decisions for reconstruction were expected after completion of the 2001 GoC programme, including those expected after a publicity campaign in Serbia and Montenegro and BiH. The GoC can only cover part of this reconstruction from the planned budget for 2002 and 2003, leaving a gap of 5,000 houses Cat 4-6, or over 160 million. To speed up this process and to convince potential returnees that reconstruction of their houses will be done in a foreseeable future, further assistance from the IC is needed.

It continues to be true that if the return process to Croatia can be improved significantly, this will without a doubt generate further returns throughout the region and best influence the overall return process. A strong and immediate support to returns to Croatia was therefore defined as a priority during the meetings of the Steering Committee of the Stability Pact's Regional Initiative uniting governments and international organisations with significant expertise in the return process in the region. This has been reflected in the substantial resources allocated in this proposed programme.
With political changes in Belgrade and Sarajevo, the Croatian government's publicly announced commitment to support the return process. The instruments put in place by the Croatian government to facilitate the return process and in particular the continued policy of the IC to support the return process create better conditions than in the past for a considerable effort to help people to return to their homes.
Despite the positive political development, not only in Croatia but also in all the area, there are obstacles remaining, which are hampering sufficient, fast and sustainable return. Including insufficient funds for reconstruction, several other obstacles to the return of refugees and displaced persons remain: slow administrative procedures to take governmental decisions on reconstruction, legal and administrative obstacles for repossession of property and the lack of alternative accommodation. The gap of 5,000 houses means that there are 5,000 families who will need alternative accommodation, which is an additional financial burden for the GoC.

4.3.2 Flows of return: towards integration?

As shown above, the number of returning refugees raised after the election of the new government in 2000. But still, more than 180.000 are waiting to return to their home of origin (ASB BIRC, 2002). Most of these refugees are living in Serbia and Montenegro, either in collective centres or in private accommodations. Quite a number have to rent apartments while waiting for their homes in Croatia to be included on the reconstruction programme. The return of refugees and IDPs is mainly difficult due to two circumstances:

- *Most of the accommodation in the former Republika Srpska Krajina (RSK) was destroyed by to military action in summer 1995 and looted and then destroyed by civilians or paramilitary groups. Most of the destroyed houses are to date still not reconstructed. According to the ASB BIRC unit, it is estimated that 45,600 families want to return and wait for the reconstruction of their house. (ASB BIRC, 2002).*
- *The Serb houses, which were still intact, were from 1995 on occupied by Bosnian-Croats or Kosovo Croats. Many apartments and family houses are still illegally occupied. The Croatian Government is determined in its intention to enable and accelerate the return of all of its citizens to their pre-war homes and to create the conditions for a sustainable return. The measures undertaken by and the efforts of the GoC in the field of legislative amendments, the repossession of property and the reconstruction and economic revitalisation pay special attention to the war-effected regions of Croatia.*

The predominant social problem is the high rate of unemployment. The official numbers varied over the last few years between 15 and 20% (World Bank, 2003). Some unemployment rate estimates published

in newspapers are as high as 30% but the differences are very high within the country. Labour union organisations have reported that more than 100,000 employees did not receive their salaries for over several months in 1998 and presently there are about 180,000 people working without getting their payment. More than 240.000 of refugees from Croatia who had to flee from Croatia to Bosnia-Herzegovina and Serbia and Montenegro during and after the war have still not returned and are forced to live abroad (UNHCR, 2003d).
Croatia's transition to democratic independence took place under difficult and violent circumstances. The war situation in the first years of transition and its consequences had far reaching effects on the ways that different aspects of a civil society could develop in the country. The many factors which still obstruct further progress to a stronger civil society in Croatia have their roots in those years of war.

After its entry into the Council of Europe, Croatia undertook obligations to eliminate the existing discrepancies between domestic Croatian law and the European Convention on Human Rights, and related matters, such as minority rights. Efforts are being made for a future integration of Croatia into the European Union and for an improvement of its relations with many international organisations. Efforts had to be undertaken in order to support the development of a civil society. But it is also true that the simple presence of local NGOs does not necessarily generate a civil and peaceable society. It is not the absence of a "third sector" in the society, which is the problem for a Croatian civil society, but its powerlessness in public life. And this powerlessness is very much a consequence of an open and indirect marginalisation policy of the Croatian government and the administration towards the activities of politically and socially active NGOs.

The war consequences for Croatian society led to great physical damage, high miltarisation of the state, and among other things it has also led to the development of extreme ethnic animosities in parts of the society. In this atmosphere, basic human rights problems exist and are still to be dealt with. The most difficult current human rights problem to be solved is the bilateral return of all refugees and displaced people and the protection of their rights. The OSCE mission to Croatia mentioned in one of its latest reports the repossession of property; clear and transparent implementation of the Amnesty Law; full co-operation with the International Criminal Tribunal for the Former Yugoslavia, and the processing of applications for naturalisation and verification of citizenship as key issues. These framework issues are preparing the stable foundation for the re-integration of former enemies into a common society (Becker, 2003).

4.3.3 Reconstruction – more than shelter: towards sustainability

By now, according to the field visits interview, the need for emergency relief is still existing, but on a low level (Marin, 2003). More attention is paid to rehabilitation and development measures. Even the reconstruction of housing units is not the most important activity – despite the fact that there is still a need for tens of thousands of houses to be reconstructed (ASB BIRC, 2002). Most of the interlocutors were agreeing to the fact that economic development is one of the key issues in order to provide sustainability to return and reconstruction projects. Therefore, the NGOs, agencies and organisations, which are active in the field, developed projects and programmes in order to provide economic assistance.
The south of Croatia, the area around Knin, is a good example for the complexity of problems. Despite the fact that the area was the scene of extremely heavy fights between Croats and Serbs with a high level of destruction, the area was underdeveloped even before the war started. Due to the natural conditions in the area, only agricultural activities were possible and even then limited to livestock breeding and foresting.

In Knin itself existed a metal factory with some thousand employees. With the end of the socialistic system and the independence of Croatia this factory had no chance of survival: the efficiency being too low, machines and tools obsolete and markets far away. Without a comprehensive investment, there is no chance to revitalise employment in that factory (Gies, 2003).

Therefore, the economic advisor company FLAG, is concentrating on the support on small and medium enterprises as well as family businesses. FLAG is co-ordinating its activities with local and international NGOs in the region in order to facilitate the combination of return support activities such as reconstruction of housing units with job creation projects. Daniel Gies, economic advisor of FLAG emphasises: "A missing wing from our perspective is job creation. If you get a house but you don't have a job, you are going to come back, unable to feed yourself. So, when FLAG and other organisations work on economic development, it is good that the reconstruction is done by reconstruction organisations. And there should be more formal length and more partnership" (Gies, 2003)

It seems obvious for returnees as well as the entire community to have a perspective and a chance to revitalise normal living conditions, if assistance from the GoC or the international community takes into consideration the provision of suitable accommodation and economic development. Shelter alone is not the right measure in order to provide sustainability to a war torn area in transition, a comprehensive approach with focus on reconstruction, economy and society is necessary.

4.3.4 Actors and their roles

During the field trip, a wide range of different organisations and agencies in Croatia, were visited; from a representative of the main donor in Croatia, Mr Alfons Peeters from the European Commission, over the Deputy Head of Office of the OSCE Mission to Croatia and the Leader of the Serb Democratic Council, an Association of all Serb organisations in Croatia, as well as the local UNHCR representative in Sisak and international organisations such as NPA or ASB and local NGOs. Due to the fact that all these players are mostly engaged within Croatia already for a couple of years by now, co-ordination between different organisations already took place.

The EC is responsible for facilitating of the development of political and economic relations between the EU and Croatia in the framework of the Stabilisation and Association Process (SAP). Further the EC is assisting and co-ordinating tasks in relation to the EU assistance programme CARDS as well as monitoring the implementation of the SAP process. Additionally, the EC is strengthening a number of activities such as the development of a communication strategy for the dissemination of information on the EU.

Regarding the co-operation within CARDS, Mr Peeters (2003) pointed out that NGOs are the ones which are providing the EU with adequate information on the situation in the field and the needs for the return process. He sees even the tasks of international NGOs in that field as advocating for their clients, returnees, IDPs and vulnerable societies in general. In order to achieve sustainability of all measures, there is a constant exchange of results. With the information from NGOs, the EC is firstly able to adjust current projects to the need of targeted societies and secondly the exchange between them is influencing the preparation of future activities of the EC. That means that the relation between the donor and NGOs is not only top-down, it also functions as a bottom-top co-operation (Peeters, 2003)

Robert Becker, Deputy Head of Mission from OSCE Mission to Croatia in Zagreb the co-operation with NGOs, explain quite similarly the relation between Agency and NGOs.
OSCE's work is partly focussed on co-operation, especially with local NGOs, in order to implement projects related to the building of a civil society. But over and above OSCE "[…] is a political organisation, including and representing 55 countries in Europe and North America, is covering in Croatia a number of issues including 'the media registration reforms, police reforms, the establishment of the rule of law, jurisdictional reforms". (Becker, 2003) OSCE is trying to "establish a legal basis and to make sure that rights are granted under the law, to bring the government and the law together, verify the law, and that the administration and courts stick to their own laws or laws of the European standard - I guess our role is a political role, our role is an advisory role, and our role is a watchdog role".

In general "[…] the focal point is on the mandate to provide guidance assistance and to monitor and report on the government activities to promote the return of the Serb minorities and of all displaced persons, which were displaced all over the country" (Becker, 2003). Especially after the war when the Tudjman government was still in place, a lot of acts and laws were issued which were not in line with international regulation or human rights. "Under Tudjman-government, coming back and establishing what they call a return programme, was a non-legal (sic). Priority was given to Croats, Bosnian Croats and war-veterans. The procedure for the return programme, which was an administrative and legal procedure, violated fundamental international principles" (Becker, 2003).

In order to change the situation of law in accordance with EU standards and human rights, the OSCE is assisting the GoC in adjusting their system of laws and regulations and their executive bodies. Concerning the return and reconstruction issues, OSCE is emphasising the fact that the main obstacle was and is the violation of property rights of refugees and IDPs. Many housing units are still occupied by Croats from Bosnia and the Kosovo. The evictions have to be made in order to give returnees the possibility to get their property back. At the same time, a suitable solution has to be found for the evicted families, e.g. through the construction of apartment buildings.

In terms of "coordinating the return efforts", interestingly was given to the Council of the Serb Community in Croatia (SNC). The council is involved in the reintegration of the Serb identity in Croatia, advocating the rights of Serbs as a minority towards the Croatian government. The council was founded in 1997 by different Serb associations in order to bundle their efforts in a more efficient way. Some of these efforts are the repatriation of Serb refugees, reconciliation between Serbs and Croats in Croatia and, in general, the reconstitution of the Serb community in Croatia.
In order to reach these goals, there is a close co-operation on the local level with local NGOs as well as with international NGOs. Especially in the selection of beneficiaries, the SNC and its included Serb organisations are working together with NGOs in order to find beneficiaries in Croatia as well as in Serbia and Montenegro and in Bosnia-Herzegovina.
The council has a more trusted relationship to its clients in the entire Balkans; they often got a clearer picture about the situation of refugees and IDPs, their vulnerability and the kind of assistance they are asking for.

Among others, UNHCR is the agency supporting refugees and refugee return, assisting the return process in many ways and to help refugees through bureaucratic processes. "Our major role was to identify and analyse issues which are related to the integration of refugees, to get their full registered citizenship in many aspects in sort of analysis of the situation of returnees and to translate this into messages to the Croatian Government in order to change their methods in terms of registration, legislation and if we have a legislation how this is being used" (Scheske, 2003). Another important issue is "to collect data about their caseload about all the operations which were run in the area" (Scheske, 2003).
For UNHCR the civil society structure is one of the weak elements in the Croatian society. It is a necessity to strengthen this to cope with the problems of legitimating, re-integration and reconciliation in the areas of return. These elements could be built through reconstruction, infrastructure and economic assistance.

As we already mentioned, FLAG International is a company specialised in consulting for countries in transition, mainly providing education and training as well as practical technical assistance, management consultancy and management contracting.
Concrete action in Croatia would be though job creation activities through the facilitation of micro loans. FLAG, with funds from Mercy Corps tries to support economic development in order to provide returnees as well as the entire community with job and business opportunities.
ASB and other NGOs co-operate with FLAG in order to sustain their common efforts. Within the co-operation of FLAG and ASB, (e.g. ASB is responsible for the reconstruction of business facilities while FLAG is providing micro credits for tools or machines), so that the beneficiary is able to start his/her own business immediately. Daniel Gies, describes the engagement of FLAG as follows: "[…] using micro credits

as a tool to facilitate market mechanisms, which isn't actually a pure micro finance, it is a combination of micro finance and development"(Gies, 2003).

In search of approach schemes, the comprehensive approach of ASB was interesting, operative for more than 10 years on the Balkans. They try to link relief, rehabilitation and development, following the "Linkage between Relief, Rehabilitation and Development" (LRRD) strategy as it has been acknowledged by the EU in 1996.
According to this strategy, "rehabilitation" forms a bridge between relief and development. Better "development" reduces the need for emergency relief; better "relief" can contribute to development; and better "rehabilitation" can ease the transition between the two (Van Veghel, 2003).

In this sense, rehabilitation goes beyond the technical aspects of reconstructing houses, infrastructure and services; it includes also a human dimension, calling for reintegration of people into civil society and all its economic, social and political aspects. This process is not a linear equation. Reality requires very often-simultaneous interventions in the field of emergency relief, reconstruction and development – a contiguum of measurements (Van Veghel, 2003).

In order to combine activities and to solve the existing and upcoming challenges, the ASB developed the so-called "Cycle of Sustainability" in accordance with the LRRD strategy. Aim of these measurements is to provide war effected societies with a new perspective, or as Mrs Nada Arbanas, representative of the ODPR, pointed out: "GoC realized that the main problems are resulting from the effects of the war: therefore the 'normal live' has to be restored in order to solve all other problems which are existing in the war effected areas in Croatia" (Arbanas, 2003). In this sense, the aim of the Cycle of sustainability is the restitution of a "normal life" in the targeted municipalities.

The cycle describes the measurements, which were undertaken by the ASB office and the steps that are leading to a sustainable return, this not necessarily being a linear process. ASB is combining the different kinds of measurements from the field of emergency relief, rehabilitation and development, in order to provide single beneficiaries, groups of returnees as well as the entire communities with suitable and sustainable measures. The cycle starts with the careful selection of beneficiaries since this is a precondition for successful project implementation. The next step is mine clearance as a precondition for any physical reconstruction activity. Thirdly, it provides the reconstruction of destroyed houses, returnees, with accommodation and initiate long-term development. The forth part of the circle is humanitarian aid through the provision of food, clothes or furniture in order to cover basic needs. Infrastructure is the next part and provides access to long-term economic and social development. Repair and reconstruction of social infrastructure like kindergartens and Hospitals, is often an important precondition for the return of families with children or elderly people. In order to build and enhance the capacity of the social society, a part of the cycle is capacity building measurements.

However, two parts of the cycle are fixed: careful beneficiary selection is every time the first step in the beginning and during the implementation of a project. This step makes ensures finding the most vulnerable cases with a high intent to return to their home of origin. Secondly, demining is, where necessary, the precondition for a safe and sustainable return. It is not only important to remove mines and UXOs from houses and streets, it is just as important to clean yards, agricultural land, business facilities and traffic routes in order to provide these contaminated areas with opportunities for substitution, farming and business activities. Furthermore, the social society support will only then be accepted when accommodation and income generation needs are covered.

In September 1996, ASB has been mandated by the European Commission to implement the "Programme for Reconstruction and Return" (EUPOP) in the Republic of Croatia. Alongside, individual European Membership Countries such as the German, British, Dutch, Belgian, Austrian and Swedish Governments used the EUPOP as a "docking station" for individual projects, implemented by ASB, to achieve a linkage between reconstruction activities and the sustainable return of refugees and displaced

persons. Additionally, ASB is currently implementing a USAID funded housing reconstruction project with self-help component. Since then, ASB has implemented projects in Croatia for over 60 million of euros in the field of housing (over 3,500 destroyed privately owned family houses and state owned apartments, with priority to former tenancy right holders), technical, economic and social infrastructure and mine-clearance, helping more than 12,000 people to return in a sustainable manner.

In order to react upon the need of the returnees in the most flexible manner, ASB created in Croatia a main office with currently three branches. The Main office is responsible for development of strategies, supervision, controlling and administration, meanwhile The ASB regional offices are concentrating their efforts on the supervision of construction activities, keeping the connection to local authorities and partner organisation as well as the evaluation of beneficiaries and projects.

4.4 Bosnia and Herzegovina

4.4.1 Introduction

The conflict in Bosnia erupted following the collapse of the Socialist Federal Republic of Yugoslavia in 1991 and 1992. During a referendum held in 1992, 63% of the Bosnian population voted for independence from Yugoslavia, although most Serbs boycotted the vote. Immediately after the referendum the Serb leaders proclaimed the Serbian Republic of Bosnia and Herzegovina, declaring it part of Yugoslavia. As had already happened with Slovenia and Croatia the EU recognised the Republic of Bosnia and Herzegovina, followed by the US, while Bosnia and Herzegovina joined the UN on May 22, 1992. This is the prologue of the civil conflict that devastated the Country until December 1995 (CIA, 2002).

Ethnic Serb extremists, with the support of the Federal Yugoslav Army, increasingly Serb dominated, implemented the so-called "ethnic cleansing policy" directed mainly at the Muslim and Croat population causing thousands to flee into neighbouring and third countries.
The main objective was the creation of a territorial continuity between Serb-dominated areas in Bosnia and Herzegovina and Serbia. The other two groups, although in a lesser extent, also attempted to create ethnically cleansed areas. At the end of the conflict, more than one million persons were internally displaced while 1.3 million had been forced to flee abroad.

On 21st November 1995, in Dayton, the warring parties signed a peace agreement that brought to a halt the three years of interethnic civil war. The Agreement established the legal framework for the new state and created a joint multi-ethnic and democratic government.

The Republic of Bosnia and Herzegovina is organised in two main entities and one district: the Federation of Bosnia and Herzegovina (FBiH), Republika Srpska (RS), and the District of Brcko.

The representatives of the Federation, the Republika Srpska, and the Office of High Representative (institution created by Dayton) compose the national government, but each entity has also its own government. The High Representative is appointed by the UN Security Council as the authority to intervene and pass decisions that are binding by law in the event that national parties are unable to resolve difficulties. The Agreement define also the basis for a strong international presence, composed by civilians as well as military; and finally calls for the creation of a mechanism to ensure the enforcement of the property rights of the displaced, namely the Commission for Real Property Claims (CRPC).
The principal international organisations involved in civilian implementation under the Dayton Agreement are the Office of the High Representative (OHR), the Organisation for Security and Cooperation in Europe (OSCE), the UN Mission in Bosnia and Herzegovina (UNMIBH) and the UN High Commissioner for Refugees (UNHCR). The NATO-led Implementation Force (IFOR) was to be responsible for military security.

Annex 7 of the Agreement relates to the refugees and displaced persons, their right to return to the place of origin, as well as psychic disturbances resulting from the mass victimisation; Article 1 stated, "[…] All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them the property of which hey were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina. The Parties confirm that they will accept the return of such persons who have left their territory, including those who have been accorded temporary protection by third country. […] The Parties shall ensure that refugees and displaced persons are permitted to return safety, without risk of harassment, intimidation, persecution or discrimination, particularly on account of their ethnic origin, religious belief, or political opinion" (General Framework Agreement for Peace in B&H, 1995).

4.4.2 Displacement and return

Bosnia and Herzegovina has made considerable progress in implementing return. Official records maintained by UNHCR show that about 520,000 IDP and 430,000 refugees have returned to their country since the entry into force of the Dayton Agreement.

1+2+3	TOTAL BOSNIA AND HERZEGOVINA									
	REFUGEES					DPs				
	BOS	CRO	SER	OTH	TOTAL	BOS	CRO	SER	OTH	TOTAL
1996	76,385	3,144	8,477	33	88,039	101,402	585	62,792	42	164,741
1997	74,756	33,566	11,136	820	120,280	39,447	10,191	8,452	205	58,295
1998	78,589	23,167	6,785	1,459	110,000	15,806	4,325	9,139	300	29,570
1999	18,440	6,299	6,332	579	31,650	24,907	6,760	11,315	403	43,385
2000	7,833	4,834	5,303	837	18,807	36,944	7,779	14,175	449	59,347
2001	4,642	4,244	9,155	652	18,693	48,042	5,960	25,734	436	80,172
2002	12,592	5,933	18,220	389	37,134	41,511	5,319	23,215	730	70,775
2003	2,336	1,113	2,266	252	5,967	6,557	715	5,307	25	12,602
TOTAL	275,375	82,322	67,656	5,017	430,370	314,616	41,552	160,129	2,590	518,887

Figure adapted from (UNHCR Sarajevo, 2003a)

However, these positive developments should not overshadow the persistent obstacles to the return of the remaining 351,700 IDPs and 73,000 refugees (UNHCR, 2003b). The involvement of the IC is still needed to ensure the sustainability of the returnees' situation.

4.4.3 Return flow: towards Integration?

One important point to keep in mind in the analysis of the reverse flow of migrants in the new ethnic map of BiH is that the ethnic "cleansing policy" was quite successful and many areas have changed their internal compositions. This is true not only for the two entities that compose BiH, but also within the entity of Federation, significant movements of displacement from minority to majority areas occurred (Bosnian Croats to Croat controlled areas and Bosniacs to Bosniac controlled areas) (MPDL, 2003).

At least 200,000 persons have become IDPs since the Dayton Agreement:

- *80,000 persons became displaced as a result of transfers of territory between the two entities;*
- *Others are the returning refugees who cannot return to their pre-war home.*

More than 378,000 IPDs and refugees have gone back to areas where they do not belong to the dominant ethnic group. These "minority return" movements have been the most difficult challenge faced by the international community and BiH itself.

Anyway there are positive experiences of return minority as the ones to Drvar, Jajce and Stolac, furthermore these experience shows that people interested in return to their home are willing to assume the risks involved. They also show that for returns to be sustainable they must be in substantial numbers, and include enough working age families (not simply elderly people), to be able to provide a measure of security and a minimum base for rebuilding the community (ICG, 1998).

The largest number of Bosnian refugees in Western Europe was hosted in Germany. Of some 345,000 who fled there during the war, about 100,000 had returned by the end of 1997 (ICG, 1998). As consequence of this big presence of refugees, often awarded only with the temporary status of refugee, some organisations developed special programmes to support the return of Bosnians living in Germany. AWO is currently realising such activity and most of their beneficiaries are elderly people that want to return in order to spend the last years of their life in their home or in their environment. NGOs are supporting them to claim their rights including entitlement to receive social and health insurance (AWO, 2003).

Another important consideration is the historic moment in which the war occurred. Bosnia and Herzegovina, as the other State of the former Yugoslavia, was an entity in transition from a socialist system into the capitalistic one (MPDL, 2003). The entrance in the global market economy has accelerated an on going phenomenon of movement from rural towards urban areas, but the rapidity of the process has broken existing forms of social cohesion and therefore has increased the tension and competition among peoples. The civil war is both a consequences of this process and a new event that created new and more complex movement. It is difficult at this stage to separate clearly the two flows of migrations. Actually in many cases the return to the previous area is often not followed by the return to the previous job and social environment, and consequently new movements take place.

The Bosnian population has lived in conditions of insecurity for over a decade: from the collapse of the Yugoslav system with its protections and guarantees, to the poverty, fear and oppression of the war years, and currently with uncertain future perspectives (Gilbert, 2002). One major result has been the creation and the raise of importance of mutually exclusive ethnic identities, with the consequent establishment of politics of suspicion, fear, insecurity, and division between the people of Bosnia.

Therefore the establishment of an enabling legal and administrative framework conducive to return has been a key factor in reducing ethnic quarrels. Restitution of housing and property, distribution of identity` documents allowing the freedom of movement, access to pension and welfare system, have been fundamental to provide the basis of voluntary repatriation of refugees and displaced persons (MPDL, 2003). MPDL developed a regional programme to provide legal aid and advise people regarding their status and rights; the programme intended also to inform returnees regarding the continuous reform of the judicial legislation in BiH. Many of the remaining legal impediments to return have now been removed.

In most cases one of the prime concerns of refugees and IDPs is repossession of lost property. Where returnees are unable to repossess property in a reasonable amount of time voluntary repatriation becomes less of an effective option. Restitution also allows those who wish to resettle elsewhere means for a durable solution, if they are able to access property and sell it, or be compensated, thus easing the strain on host countries and countries of resettlement. It is also important in the context of reversing ethnic cleansing and promoting respect for the rule of law and human rights (Prettitore, 2003).

During the conflict each of the ethnic groups, established their own administrations that among other things, administered "abandoned" property. Legislation was enacted in all areas of BiH that deprived indi-

viduals of their property and allocated such property to other individuals on either a temporary or permanent basis. Property was supposed to be allocated to individuals with humanitarian needs, but often was not done so (Prettitore, 2003).

The CRPC is the key decision-making body on property rights for dispossessed people in Bosnia and Herzegovina. Established under Annex 7 of the Dayton Peace Agreement, the CRPC determines claims for real property, whether the claim is for return of the property or for compensation.
CRPC issues decisions solely on the right of the claimant. It makes no determination as to the subsequent rights of the current user. However, CRPC has no internal enforcement mechanism. The right for compensation should be applied in the cases where property cannot be restored, and providing for the establishment of the Refugees and IDPs fund to settle claims for compensation. The Fund has never been established and the compensation was never realised, if not indirectly by the refugees and displaced themselves, who after repossessing their properties decided to sell it.

Although at the moment the CRPC has collected claim applications for 319.013 properties throughout BiH, it represents an average of one in four persons owning property in BiH (CRPC, 2003), the strengthening of civil society is still a necessary part in the reconstruction.

To promote the re-opening of dialogue between the two communities is the general strategy carried out by UNHCR and OHR. Some NGOs have applied this as a driving strategy while they were working on different programmes and activities. One of the main and more expensive activities realised by NGOs has been the reconstruction of destroyed houses and public facilities, especially in the early phase of interventions because it is one of necessary preconditions for the return. The process of reconstruction can be used to re-open the dialogue between the communities and to empower the beneficiaries.
CRIC realised several refugee return programmes involving the participants before, during and after the construction of houses. The potential returnee families participated on the decision making process and in the selection of the beneficiaries. Companies carried out the reconstruction but participation work was carried out by the refugees from the two ethnic groups and varied according to their locations and the skill level of those involved. If some of the beneficiaries were not able to do the participation work, the local community was mobilised to help them through community work teams. In order to reach dialogue and participation, many field visits and meetings were organised with beneficiaries of both communities (Murphy, 2001; CRIC, 2003).

To provide the houses to the returnees is necessary and it is a condition for the return, but many NGOs conclude that's not sufficient. To make the return sustainable there are many other steps to take as would be described in the next chapter.

4.4.4 Reconstruction more than shelter: towards sustainability?

The political system has become a hindrance to fast process. The political situation in BiH is de-institutionalised due to the strong presence and power of the IC in the government and in all the decision making process; and in assuring the security of the Country. Many reasons are contributing to keep the situation unstable: the on-going and at times radical changes in the way governmental institutions function, the constant introduction of new laws, the removal of elected and appointed officials from office, the loss of housing, and the unsystematic privatisation of state-owned companies.
Currently the economic situation continues to deteriorate, everyday life for large segments of the population has grown less stable in the years since war ended and international intervention began, rather than more stable. Moreover the economic support of IC is also decreasing substantially although the needs are not covered yet. Although economic development is an essential component of development, it is not the only one, because development is not only an economic process. Ultimately, development results not only from the growth in quantity and quality of resources and improved technology but also from a social and political structure that makes possible such change.

The enormous investments of financial, legal, and institutional resources has led to the formation of a whole political and moral economy of "return" that heavily influences the everyday life practices and choices of returnee populations and their neighbours. From the rebuilding of houses and the repossession of property to the creation of new school curricula and the formation of income-generation and micro-credit programmes designed to economically support returnees, the return process has become increasingly complex and wide-ranging in its goals.
The repatriation of refugees should not be viewed only as burden on development or a hindrance to society. Returnees can represent a sizeable portion of the working population. In order to make this possible the international community and the local authority should not reinforce the importance of being a "refugee" or "returnee" of a particular, ethnic minority, but should concentrate on the gradual replacement of this social category by others, such as citizen.

For these reasons there is an urgent need to create new jobs in both entities in order to make sustainable the return of refugees and the economic growth of the country. Too often the focus is on the restoring of the large pre-war state-owned enterprises, supported by many smaller enterprises (farmers in the rural economy, smaller enterprises and services in the urban economy) (ASB, 2003). This strategy is not viable for several reasons:

- *Most factories are either war-damaged, or in poor condition after many years without maintenance and investment*
- *Large firms were linked to an extensive supplier network across what are now separate countries, and sources of supply are insufficient to run them at economically viable levels (especially food processing factories)*
- *Firms operated in a socialist economic context that is no longer available, etc.*

It is therefore fundamental to support the creation and the development of small and medium enterprise as driving force for the economic reconstruction of the Country. ASB affirms that economic project should have different target of population in order to be sustainable and to have a big impact on the local community. On one side it is necessary to improve the livelihood of the poorest with small scale grants and including unskilled workers in the economic programme providing them with useful but simple items (e.g. distribution of animals). But on the other side it is necessary to support the already active entrepreneurs for two different reasons: to support the economic transition of the country and to increase the rate of employments (ASB, 2003)

The economic cooperation in the region is extremely low but it is evident that it will be necessary for all the new countries emerging from the ex-Yugoslavia to increase their economic collaboration in order to become stable and attractive markets for foreign investments. The currently existing integration efforts are oriented towards the EU as main actor, but the EU is pursuing the region to increase the mutual collaboration. The situation is not advanced at the moment due to the political obstacles and the lack of confidence; but many actors believe that economic interests will be able to do what politic has not been able to provide: a stable southern east Europe (ASB, 2003; CRIC, 2003; MPDL, 2003).

Complex systems of bureaucratic licensing of private enterprise ensure that political contacts are needed for commercial success, which fosters official corruption. Pensions, war invalids' benefits and the distribution of humanitarian aid have all been subject to overt political manipulation during elections (Cox, 2001). These are, among others, problems that still need to be solved to support not only the new BiH, but also the empowerment of the Bosnian civil society and the democratisation of political system necessary to manage the country. The process of stabilisation and State building is not easy and short and many actors had and will have their role to play.

4.4.5 Actors and their roles

The Bosnia state is hard to create, build up, and sustain. Although the situation has improved a since the Dayton agreement it is still true that the task of governing Bosnia's various and collective populations is carried out by institutions and organisations outside the state system (Gilbert, 2002). NGOs, international agencies, voluntary organisations, private companies and other expressions of civil society have played and are still playing an important role in shaping the new country.

At the beginning of the civil war, the first associations appeared, they were based on voluntary work and were intended to help primarily the civilian victims of the war and horrors of the war. At the end of 2000, on the whole territory of B&H there were more than 600 international and local non-governmental and humanitarian organisations (Promitzer, 1999). Currently the number of NGOs active has decreased enormously, due to the change in interests of the donor community and the consequent restriction of budgets. During the last few years, the focus of the NGOs has changed from support of war victims and war refugees towards a more general approach towards returnees, human rights, women's and children's rights, reconstruction, economic development, and cultural issues (Promitzer, 1999). Anyway cooperation among local NGOs from the two enteritis is rare and difficult and reflects the existing separation among the different communities.

IC can play an important role in increasing the exchanges and collaboration among "ethnic groups" and therefore to pursue a durable solution for the return of refugees, and especially for the minority groups. Recently there was a change in the Constitution, heavily supported by the international community, regarding the equality and constitutiveness of Bosnia's three main narodi (nations or peoples) in all areas of BiH; previously, Bosnia's two political entities made reference to particular ethnonational groups as making up the sovereign polity to the exclusion of others. These changes are clearly intended to secure the rights and participation of all Bosnians across the entire territory of BiH (Gilbert, 2002).
However it is not enough to partially change the Constitution to pursue a real democratic and participatory system. A lot depends on the real willingness of the government to properly implement the laws already existing and on the presence of the international community as monitor of these changes.

The role of the IC has been impressive especially in the effort of reconstruction, particularly compared with other crises: over US$5 billion in international aid. At the time of the Dayton Agreement, more than 2,000 kilometres of roads, 70 bridges, half the electricity network and more than a third of the housing was destroyed. Despite the logistical difficulties, by 1999 the reconstruction programme had repaired a third of the housing, and most urban infrastructure had been restored to pre-war levels, from telephone lines to electric power generation, from water services to the number of primary schools (EC, WB, 1999). Anyhow, in order to carry out urgent reconstruction in the post-conflict environment, the international agencies have tended to bypass the new constitutional structures and to deal directly with whichever local authorities or organisation had direct control over the physical infrastructure (Cox, 2001). Especially in the early stage there was no division of tasks or country plan for reconstruction. A big problem since the end of the conflict, but typical for any emergency, has been the lack of coordination and communication, among the donor community, the NGOs, the local authorities, and any other relevant actor involved. There was not a single institution in BiH which had tried to gather all the donors in a single place and which acted as some kind of a mediator. At the same time, the law on non-governmental organisations in Bosnia & Herzegovina has not been defined yet.

The massive presence of organisation with different political agenda and financing system has also led to a neither sufficient strategic and common view of their purpose in Bosnia, nor adequate mechanisms for making strategy (ICG, 2002c). And nowadays the IC has decreased drastically its presence in the Country to move to new and more fashionable areas but without having created a stable framework for the future development. Bosnia is still a fragile construction and the presence of international community should decrease in a more gradual way allowing the local institution to grow to be completely in charge of their tasks and fully responsible towards their citizens.

4.4.6 Mixed strategies: lessons learned and options for the future

The word "balkanization" has been used to define a creation process of seemingly endless and ever smaller states and political units in the region of South East Europe. Although the similar concept has been used in previous conflicts to define the division of country or civil society in very small units, as for example in Lebanon, the Balkans reality is paradigmatic.

The conflict has been impressive for the level of violence and destruction; the targeting of civilians used as war weapon, attacking especially woman, children and elderly people. The end of the conflicts resulted in the creation of numerous states and in a new ethnic map. Also, the reaction of the international community has been remarkable. The amount of money invested in the area has been amazingly higher than any other crises in the world. Numerous ad hoc structures have been created to deal with the reconstruction of society and physical infrastructure.

Eight years after the Dayton Agreement the return of refugees and the reconstruction is not over but many analysis, reports, survey, evaluations have been done and can contribute to our reflection.

First of all basic needs must be satisfied (physical integrity, board and lodging) and only then should those initially perceived as less relevant, such as the need for a job, be met. Whereas initially refugees accepted any kind of accommodation, after a while they wanted to have their own flats or houses. They wanted to start a new life and to avoid the difficulties of living together with people from different ethnic groups. The next step in the emancipation process is the financial independence that employment brings.
Refugees do not want to live on benefits but they want their own income, they want to work and earn their own money. From the psychological point of view, safety was an essential factor. After saving themselves from war and satisfying their main needs, another important issue that refugees had to face was the claim of previous rights.

The framework set up with Dayton has been useful to provide a safe space for return and the satisfaction of the needs already mentioned; although the implementation revealed many problems of lack of clarity, coordination and collaboration among the different actors.

The role-played by the international community in increasing the exchanges and collaboration among "ethnic groups" and therefore to pursue a durable solution for the return of refugees, has been important; but in the specific case of minority groups it was and still is fundamental. Returnees usually accept to pay a price for their return but individual and spontaneous returns did not appear always to be the best option: in order to be sustainable the return should involve substantial numbers, and include enough working age families. Sustaining return is about creating the right social conditions for returnees. These conditions include access to employment, health, education, basic utilities and services, civil and property rights.

The labour market in Bosnia is unable to accommodate the economic imbalances resulting from the war, and from the legacy of the socialist era (WB 2002a); therefore creation of jobs, support of small and medium enterprises, increase of workers mobility are stabilising factors that will help also to make the return sustainable.

For many refugees access to health services and education for their children is an issue of real concern and a major deterrence to return (HIWG, 2002). Education and health are not related only with the rehabilitation of the physical infrastructure, although the first necessary step for providing such services, but also with the availability of trained staff, the development of joint curricula and the end of segregation and ethnic bias in education.

A key area where continued progress has been and will be necessary in order to consolidate returns is the implementation of property laws. Linked with this aspect are the efforts of the authorities to provide alternative accommodation for displaced persons occupying properties of others and to support those who are displaced and who wish to integrate locally (HIWG, 2002).

Currently forty-eight countries and fourteen international organisations are active in Bosnia and Herzegovina with reconstruction programmes. Partnerships have always been central in the reconstruction period, although not always successful, but they will be crucial for the future development of the country. Donor support will increasingly move in parallel with programme performance, which, with declining foreign aid flows, will require the international community to redouble its coordination efforts, not only among donors, but with local NGOs and the private sector, to ensure the effective delivery of a more selective assistance programme (WB 2002a; 2002b).

4.5 Kosovo

4.5.1 Introduction

The war in Kosovo in 1998 and 1999 and the NATO air campaign in 1999 caused immense physical destruction and eliminated social, public safety, and other government services. After the 78-day NATO air campaign against the repressive Serbian regime, Kosovo became a UN's international experience of territorial government (Minervini, 2002).

In mid-1999, under Security Council Resolution 1244, the UN established an international security presence - the NATO-led Kosovo Force (KFOR), and an interim civil administration - the UN Interim Administrative Mission in Kosovo (UNMIK) vesting all legislative and executive powers as well as the administration of the judiciary. UNMIK had to promote the establishment of substantial autonomy and self-government in Kosovo; perform basic civil administrative functions and facilitate the political process to determine Kosovo's future status, maintain law and order and promote human rights (Everts, 2001; Tarnoff, 2001).

In the first six months following the war, humanitarian assistance facilitated the return of refugees, and provided food and other immediate assistance to help people survive the winter (Tarnoff, 2001).

Following the IC's experience in Bosnia, a new important category was adopted in Kosovo, the protectorate: an entity, which has neither domestic sovereignty nor international independence. Protectorates in formerly war-torn societies are placed under international supervision and are being guided to an as yet undefined status in international law (Ignatieff, 2003).
The protectorate of UNMIK, illuminated by the international experience of the UN, the OSCE, and the EU, provides an interim civil administration while establishing and overseeing the development of provisional democratic self-governing institutions that can assume administrative responsibilities, pending a political settlement.

UNMIK was built on four pillars of humanitarian assistance under the UNHCR, civil administration under the UN itself, democratisation and institution building under the OSCE, and economic reconstruction and development. This was done under the European Agency of Reconstruction (EAR), which has also played an important and multifaceted role in both the emergency and in the reconstruction of Kosovo. Moreover, UNMIK's responsibilities include performance of basic civil administrative functions, support of humanitarian and reconstruction efforts, assuring the safe return of refugees and displaced persons, maintenance of law and order, organising and overseeing the development of provisional self-governing institutions, transferring authority to those institutions, facilitating a political process to determine Kosovo's future status, and overseeing the transfer of authority from the provisional institutions to those established under a political settlement (Minervini, 2002; Everts, 2001).

The EAR almost completely subsidised physical rehabilitation. The International Management Group (IMG) immediately intervened to assess the war damage and to provide highly qualified technical assistance to the reconstruction efforts. After the initial focus on basic reconstruction, the fourth pillar of the provisional Kosovar government immediately shifted towards economic development and growth.

Since the beginning in summer 1999, UNMIK has set up regulations and suggestions aiming to provide Kosovo with the minimum basic democratic environment ideally necessary for the transition. The administrative hubs of the UNMIK government were the thirty municipalities that made up Kosovo: a region of almost 11,000 square kilometres, populated by less than two million inhabitants.

The municipalities were established on the basis of UN Regulation 2000/45. On October 2000, in a major step towards the development of provisional institutions, UNMIK organised the first free and fair elections in Kosovo, in which 79% of registered voters, including some minorities, turned out to elect representatives to 30 Municipal Assemblies. Those municipalities (run by an UNMIK international Municipal Administrator) and their elected assemblies enjoy a fully decentralised administration, which was intended for the purpose of assisting the management of such municipal issues as utilities, education, health care, reconstruction and development (Minervini, 2002).

4.5.2 The final status of Kosovo: a political gap

Under Paragraph 11 (c) of UNSCR 1244, one of the responsibilities assigned to UNMIK is "[…] facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords". No indication on the final status is given, other than the reference to Rambouillet. However, repeatedly stress is laid on continued sovereignty of the FRY over the province, pending the determination of the final status (ICG, 2002a).

Likewise, the Constitutional Framework of May 2001 gives no indication on what Kosovo's final status will be (Gil-Robles, 2002). As to the time frame for its determination, the Preamble indicates that such "determination [will be done] through a process at an appropriate future stage" (see Biermann, 2002; Gil-Robles, 2002; Shala, 2002; ICG, 2002a).

While independence can never be accepted as a precondition for return, the lack of clarity on the final political status of Kosovo throws a shadow over the return process (ICG, 2002a; ICG, 2002b).
Leaving the final status question open keeps everybody's hopes and frustrations alive: Albanian Kosovans still fear a return of the Serbs in one way or another, while extremist Serbs keep on fuelling the hope for return to a position close to the status quo ante.
For IDPs, particularly members of the Serbian community, it is not clear if they are returning to a future independent state where they will be a minority, or to an entity that will retain links to Serbia.
Serb representatives warn that most members of their community see no future for themselves in an independent Kosovo. They predict that those who are displaced would not return and the majority of Serbs who remain in the province would leave (Foxton, 2003; Orana, 2003).

Moreover, uncertainty over the final status of Kosovo has a negative impact on potential investor's willingness to invest in the territory. This is obviously not helpful for the enjoyment of economic and social rights by all inhabitants of Kosovo. And lastly, such uncertainty does not put potential returnees in a position to make an informed, definitive choice over their future.
While returns throughout the world have political dimensions, in Kosovo the returns process is even more politicised by the status issue. Against the backdrop of uncertainty over status, Serb IDPs are pawns in a political game. Some political forces in Belgrade push return for their political objective – the partition or cantonisation of Kosovo. And Serb political leaders within the province have used progress on return as a condition for political participation in elections and overall cooperation with UNMIK. While such a strategy is quite understandable, it has heightened the politicisation of the process (ICG, 2002a; Foxton, 2003)

4.5.3 Internally displaced and return process

Until the arrival of KFOR in mid-June 1999, some 850,000 mostly Albanian Kosovars were pushed out of Kosovo, terrorised by Serb and Yugoslav military, paramilitary and police forces (ICG, 2002a; Gil-Robles, 2002).).

Virtually all these people returned to Kosovo in the months that followed the arrival of KFOR and the departure of the Serbian forces, except those who had gone to a Western Country. However, an estimated 70-80,000 of them still remain abroad (Gil-Robles, 2002).

When the Albanian Kosovars returned, they found that most of their houses and properties had been looted, heavily damaged or completely destroyed (ICG, 2002a), and that some 200,000-280,000 Kosovars, mostly ethnic Serbs and Roma, Egyptian and Ashkalie, had left the country at the same time as the Yugoslav and Serb forces (approximately 170,000 Serbian and Roma Kosovans as well as other members of non-Albanian communities stayed) (Government of the Republic of Serbia, 2002); several thousand went to the Macedonia, some 200,000 to Serbia, and another approximately 30,000 to Montenegro (Gil-Robles, 2002).

The precise numbers of those displaced is difficult to determine due to a no precise registration conducted as these individuals left Kosovo and many have not registered with any international agency or host government. Estimates range from 230,000 to 280,000 individuals, who fall into three broad categories (ICG, 2002a):

- *Refugees living in the FYR of Macedonia, from the Roma, Ashkaelie, and Egyptian communities. Approximately 3,300 individuals currently registered with UNHCR.*
- *IDPs living in Serbia-proper and Montenegro, who are predominantly Serb, Roma, Ashkaelie, Bosniak, and Gorani. In February 2002 UNHCR estimated that there were 231,100 internally displaced people from Kosovo who remained displaced in Serbia and Montenegro (UNHCR, 2002; UNHCR, 2003).*
- *IDPs living outside their homes but who remained in Kosovo – which include Serb, Roma, Ashkaelie, Egyptian, Gorani, Albanian, and other minority communities. UNHCR estimates that 22,500 individuals fall into this category. These IDPs are part of the 130,000 Serbs and the 100,000 non-Serb minorities living in Kosovo today (UNHCR, 2002; UNHCR, 2003).*

There are also still around 22,500 persons (according to UNHCR) of Albanian, Serb or Roma Kosovans, who have found shelter in other places within Kosovo and cannot, as of yet, return to their homes; the so-called "internally internally displaced persons", or "IIDPs" (Shala, 2002).

4.5.3.1 Displacements' living conditions

Living conditions of the displaced were often extremely difficult. In Macedonia, refugees from Kosovo enjoy only temporary humanitarian status that prevents them from working. In Serbia the displaced from Kosovo are often pejoratively described as "Seljaci" (ICG, 2002a) or the more derogatory term "Siptari" (Maieli, 2003).

IDPs from Kosovo and refugees from the wars in Bosnia and Croatia already living in Serbia, make up the over 770,000 "population of concern" to UNHCR and Serbian Government. Residents of Serbia regard these refugees and IDPs as competition for scarce jobs and other resources.

While the government of Serbia have attempted to ensure that IDPs and refugees benefit from social services, the dire economic situation in Serbia and the high rate of unemployment, make it difficult for the displaced to find jobs and sources of income. For rural people whose income is from their land, displacement strips them of their livelihood. Moreover, assistance to Serbia and Montenegro is diminishing, and as a result official IDP collective centres will be gradually shut down (Maieli, 2003; ICVA, 2002).

While only a small percentage of IDPs still live in such centres, this process will hurt the most vulnerable – those who do not have family or friends who can accommodate them, or those who cannot afford their own accommodation (ICG, 2002a).

Displaced within Kosovo, cope with similarly dire conditions. Many individuals live in guarded enclaves or ghettoes, lacking freedom of movement and access to essential services and employment opportunities that such freedom brings. Of the displaced, it is unclear how many will exercise their right to return. Although many analysts quietly doubt that many will return, IDPs from Kosovo express a strong desire to return (ICG, 2002a; ICG, 2002b; Maieli, 2003, ICVA, 2002).

4.5.4 Flow of return: towards integration?

UNMIK has explained the objectives, the principles and the process for the return of persons displaced out of Kosovo. The main idea is to "[emphasize] the individual in the process", to promote "a rights-based approach" and, ultimately, to enforce the individual's "right to sustainable return" (UNMIK, 2002).
In order to cater for the sustainable, well-prepared return of informed candidates rather than massive, unprepared or ill-prepared return, which expose returnees to hardship and subsequent risks, UNMIK and its partners propose a "two pronged approach".

This approach is composed of "[reaching] out to the IDPs and refugees with appropriate and realistic information about the conditions in Kosovo while improving these conditions in order to enable the IDPs to come back" and "[working] to ensure that the conditions on the ground for returnees are sustainable, including by promoting their integration into Kosovo society" (UNMIK, 2002). In both UNSCR 1244 and the Constitutional Framework, the word "return" is almost invariably followed by the word "to their homes" (UNMIK, 2002).
In its Concept Paper, UNMIK, has concluded: "Therefore, organised return will be to the place of origin constituting the optimal durable solution to the current displacement. Resources are to be focused on the conditions at the location of origin" (UNMIK, 2002).

Moreover, the insistence on return to the very house/village where someone came from greatly reduces the scope of immediate return. Also, groupings of people allow for economies of scale as regards the (re)construction of houses, the (re)construction and the running costs of infrastructure, public services and public utilities as well as the efforts necessary for maintaining their safety. Groupings are also likely to reduce fear among returnees (UNMIK, 2002; Gil-Robles, 2002).

The right of all IDPs and refugees to choose return to Kosovo puts an obligation on the administration in Kosovo to offer returnees a normal, safe life without legal, political, social, economic or other discrimination. UNMIK, UNHCR and KFOR are aware that strong action is necessary, especially in the fields of security, with a view to granting everybody in Kosovo freedom of movement, but also as regards the repair or reconstruction of houses and the provision of basic infrastructure, access to public utilities and services, as well as a chance to earn a living (Gil-Robles, 2002; UNHCR, 2003a).

The security situation significantly limits the scope of possible return in certain areas.
This freedom is not achieved merely when one is no longer subject to life threatening attacks when travelling about, but at the very least should also include (ICG, 2002a):

- *The liberty to move without having to endure stone throwing, humiliating acts, insults and other insidious forms of mistreatment;*
- *Freedom of access to all locales including urban centres and the opportunity to access shops and services;*
- *The ability to travel without requiring special collective transport or escort arrangements; and*
- *The ability to choose one's place of residence and to access one's property.*

Furthermore, the right of IDPs and refugees for a free and informed choice to return in a safe and secure environment is explicitly established in UN Security Council Resolution 1244, specifically entrusting UNMIK with the responsibility of "assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo" (UNHCR/OSCE, 2002).
KFOR is mandated with establishing a "secure environment" in which such return can take place, while UNHCR is designated as the entity responsible for supervision of the safe and free return of all refugees and IDPs.

The right to return is intrinsically linked with the right to equal protection before the law, the right to liberty of movement, the freedom to choose one's residence, and the right to property.
The realisation of these rights cannot take place without minimum guarantees of returnees' most basic right to life and to physical security. But also inextricably linked to the right to return is the entitlement of returnees to enjoy civil, political, economic, social and cultural rights on a non-discriminatory basis, such as the right to use one's language, the right to work, and the right to housing, education, health care, and social benefits. It is only when these rights are guaranteed that IDPs and refugees have the possibility of a free and informed choice on whether to return or not (UNHCR/OSCE, 2002).

In the context of Kosovo, it is especially important to emphasise that the right to return is inalienable, and can be subject neither to negotiation nor to a veto of the majority community; nonetheless, it must be appreciated that the rights and guarantees afforded to returnees can only be achieved by addressing the root causes of insecurity, discrimination and alienation between ethnic groups (ICG, 2002a).

Furthermore, creating safe and sustainable conditions requires a meaningful process of dialogue and confidence-building measures grounded upon a political commitment to such processes by Kosovo's majority and minority communities and their leaders. Creating conditions for return cannot be viewed as primarily an exercise of physical protection through the allocation of military or police assets to "ensure" security (UNHCR/OSCE, 2002; Gil-Robles, 2002).

Such an approach, necessary to ensure immediate physical security in the absence of a fundamental change in social and political conditions, simply cannot sustain a significant return process for the over 200,000 minorities displaced outside of Kosovo. It will therefore naturally limit return to what is possible as dictated by the numerical equation of soldiers and returnees (CIMIC, 2003), enabling only small numbers to return without clear prospects for their quality of life or their future within Kosovo society (UNHCR/OSCE, 2002).

Furthermore, establishment of basic pre-conditions for return through ensuring local security within circumscribed minority areas is not sufficient to justify declaring that adequate conditions for return exist. Establishing local security primarily through military protection and through preventive behaviour of returnees who self-limit their mobility to a well-defined area of safety, will not be sufficient to create a "pull factor" which will persuade significant numbers of IDPs and refugees to return to Kosovo. In this context, pull factors are those factors in the place of origin, which encourage an individual decision to return, such as an improvement of security, or the availability of material or economic opportunities in the place of return.

These are distinguishable from push factors, which are negative factors in the place of refuge, which may induce return, such as lack of shelter or material assistance in displacement. Refugees and IDPs thus may be induced to return due to push factors, even if the conditions in security, socio-economic or material conditions in the place of return are inadequate or unsustainable (UNHCR/OSCE, 2002).

While the second half of 2001 marked the first organised Serb returns to Kosovo, indeed a comparative review of return patterns points to an actual reduction of overall numbers of returns in 2001 as compared to 2000. Reduced numbers of return can be attributed to a significant reduction in spontaneous return When referring to trends in return, it must always be borne in mind that the overall numbers ref-

erenced continue to be so low as to be of relative insignificance when placed in perspective of the over 200,000 IDPs and refugees (ICG, 2002a; UNHCR/OSCE, 2002; Orana, 2003).

As highlighted in UNHCR/OSCE reports, return developments can only be fully understood by assessing spontaneous return trends in relation to trends of ongoing displacement (UNHCR/OSCE, 2002).
In the light of the improved security situation in certain areas, and the political imperative to stimulate return, KFOR has considered that the correct approach should be flexible and decentralised and follow on a case by case basis, whilst avoiding the creation of new isolated enclaves (KFOR, 2002). This means that KFOR moves away from "impos[ing] conditions on visits and returns, which were in many instances overly restrictive" (KFOR, 2002).
Rather, it is acknowledged that "[s]ecurity measures need to facilitate and make inter-ethnic interaction possible instead of creating barriers that entrench separation and impact on the chances of realising other rights […]. Efforts will be undertaken to scale down the level and visibility of area-specific security measures in order to avoid perceptions of continued separation between minority and majority communities" (KFOR, 2002; Gil-Robles, 2002).

It became evident that the largest obstacle for return is the above-mentioned security in addition to the lack of financial means for preparing and sustaining returns, whether individual or to pre-identified organised return locations. Over the last three years, public and private donors have made considerable efforts to repair or rebuild, as a matter of priority, the houses of the returning Albanian Kosovans (Gil-Robles, 2002).

This part of the reconstruction is by and large completed. However, rather little has been done until now for the reconstruction of the properties of ethnic Serbs and still less for the houses of the Roma who left. Donor fatigue is being signalled (Gil-Robles, 2002).

In addition to security and reconstruction aid, the preconditions for sustainable return include access to public and social services, mainly education (in each community's own language whenever possible), health care and medical services, social security and social assistance, garbage collection, etc. Adequate budgetary allowances and work planning will be needed to ensure adequate public utilities (water, electricity, sewage system, roads, etc.) to minority communities, including returnees (UNMIK, 2002; ICG, 2002a; UNHCR, 2003).

The respect for property rights is also of considerable importance for return. As many minority members have their homes illegally occupied, often by members of the majority community, UNMIK will have to ensure the effective functioning of the HPD mechanisms for filing claims, resolving property disputes and ensuring the expeditious return of properties to their rightful owners.

Another important factor is the essential question of individual attitudes. This is, ultimately, the critical element (Gil-Robles, 2002). Albanians, Serbs, Roma and other minorities will have to live together, side by side, peacefully, in a democratic, multi-ethnic Kosovo, in which human rights and the rule of law prevail. Ethnic Serbs will have to accept that there is a new Kosovo in which, with due respect for the safeguards of democracy and the rule of law, and regardless of the ultimate degree of autonomy, ethnic Albanians will hold and use the vast majority of voting rights. Both communities, and many of the individuals who compose them, are still quite far away from such attitude (Shala, 2002; UNHCR, 2002; ICG, 2002a), without which sustainable return and integration will remain difficult.

For the time being, most returns have been spontaneous, and the very small number of organised returns (300 individuals) (OCHA, 2002), which started only in August 2001, was organised by UNHCR "through a painstaking and resource-intensive process to ensure a least the minimum conditions of safety and sustainability"(UNHCR, 2002) with sometimes disappointing results.

Its free exercise requires, on the one hand, adequate information on the conditions that potential returnees can expect to find on their return; hence the importance of go-and-see visits and UNHCR information campaigns. The decision to return must, on the other hand, be made without direct or indirect pressure from the various authorities involved (Orana, 2003; Foxton, 2003).
It is of course possible that the IDPs will exercise their choice to remain in their current locations or settle in other places within FRY. Just as the right to return places an obligation on UNMIK to create the said conditions for the return of IDPs, so their right to remain requires that the FRY and the governments of Serbia and Montenegro offer IDPs living conditions and prospects commensurate with their rights as Yugoslav citizens (Gil-Robles, 2002).

Clearly, not all the IDPs from Kosovo will eventually decide to return. Taking into account the socio-professional composition of the persons displaced out of Kosovo (ICVA, 2002), their rural or urban origins in Kosovo, the length of time they or their families lived there, their age, the fact that a number of them have sold their property in Kosovo as well as the time already elapsed since their departure. A rough estimate might be: about one third of the 230,000 IDPs from Kosovo prefer to integrate fully in Serbia or Montenegro (or have already succeeded to do so), another third is desperate to return (mostly the elderly, rural population who cannot not sell their property in Kosovo, who do not have professions that allow them much flexibility and whose attachment to their land is generally strongest), while the last third remains undecided (Gil-Robles, 2002; ICG, 2002a; Government of the Republic of Serbia, 2002).
With respect to the return of IDPs and refugees to Kosovo, time works both ways. On the one hand, as time goes on, the emotional and other links to Kosovo wither, while the links to the new place of residence become tighter, especially for the young. Here, time plays against return. On the other hand, time is needed for the wounds to heal and for reconciliation with individuals of the other communities to become possible. Here, the passage of time improves the possibilities of sustainable return.

It is ultimately an individual's decision the risks that they are prepared to take, and the international community cannot prevent people from returning to their homes if they so wish (Foxton, 2003; Orana, 2003).
In late 1999 and throughout 2000, UNMIK and KFOR were intensely criticised for the exodus of minorities from Kosovo and faced heightened political pressure to facilitate their return.
In early 2000, the Serbian community made progress on return a precondition for cooperation with UNMIK and participation in Kosovo's political structures (ICG, 2002a; Djukic, 2003).

Because of the extremely difficult circumstances on the ground for minority communities, UNMIK and UNHCR felt it was premature for return to be assisted by the international community. They argued that the preconditions of return in safety and dignity could not be met, as stated in the UNMIK report to the Security Council that "The current situation for minority populations is such that their return to Kosovo cannot be promoted or facilitated by UNHCR at the present time as the necessary preconditions, in particular a safe and secure environment, are not yet in place" (UNMIK, 2000; Orana, 2003).

In order to respond to demands from Serb representatives to work on the return process, UNMIK established the "Joint Committee on Returns of Kosovo Serbs" (JCR) in May 2000. UNHCR took leadership of the JCR, whose members also included UNMIK, KFOR, and OSCE.
The mandate of the JCR was "to explore prospects for the safe, orderly and sustainable return of those displaced Kosovo Serbs wishing to come back to their homes and to coordinate all efforts and initiatives in this regard" (UNMIK, 2000).
The JCR framework highlighted twenty-five potential locations of return, outlined measures needed to sustain a returns process, and agreed upon the roles and responsibilities of major actors engaged in the return and reintegration process.

In 2000, only 1,800 persons returned spontaneously to Kosovo, while in 2001 that figure dropped to 500 individuals (ICG, 2002a; UNHCR, 2002).
As UNHCR reported in 2001: "The lack of interest in return is not only a product of concerns over phys-

ical security, as demonstrated by the fact that even existing enclaves enjoying relatively stable security within a protected area have largely not received spontaneous returns of former inhabitants . . . IDPs increasingly view return to Kosovo as unsustainable in terms of quality of life, given the lack of freedom of movement, lack of prospects for economic survival, lack of free access to health care and education in some cases. In many areas property damage or illegal occupation of property may also provide an additional disincentive to return" (UNHCR, 2001).

Although Kosovo experienced relatively few returns in 2000 and 2001, several trends characterised the early returns process. Returns were taking place into already established enclaves with limited freedom of movement consolidating the "enclavisation" of minority life in Kosovo (UNHCR/OSCE, 2002). Often only part of the family returned, as push-factors more than pull factors drove the returns process. And most returnees cited difficult living conditions in their area of displacement as the main reason for their return (ICG, 2002).

In 2002, the return situation had improved somewhat. The number of minorities leaving Kosovo had declined and a total of 2,467 displaced had returned to the province from January to 31 November 2002. This brought the total number of returnees to over 5,800 individuals between 2000 and 2002 (ICG, 2002a; UNHCR, 2002).

4.5.4.1 The Osojane Valley: experimenting "enclavisation"

In the return process explanation the case of Osojane was mentioned as "wrong practice" from the majority of people who meet in the field (Orana, 2003; Foxton, 2003; Tovazzi, 2003; ICG, 2002a).

Osojane is located in a valley close to the boundary with Serbia and Montenegro. Before the war, Serbs had largely populated the valley, but they all fled on June 1999; their houses were largely destroyed after they left, and the valley lay deserted.

The plan to return Serb IDPs to Osojane was in essence a political project (Orana, 2003; Foxton, 2003). The IC was desperate to bring people back to Kosovo, and Osojane valley was an attractive option. The villages are relatively isolated from populated Albanian areas, with only three Albanian families in the valley. The area was also reasonably close to Mitrovica, so bus lines could provide a link to a Serb dominated area where residents could shop freely and obtain secondary and tertiary health care services (ICG, 2002a; UNHCR, 2002;).

KFOR assessed that (ICG, 2002a): "returns to this area may increase tensions, especially in the neighbouring municipalities of Kline/Klina and Skenderaj/Srbica, because of the problems linked to freedom of movement and accessibility to public service" and UNHCR warned, "returnees to these locations can expect to return to an enclave and measures to facilitate movement would be required".

Despite these concerns, 54 Serbs returned to Osojane valley on the 13 August 2001, under the heavy protection of KFOR. The project – funded by the French and German governments – was criticised for the slow rate of reconstruction as well as its timing: return in August meant that individuals could not plant a garden and were dependent on assistance for the entire winter.
The first winter was an extremely difficult one, many returnees were pensioners and some spent the winter in tents. By the summer of 2002, a little over 200 individuals had returned to the valley.
A total of seventy-three houses were reconstructed, with only five still lacking electricity by the fall of 2002.

Because political objectives essentially guided the project, several key mistakes were made. The return was envisioned only as reconstruction of houses – income-generating projects were not implemented until one year later. Many of the returnees were elderly, and were therefore unable to participate in the reconstruction of their houses (UNHCR, 2001; Orana, 2003).
The return to Osojane created another enclave in Kosovo. The entrances and exits to the valley remain

heavily guarded, the perimeter patrolled, and only residents and those who receive clearance are allowed into the valley (ICG, 2002a). This process does not qualify for return in safety and in dignity – unless the future goal of the return community is separation (Orana, 2003; Foxton, 2003; Tovazzi, 2003).

Little effort was made to prepare the surrounding Albanian villages for this return, as "the environment did not exist for dialogue and confidence-building between the Serb returnees and Albanians prior to return." (UNHCR/OSCE, 2002). Although a "balancing project" (NGOs uses this term to describe projects implemented in the receiving community to ensure that returnees are not provided with unequal benefits/conditions) was implemented – four houses were reconstructed and some social projects in neighbouring areas were undertaken – the interests and concerns of the receiving community were not taken into consideration.
In the summer of 2002, UNMIK and UNHCR undertook initiatives to decrease the dependency of the community on assistance thought some small-scale self-sustaining projects, mostly in the agricultural sector. However, much more economic stimulus is needed if the community is to remain economically viable. Fifteen young people left because they found no jobs in the valley. Unless more is done to address the economic situation of the community, its sustainability will be in question (ICG, 2002a).

KFOR continues to retain a heavy presence and they have little contact with their Albanian neighbours. As a small step to gradually open up the community, a Spanish NGO began a project to promote dialogue between children aged three to thirteen from Osojane and from the village of Kosh/Kos. The schools have essentially been "twinned" and will undertake excursions to neutral areas together. This has had an impact beyond the children – parents in Osojane have proposed that a party be organised so their Albanian neighbours can see where their children are visiting.
The key problem with the project was the manner in which these returns were conducted. Conditions for return did not exist before returnees came back – the villages lacked access to essential services, the receiving community was not prepared for return, and economic opportunities and access to public services were not addressed until later.

4.5.5 Reconstruction, more than shelter: towards sustainability?

After NATO, Kosovo was devastated. It was a typical CPE characterised by the deliberate destruction of political, economic, social and environmental systems, rendering complex emergencies fundamentally more devastating than other disasters (Knight, 1998).
Prior to that, Kosovo had suffered from overwhelming poverty, the disintegration of the middle class, a breakdown in the rule of law, a failure to protect minority rights, and the loss of property rights, both individually and collectively (Minervini, 2002).
In 1990, the Serbian authorities restricted the autonomy of Kosovo and adopted so-called "provisional measures". This led to a general strike by the ethnic Albanians, many of whom were subsequently dismissed from their jobs and lost the apartments that had been allocated to them by their employers.
Since the NATO bombing UNMIK has had to face a catastrophic situation comprising refugees and destruction, which was as widespread as 50% or even 70% of the inhabited areas. Most of the refugees returned to their place of origin immediately, aware that they would receive humanitarian assistance later on. The intervention of the multinational army task force was crucial and widespread. Since the day of so-called "liberation" from the Serbian military and paramilitary troops, KFOR has been strong in ensuring safety, first in the civilian emergency and then also as regards future development. The main infrastructures have been restored, among them chiefly roadways and health care (Minervini, 2002).

In summer 1999, UNHCR and IMG led the damage survey on the basis of the fundamental disagreement. UNHCR and the International Management Group (IMG), which relates to the accountability of European steering committee members, made a thorough survey of private and public property assets throughout Kosovo.

In early 2000, the main aim of Donors and Agencies was to rapidly re-house families in Kosovo, this being the first and most urgent challenge of the overall reconstruction effort. An estimated 120,000 houses out of a total of over 250,000 were damaged or destroyed. The estimate was based on an IMG report (IMG, 1999) for the European Commission, which made it possible to categorise the damage and to have a clear map of the overall need for reconstruction (EAR, 2002).

During 2000/2001, it would have been misleading to assume that Kosovo's very visible construction boom since 1999 had reduced the need for grant based assistance to housing reconstruction, as the vulnerable families targeted for such assistance tended to be those living in rural villages away from main roads. Further large-scale refugee returns (mostly Kosovo Albanians) from late Spring 2000 (100,000 estimated by UNHCR until the end of the 2000) added to the problem.
Temporary collective centres remained the only option for many families in Winter 2000/2001. Without the return of families from temporary accommodation to their homes, normal life could not have resumed in Kosovo. At the time, grant assistance for the reconstruction of the houses remained the only realistic option for the most vulnerable (EAR, 2002).

In this situation the major problem was of housing itself and the establishment of property rights over real estate in Kosovo. An estimated 100,000 housing units (almost half of the stock) were destroyed during the conflict, plus many more since then. Partly as a result of such destructions and of the departure of many inhabitants of Kosovo, unlawful occupations, by all kinds of persons ranging from IDPs to international personnel unaware of the identity of the real owners, have occurred in large numbers. (Gil-Robles, 2002).

In order to create an impartial and objective mechanism for the resolution of residential property issues facing all ethnic groups, UNMIK promulgated Regulation 1999/23 (November 1999), and Regulation 2000/60 (November 2000) creating and governing the Housing Property Directorate (HPD, run by UN-HABITAT) and the Housing and Property Claims Commission (HPCC) as an interim measure to clarify and restore property rights and resolve long-standing claims (UNMIK, 1999).

There were two phases in the Housing Reconstruction Programme in Kosovo. The first phase was the Housing Programme 1999, which was designed as a first post-conflict response with the aim of re-housing families. Almost half of the Housing Stock of 250,000 in Kosovo was damaged or destroyed. Based on the IMG Damage reports it was possible to categorise the damage and to have a clear map of the overall challenge of the needed repairs and reconstruction (Minervini, 2002).

The interventions were designed as emergency aid packages (through ECHO) to provide shelter to the homeless returnees immediately after the 1999 conflict. The important goal was to shelter as many households as possible before and during the winter 1999/2000. In these early days, there were two independent EC led relief and reconstruction bodies on the ground: ECHO and EC TAFKO, and later EAR replacing EC TAFKO (in February 2000).

The second phase started in earnest in late 1999, and with the development of EC TAFKO into the Agency of Reconstruction, the Housing Reconstruction Programme became part of the programme. The Overall Strategy 2000 has an important section on the strategic priorities, including choices and concepts for the Reconstruction of Housing, which have been the building blocks for all successive programmes to come (EAR, 2002).

In Kosovo, the establishment and development of an institutional body directly related to housing reconstruction was conceived at the very beginning of the reconstruction activity in 1999. Its name was Municipal Housing Committee (MHC) and it was planned to be within the Municipalities, but under the guidance of the Housing Directorate (UNMIK, 2002b).

The Housing Directorate also established strict building guidelines for housing reconstruction, that all donors have agreed to follow in order to ensure equity in the reconstruction effort and to maximise the value of the reconstruction (EAR, 2002, Minervini, 2002). In addition, procedures were established through which families could register with their municipal council.

Done at the operative municipal level, it was therefore mainly the MHC that managed the Housing Reconstruction Programme. It works as an institutional body at the Kosovar Municipal Administrations level in order to establish a sound environment within which the HRP can be promoted and implemented. This secure environment was initially intended to be democratic and transparent according to the reference guide to the HR Guidelines (UNMIK, 2002b), which clearly define the procedures to be followed to identify beneficiaries or allocate houses (to be repaired or rebuilt) to the most vulnerable families in the municipalities.

In Bosnia, such an institutional body with two-fold objectives was not established. Both the Return and Reconstruction Programmes were directly inspired and tied to Article 1 of the Seventh Annex of the Dayton Peace Agreement. Soon after the first phase of providing shelter to refugees, saw NGOs as the main actors in tackling physical reconstruction, the reintegration of the minority return, and job opportunity creation (Minervini, 2002).

Contrary to the case of Kosovo, where a temporary government was immediately established, in Bosnia, soon after the war, the local government was weak enough to let the NGOs have a prominent role within the whole reconstruction activity. As a matter of fact, the NGOs in Bosnia were much more involved in the overall problems of their specific area and they acted with a multidisciplinary approach (Minervini, 2002).

In Kosovo the NGOs were rigorously selected after the first emergency phase. At the beginning of 2001, the EAR drastically reduced the number of NGOs to less than half that of the previous year.
Those selected had their role relegated to assuring correct construction from the technical and administrative points of view. Another relatively small, but extremely hard and contradictory task,
consisted in fostering the target community to propose some of its community members as probable housing beneficiaries - the winners of the reconstruction lottery.

Apart from the EU "impositions", the role of the NGOs in Kosovo was pivotal and crucial as usual. It was intended to be much more sectoral than previously in Bosnia, where the NGOs had had to deal with income-generating aspects in addition to technical projects, and where the social tasks were not related to the beneficiary selection procedure only, but also to the reintegration of returnees (ECHO, 1999).

4.5.5.1 Property rights

As already stated one of the prerequisites for a sustainable return of minorities to Kosovo, is that members of these communities must be able to realise their property rights. The effective realisation of property rights requires positive actions by the State (in Kosovo, such positive actions fall within the obligation of UNMIK and its relevant bodies, as well as of the PISG and its sub-entities), which should therefore have implications both at political and budgetary level (UNHCR/OSCE, 2003).
Although insufficient realisation of property rights is triggered by issues related to access to property or to the claims mechanisms thereof, authorities have a positive obligation to ensure such access both by legislative reform and by executive/enforcement actions.

"Access" can be defined as encompassing three general areas: awareness of legal rights, physical access to relevant adjudicative and executive bodies, and, finally, once physical access is gained, the ability of the appropriate bodies to provide effective realisation of these rights (UNHCR/OSCE, 2003). One of the key obstacles to the return process and the protection of minorities is access to their residential property, or their "home". The HPCC and HPD were established to facilitate the restoration and the confirmation of residential property rights, which were either lost through discrimination or force or remained

unclear due to informal transactions. Under their mandate, the HPD and HPCC possess the authority to evict illegal occupants and restore property to the rightful holders (whether owners, possessors, or occupancy right holders).

HPD's and HPCC's mandate in relation to illegal occupation is particularly critical to the sustainable return of minorities. Within urban areas especially, a significant proportion of displaced minorities' properties, both houses and apartments, are illegally occupied in part preventing their return. A number of these illegal occupants have not vacated the property even though they have received reconstruction assistance (UNHCR/OSCE, 2003).

Despite the clear progress, which has been mostly apparent under the new management of the HPD/HPCC, minority communities' level of awareness of and physical access to the HPD/HPCC mechanism was still inconsistent and in some aspects inadequate.

For example, the access of IDPs living outside Kosovo appeared to improve since the last Assessment. A satellite field office and mobile teams have been established in Montenegro to collect claims, and field offices already operating in Belgrade, Ni?, and Kraljevo in Serbia proper remained open until December 2002. HPD also undertook a public awareness campaign to inform the public of the extension of the deadline to file claims. Claimants outside Kosovo lodged 15,615 claims (66% of the total claims filed), indicating that those internally displaced outside Kosovo enjoyed improved access and awareness of the mechanism. Such was the case in Montenegro, where 1,692 of these claims were filed within the last six months of 2002 after operations were established there.

One aspect of the HPD's operations with a significant impact on the return of minorities is the status of the 4,275 cases of vacant or illegal property, which are still pending for administration by the HPD. Currently, only 2,268 properties are under the HPD administration, and of these, only 771 properties are allocated to displaced or vulnerable families under its temporary humanitarian permit scheme (UNMIK, 2000a).

4.5.6 Mixed strategies: lessons learned and options for the future

The experience of return management pointed to some more basic and concrete lessons learned.
It became clear that equal attention had not been paid to all ethnic communities and their return needs (UNHCR/OSCE, 2002; Orana, 2003; UNHCR, 2003).

The RAE communities were particularly affected by unequal attention, and indeed it was noted that opportunities for return in some cases might have been missed due to lack of assistance, especially reconstruction aid.
The issue of return of displaced Kosovo Albanians to areas where they constitute a minority was also given insufficient attention, largely due to a prohibitive political and security environment in Serb-majority areas (especially northern Kosovo) which must be addressed with due consideration of the return issue. It was also noted that very little attention had been given to IDPs displaced within Kosovo (including persons who had returned to Kosovo into displacement) (UNHCR/OSCE, 2002).

One of the main findings included the conclusion that funding for return initiatives should be secured not only for housing and infrastructure recovery, but also for a range of other activities, particularly the funding of institutions to ensure the implementation of property law and development of economic activities to ensure the economic viability of returnee communities (Orana, 2003; Foxton, 2003; Tovazzi, 2003; UNHCR/OSCE, 2002).

At the same time, the focus on returns to a few limited locations should not be at the expense of addressing the broad improvement in conditions for minorities that are necessary for large-scale returns.

Predictable and stable funding mechanisms adapted to the needs of return processes were found to be required in order to sustain future return processes.
Agencies widely agreed that, wherever possible, return planning should include municipal structures and encourage participation of municipal authorities. The role of local civil society organisations, particularly those able to make unique contributions in inter-ethnic dialogue, was also emphasised as a key lesson learnt (UNHCR/OSCE, 2002).

The issue of reconstruction assistance in the context of return deserves special mention.
The availability of reconstruction assistance increasingly emerged as a potential obstacle to creating a sustained and more meaningful return process. Also, the reconstruction needs for reintegration of families already returned to internal displacement and host family arrangements were brought more clearly into focus.

Based on the above review of return developments during the period, it is clear that the outlook for return is mixed. On the one hand, positive institutional and political developments have taken place concurrently with the consolidation of the first small-scale and modest, yet groundbreaking, organised return movements. These developments would tend to support the notion that the international community is firmly moving in the right direction in order to meet their obligations to IDPs and refugees under UNSC 1244 and human rights instruments. On the other hand, the conditions on the ground do not favour the conclusion that significant returns, either spontaneous or organised, will take place in the near future (UNHCR/OSCE, 2002).

Until the necessary political groundwork is laid through the new Provisional Institutions of Self-Government, and until more attention is given to inter-ethnic dialogue and confidence-building as a prerequisite for return, it will be very difficult to avoid situations similar to the "Osojane model".

The Osojane return is not a model, which will produce sustainable large-scale return and durable reintegration of minorities in Kosovo society if replicated (UNHCR/OSCE, 2002; Orana, 2003; UNHCR, 2003, Foxton, 2003, Tovazzi 2003).

It is clear that reaching the turning point towards large-scale minority return will absolutely require an investment of time and resources to create a political breakthrough, specifically, by creating momentum in political dialogue and by consolidating political commitment of the majority as well as the minority to build mutual confidence, to reduce existing barriers between communities, to allow and to accept integration, and by achieving this, to transform the security environment.

4.6 Serbia

4.6.1 Introduction

The conflict in the Balkans reduced the extension of the former Republic of Yugoslavia to Serbia, Montenegro and Vojvodina autonomous province. From 2003 these territories constitute the new state named "Serbia and Montenegro".

The emerging national states of Croatia, BiH, and the Kosovo crisis caused a large movement of population in FRY in the 90s. Serbia was then seen as a destination for the population that was forced to move and arrived there in waves for ten years. At present there are 377.431 refugees registered in Serbia and 14.400 in Montenegro, and 230.000 internally displaces persons from Kosovo, according to figures of the 2001 census. These 700.000 refugees and IDP's registered mean an increase of 10% of the population in Serbian territory and have required and require a great effort for the economy to absorb them (Government of the Republic of Serbia, 2002a).

4.6.2 Displacement and return

Although refugees and IDP's are strictly different groups of forced migrants according to their legal status, received different treatment by Serbian authorities and international institutions, and have scenarios of different nature for returning, both groups faced similar problems in daily life (accommodation, jobs, incomes, education of children). In this sense refugees and IDP's can be considered like a homogeneous group in Serbia.

Serbia has been the main recipient of the countries of the Balkans of forced migration in the recent regional conflict. Many refugees (from Croatia and BiH) and IDPs (from Kosovo) live now in Serbia in collective centres or in accommodation provided by relatives and friends (Maieli, 2003)

5% of refugees (20,000) and 5,3% of IDP's (11,400) were hosted in 441 collective centres located in Central Serbia (294), the wider Belgrade area (39) and Vojvodina (108).

According to the 2001 census, 40% of refugees want to return home and 60% opt for local integration. IDP's are reluctant to return when safe conditions in Kosovo are not guaranteed.

The new Serb plan (National Strategy for resolving the problems of refugees and internally displaced persons, May, 2002) plans to close Collective Centres during 2003, the pessimistic economic perspective in the Balkans and the doubts about the future in Kosovo have opened up again the debate on the future of refugees and IDP's: repatriation, voluntary return, integration or transfer to third countries?

4.6.3 Flow of return: towards integration?

Serbia was the fourth territory that the researcher team visited after Croatia, BiH and Kosovo. After learning of the situation of departure countries and return of migrants, it was easier to understand why refugees and IDP's are not sure whether they will return and why policies are based on voluntary return.

In general terms return is conditioned by the economic perspective (especially job opportunities) and integration (especially for children and young people) in Serbia after being for a long time refugees or internally displaced Persons. For IDP's return to Kosovo is also determined by safe conditions.

Although unemployment is a serious problem in whole Balkans, the informal economy in Serbia is more dynamic and opportunities to find a job are higher than in countries of origin. This factor is seen for forced migrants as the main issue in choosing whether to return permanently. Recovering properties and rights in countries of origin (citizenship, house and tenancy rights, labour rights, amnesty, pension, social-health insurance, etc) or reconstruction of houses do not assure definitive return except for older migrants.
It could be said that a significant contingent of forced migrants in working age, return to settle documents, obtain legal status and recover rights but not to establish residence. These returnees often come back to Serbia or try to migrate to third countries looking for better living conditions. The recent demand of a visa to enter Serbia and Montenegro is a measure to limit the economic movement of population: obtaining a visa costs 60 , a big sum in this region.

The level of integration is also relevant for the returning process. On the one hand, many refugees or internally displaced persons feel close to Serb territory. Not only Serbia belongs to a Slavic cultural area where Serbs, Croatians and Bosnians share a common past, many forced migrants also have relatives or friends in Serbia. Moreover, family and friends proportionate or facilitate not only private accommodations to 90% of refugees and IDPs but also contacts and other useful means to integrate to the labour market. Because of all mentioned above there is a favourable context to integration.

On the other hand, education acts as a powerful factor in integration. After a long period refugees and displaced families are educating or have educated their children in Serb schools. As a consequence of this, children and young people have developed a belonging feeling in Serbia. This circumstance is relevant for parents when they evaluate the convenience of returning or not. In more cases integration is the chosen option.

Integration is more difficult for refugees and IDPs living in collective centres and for the elderly. Collective centres provide shelter, consumer goods and social services to satisfy basic needs for their residents. For example, Italian NGO CRIC executes an ECHO programme that consists in delivering food and personal cleanliness goods (soap, tooth paste, etc) in collective centres. This situation is perceived as an advantage for refugees on a short-term basis, it becomes unfavourable in the long term. The day-to-day routine in collective centres without work, living with basics needs covered diminishes perspectives and efforts to gain independence. The isolation generated in these centres for refugees is not only social but also psychological. The governmental decision of closing collective centres this year means that refugees and IDPs chose definitively about their future: return or integration? A hard choice when they are not sure what it is more convenient or best option.

Isolation is an obstacle for integration not only for refuges or IDPs but also for aged people. When employment (or looking for employment) is a path to integration, elderly people that do not belong to the labour force are confined to loneliness. Because of it, many of them decide to return when they can recuperate tenancy rights over housing or land, pension rights, etc.

When migration to Serbia was forced, return is voluntary. But figures of returnees are small in comparison with the number of migrants that stay in the Serb territory. The opinion of the Interviewers and data of census expresses uncertainty among refugees and IDP's about return or integration.

Policies on return and integration are based on voluntary and individual decision and try to incentive the choice of refugees and IDPs. On the one hand, these policies try to facilitate return at different levels: concluding agreements with the governments of Croatia and Bosnia-Herzegovina (Governmental level) oriented to create favourable contexts and legal conditions to return, giving legal assistance to recover assets and rights in the country of origin (NGOs like MPDL or Governmental Agencies – Swiss Agency for Development Cooperation) or aiding in transport and expenditures of returning and coordinating the whole process on returning (UNHCR). Return is an option for refugees but the alternatives for IDPs from Kosovo (when safe is not guaranteed there) are integration or migrate to third countries.

On the other hand integration policies are oriented to create a favourable legal context, social atmosphere and improving social infrastructure and living conditions. Refugees and IDPs have recognised the right of double citizenship and for them the right to work in Serbia. Norwegian Peoples Aid is implementing a communication programme in central Serbia to disseminate democratic values and the respect of human rights. In Vojvodina area ASB is giving technical assistance to local associations or groups of interest that were created to satisfy the common needs of the population. In Medveda, ASB and the municipality work together to house forced migrants that lived in collective centres now closed and Roma minority, and also in the construction of schools.

All visited projects regarding integration are well designed and conducted and obtain significant results. However, when multicultural coexistence seems accepted, the people responsible of projects and local authorities recognise that unemployment is the main obstacle to integration. Employment is a serious problem in Balkans and also in Serbia, but more for refugees and IDPs. Perhaps the rich and dynamic area of Vojvodina will be the exception.
Now that the humanitarian aid is ending in the region and reconstruction and return policies are changing in the Balkan, the time of indecision is nearly over for refugees. They must take risks and decide what their future will be: return to their countries of origin and rebuild life once more or integration to Serbia. The generalised opinion is that most of refugees will opt for remaining in Serbia.

4.6.4 Reconstruction, more than shelter: towards sustainability?

The reconstruction context is changing in the Balkans. The reconstruction phase of reconstruction and sustainable return with support of international donors is ending. Most plans carried out were based on the supposition that housing could lead to return and reconstruction. But when housing is necessary, it is not sufficient for return; and when construction sector is vital for economic growth, growth does not assure development. As it was said permanent returnees are only one group of registered returnees and elderly people constitute an important proportion of these returnees. The reason for this is employment that is seen as a priority objective for Balkan populations. Emplacement of residence is subdued to places with job opportunities for working people. At present population movements between rural and urban areas, inside the Balkan region or toward third countries are caused by the incapacity of new Balkan economies to create employment. The context that arises when humanitarian assistance is reduced, is the same context previous to the armed conflict that forced people to move: the collapse of regional economies and the pending process of transforming planned economies and communist political regimes in market economies and democratic states.

Serbia is a receiving country of involuntary migration in the last years and is the most dynamic economy the region. However it has serious difficulties to absorb migrants and more than reconstruction plans it must think of transformation plans. In this sense, integrating migrants could be the way through the whole process. Visited projects that encourage integration reveal the weaknesses and obstacles that migrants have faced and citizens in general to participate in economies and in civil state.

Citizenship participation and access to economic resources are the source of transformation process, but also a change of mentality in people is important as interviewers expressed. When past rigid structures remain, formal market economy and democratic systems are inefficient.

When the workforce of a society has a limited source of income because the economic resources are in state hands or in the few private hands, then the financial market is limited and access by the population to loans or credits for investment is closed. By this the best individual economic option is to be employed by investing individual workforce and spending incomes on consumer goods.
In other words, incomes are spent immediately and are not invested in capital that generates dynamism in the economy and employment.

Money and access to financial resources is a good way to achieve integration. On the one hand local people are conscious that money as a value unit eliminates possible disputes in the relationship between different cultural or ethnic groups. On the other hand, financing goods of capital could be a genuine path to push people to participate in economic and civil life. A good example is the ASB programme (carried out in Novi Sad area, Vojvodina region) that stimulates associations of local population with common interests. Members of local groups meet to talk about their needs and how to face common problems. When identified solutions require financial means, they present a proposal. ASB analyse it, and if the decision is positive then the local association receives money to invest in capital (water, energy, tools, rehabilitation schools, etc). This programme channels financial resources to invest as an incentive for democratic participation in the population.

Another way to stimulate integration and participation of the population in civil life is through communication. Norwegian Peoples Aid carries out in Central Serbia, one of the main recipient areas of refugees and IDPs, a programme to divulge human rights and democratic values. NPA acts like a facilitator, but also provides technological equipment to local communication teams, the principal actors of the programme, because economic independence favours democratisation process.

Participation in economic and civil life is only one side of integration. Accommodation is also important. As it was said collective centres have been closed by governmental strategy, which means around 10%

of refugees and IDPs required new accommodation. One solution is building new houses or departments plots. Most actors of international cooperation based in Serbia, see in this action as more of a way to obtain international funds than effective integration. In any case leaving collective centres and reconstructed lives in private accommodation is a first step to integration. Difficulties appear when looking for jobs and when economic initiatives for refugees compete for resources, most of them are in state hands and managed by municipalities.

A good example is the project carried out for ASB and municipality of Medveda, in a rural area close to the border with Kosovo. At present refugees live in departments with better conditions than collective centres, in a favourable occupancy regime. During the first five years they are exempt from paying housing rents and after this period they have priority in obtaining property in preferential conditions. But jobs are not easy to find. On the one hand the area is rich but supports a large contingent of refugees and IDPs. On the other hand, governmental plans decide the use of natural resources that are state property and how to administrate them and municipality rent at low cost agriculture land parcel. This means a big pressure on the local population over resources that they have access to, and for them initiatives of refugees resettled in the area are rejected or are subjected to slow processes. In this way a group of refugees reallocated in new houses presented to the municipality a proposal to install a pork farm but it was rejected for unavailable lands. In conclusion familiar refugee incomes are mainly subjected to the offer of temporary jobs in agriculture or local industry.

When reconstruction in Serbia is in line with integration, building (houses and civil infrastructure) is an important big task that is required to be complemented with participation. And participation is subjected to real transformation of mentality in the whole Serbian society. This will achieve pending changes in the economic and social model that remain from the past. In other cases sustainability of process will be merely fiction.

4.6.5 Mixed strategies: lessons learned and options for the future

The most important lesson learned in Serbia is that when humanitarian aid solves daily basic needs for forced migrants settlements, favouring conditions for returning or integration, economic perspectives (when safe conditions are guaranteed) are the key factors that determine the individual decisions by refugees and internally displaced people about their future: return or integration.

When employment is a generalised problem in Balkans, forced movements of population provoked by conflicts are transformed into a flow of economic migrants. Because of this return is much more transitional and not permanent.
Economic uncertainty derives from a situation of indecision on behalf of refugees and IDPs on what to do about their future. At same time, promoting the economy is a big and long task that would require internal structural changes in Serbia and aid development at multiples levels, not just humanitarian aid. Because of this, co-operating actors are implementing economic projects on a small scale and with little impact, generating some amount of frustration on the relevance of their work.
Here arises the real conflict: collapsing of economic planning and the difficulties of transforming regimes and the economy.

4.6.6 Actors and their roles

We observed that different actors with different roles work in Serbia for the return and integration of refugees and IDPs
The Commissariat for Refugees is a governmental institution responsible of the National Strategy "for resolving the problems of refugees and internally displaced persons". Its strategy was defined with the assistance of UNHCR, UNDP and OCHA and participation of NGOs, representatives of refugee associations and local communities. Their main tasks are: the promotion of repatriation creating the necessary

conditions for Croatia and Bosnia Herzegovina and for return to Kosovo; the promotion of Local Integration throughout housing, gradual phasing down of collective centres and employment; and developing communication campaigns to inform refugees and IDPs about legal and property aspects in local integration and repatriation.

Serbian Authorities are conscious that implementation of "National Strategy" requires intensive cooperation with IC and donors to give solutions to the numerous organisational, financial and legal affairs.

Municipalities intermediate between communities and central authorities. Municipalities do not dispose of much financial and economic resources or autonomy. When political power is administrated in a centralised way, municipalities often play the role of managers in implementing local plans that come from the central administration. In this way, their initiatives and decisions regarding refugees and the integration of IDPs are restricted.

During the field visit we had meetings with the Mayors of Medveda and Ruma, municipalities located close to Kosovo border and in the province of Vojvodina.

In both cases, the Mayors mentioned alliances established between municipalities and international donors as a formula to produce joint efforts and resources in benefit of refugees and IDPs (usually municipalities provide soil in building projects). Also they exposed that local populations accept migrants (especially in Vojvodina where minorities traditionally live) and in this sense there are no problems for integration of refugees and IDPs (Draskovic, 2003).

As mentioned in the Croatia chapter, the Serbian Democratic Forum (SDC) an institution of the Serb National Council that was founded in 1997 after the conflict was over to guarantee autonomy of Serb minority in Croatia.

When Serb communities have a long tradition in the territory administrated by the Croatian State, the work of SDC is oriented towards reintegration of Serbs to Croatian society, to repatriate Serb refugees who have fled from Croatia during the war, to reconcile Croats and Serbs in basic multicultural and democratic values, and to reconstitute Serb cultural identity (religion, education, etc) and Serb communities divided during the war.

To reach the mentioned goals, SDC works with local and international organisations, and also counselling state. SDC puts special care on changes in the laws that affect and complicate physical return and preventing the return of property.

The nature of work carried out by NGOs varies according to co-financing institutions' priorities with which they are linked. In this way Norwegian Peoples Aid (NPA) has a big amount of public funds in its budget and orientates its main actions in Serbia to promoting human rights and democracy in accordance to the cooperation policies of Scandinavian countries. And it has been said, MPDL projects for supporting sustainable return and stabilisation in the Balkans is funded by the Spanish government to a great extent.

CRIC delivers food aid and medical goods to people living in collective centres with financial support from ECHO. Also ASB operates with European Union funds. In this case ASB carries out a large amount of the programme based on reconstruction of family homes, rehabilitation of technical infrastructure, economical development activities, reconstruction of social infrastructure and civil society building. The programme is integrated to the framework plan launched by EU for the reconstruction of the Balkans.

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Chapter 5

On field research - Middle East

5.1 Acronyms

CRIC	*Centro Regionale d'Intervento per la Cooperazione*
DPA	*The Department of Palestinian Affairs*
ECHO	*European Commission Humanitarian Office*
EU	*European Union*
GNI	*Gross National Income*
IC	*International Community*
ICU	*Istituto per la Cooperazione Universitaria*
ICRC	*International Committee of Red Cross*
IDP	*Internally Displaced Person*
MPDL	*Movimiento por la Paz el Desarme y la Libertad*
NGO	*Non Governmental Organisations*
NPA	*Norwegian Peoples Aid*
OPT	*Occupied Palestinian Territories*
PLO	*Palestinian Liberation Organisation*
PNA	*Palestinian National Authority*
PU	*Première Urgence – France*
sUN	*United Nations*
UNCCP	*United Nations Conciliation Commission for Palestine*
UNRWA	*United Nations Relief and Works Agency for Palestine Refugees in the Near East*
UNHCR	*United Nations High Commissioner for Refugees*
UNSCOP	*UN Special Committee on Palestine*

5.2 Introduction

Palestinian refugees and Palestinian IDPs are one of the largest and longest-standing cases of displacement in the world today. At the end of 2002, it is estimated that there were some 7 million Palestinian refugees and IDPs out of a global Palestinian population of 9.3 million (BADIL, 2003).
The last two years witnessed the collapse of political negotiations between the PLO and Israel concerning a comprehensive solution to the Palestinian-Israeli conflict, including the search for durable solutions for refugees and IDPs. The collapse of the political process has been accompanied by a severe deterioration in the status of the nearly 2 million Palestinian and IDPs living in the 1967 Occupied Palestinian Territories. By the end of 2002, Israeli military forces had destroyed over 1000 homes, affecting more then 100,000 refugees, with rates even higher for those living in camps (BADIL, 2003).

The Palestinian refugee problem was created as the result of two wars (An-Naqba of 1948 and An-Naqsa of 1967), massacres, and other aggressions perpetrated by Israelis (Passia, 2003).
These estimated 7 million Palestinian refugees and IDPs includes (BADIL, 2003):

- *Palestinian refugees displaced in 1948 and registered for assistance with the UNRWA (3,97 mil.);*
- *Palestinian refugees displaced in 1948 but not register for assistance (1,54 mil.);*
- *Palestinian refugees displaced for the first time in 1967 (753,000);*
- *1948 IDPs (274,000);*
- *1967 IDPs (150,000).*

As stated from different sources, (BADIL, 2000; Jarrar, 2003; FAFO, 2001, 2002,) available data on the Palestinian refugees and IDPs population is characterised by uneven quality and uncertainty primarily due to the absence of a comprehensive registration system, frequent migration due to political and economic reasons, and the lack of a uniform definition of a Palestinian refugee (BADIL, 2003).

During the major waves of displacement in the 20th Century, Palestinian refugees tended to remain as close as possible to their homes and villages of origin based on the assumption that they would return with the cessation of armed conflict in the region.
In 1948, for example, an estimated 65% of Palestinian refugees remained in the areas of Palestine not under Israeli control (i.e. West Bank and Gaza Strip), generating a great swelling to population due to refugee influx (see, BADIL, 2003). The remaining 35% of the Palestine refugee population found refuge in neighbouring states: Jordan, Lebanon, Syria and Egypt (BADIL, 2003).
During the 1967 war the majority of Palestinian refugees were displaced in Jordan (95%) with smaller number in Syria, Lebanon and Egypt (BADIL, 2003).

This introduction provides a general overview of the three main interrelated issues regarding the refugee and IDPs problems discovered in the field visit and gives background on the context in which the issue will be discussed in the separate chapters of Lebanon, Jordan, West Bank and Gaza. Unfortunately it was not possible to have a field visit in Syria due to a lack of project resources and the presence of the project's partners.
The three main interrelated issues, which follow the introduction sub paragraph are:

- *The right of return*
- *UNRWA: a symbolic aspects of refugee issue*
- *Refugee camps: a layered society*

The bibliography is also useful to help reader and practioners in orienting in the considerable body of literature regarding the Palestinian Refugee Issue.

5.2.1 Right to return

For more then five decades UN has repeatedly reaffirmed the right of Palestinian refugees to return to their place of origin and the right to housing and property restitution (for a detailed list of UN resolutions see appendix on BADIL, 2003). Numerous peace agreements to conflicts involving situations of mass displacement, including the Dayton Agreement and the Ramboulliet Agreement, affirm the right of return in accordance with international legal principles (BADIL, 2003). As mentioned in different sources (BADIL, 2001; 2002; 2003; Suleiman, 2001; Quigley, 1998; Aruri, 2001), this framework is essentially consistent with that, set in the International Refugee Law (voluntary repatriation, voluntary host country integration and voluntary resettlement, in the frame of durable solutions for refugees).

The right is enshrined in different documents in International Human Rights Law, as The Universal Declaration of Human Rights (Article 13, paragraph, 2), in the International Convention on the elimination of all Forms of Racial Discrimination (Article 5(d)(11)), in the European Convention for the Protection of Human Rights (Article 3, paragraph, 2) just quoting the most famous (see Suleiman, 2001; Akram, 2001; Aruri, 2001; BADIL, 2001).

The UN reaffirmed the status of the right of return as a customary norm applicable to Palestinian refugees in General Assembly Resolution 194.
Resolution 194, paragraph 11, sub-paragraph 1, by its express terms, identifies three distinct rights that Palestinian refugees are entitled to exercise under international law - return, restitution, and compensation for the loss of property (BADIL, 2001; 2003).
Refugees who choose not to exercise the rights sets in the paragraph 11, however may opt for resettlement in host states or in third countries, as well as housing and property restitution.

Resolution 194 further affirms that those refugees choosing not to exercise their right of return are entitled to be resettled and receive compensation for their losses. Paragraph 11, sub-paragraph 2, then instructs the UNCCP to facilitate implementation of the complete set of solutions to the plight of the refugees. These include, in order of reference, repatriation, resettlement, compensation, and economic and social rehabilitation (BADIL, 2001).

Under humanitarian law, there is a general right of return, which applies to all displaced persons, irrespective of how they came to be displaced during the period of conflict. This rule was first codified in Article 43 of the Hague Regulations, and incorporated into all subsequent customary humanitarian law, including the Geneva Conventions and their related Protocols (see Suleiman, 2001; Quigley, 1998).

While the Hague Regulations do not specifically articulate the obligation of a state to repatriate (i.e. allow to exercise their right of return) civilian residents of the territory who may have become temporarily displaced during the conflict, the entire purpose of the Hague Regulations - as is clearly stated in the Preamble to the Hague Convention - and indeed of all humanitarian law generally is to mitigate the severity of war as much as possible and to spare the local inhabitants to the maximum extent possible. (BADIL, 2001).

For more than fifty years, Israel has based its refusal to allow Palestinian refugees to exercise their right of return on a number of key arguments. These include: the lack of physical space, the desire to maintain a demographic Jewish majority, state security, and international law (BADIL, 2001).
The primary difference between the Israeli and Palestinian positions is the framework and the starting point in crafting such solutions (BADIL, 2003).
To understand the complex political process in searching a durable solution we have to remember another defining feature of the Palestinian refugee condition is the lack of both national and international protection. Most host states where the majority of Palestinian refugees reside do not recognise or do not apply the full panoply of basic rights afforded to refugees under relevant international and regional instruments (Akram, Rempe, 2003). The legal status of Palestinian refugees is more often shaped by domestic political and security considerations. The lack of national protection is compounded by the lack of international protection (see for exhaustive investigation Akram, Rempe, 2003; BADIL, 2000; 2001; 2002; 2003; Akram, 2001)

For Palestinians, the framework for durable solutions is the International Law as affirmed in the UN Resolution 194; meanwhile the starting point in crafting the durable solutions is the wish of each individual refugee. For Israelis, the framework for a solution is primarily political with the objective to maintain the Jewish character of the state and the staring point in crafting a solution is the collective desire to maintain a Jewish demographic homogeneity and control of a land (BADIL, 2003)

In the Palestinian context, the issue of the "right of return" for refugees whether to the village of origin (pre-1948) or to the Palestinian political entity, has been one of the thorniest issues in negotiations with the various Israeli governments over the past decade (Hanafi, 2003).
Despite this, return is a sentiment that is deeply rooted in the very being of the Palestinian people. Indeed the idea of return has been the primary force driving the contemporary Palestinian militant movement in the five decades after the nakba (Suleiman, 2001).

The right of refugees to return to their homes and properties, sometimes referred to as their place of last habitual residence, is anchored in four separate bodies of international law: the law of nationality, as applied upon state succession, humanitarian law, human rights law, and refugee law (BADIL, 2001).
The meaning of return in the Palestinian collective consciousness is the very opposite of that of the nakba, of refugee and exile. Return alone is supposed to be capable of dispelling the injustice that has afflicted the Palestinians ever since the nakba and its repressions, and moreover is sharply contrasted with assimilations and resettlements outside the homeland (Suleiman, 2001).

5.2.2 UNRWA: a symbolic aspect of refugee issue

With UN General Assembly Resolution 302 (IV), 8 December 1949, the UN established a special agency, the UN Relief and Works Agency for Palestine Refugees (UNRWA), to carry on the previous work of the UN and international NGOs in the provision of assistance for Palestinian refugees (Rempel, 2000).
UNRWA was established with a short-term mandate, subsequently renewed on a regular basis given the inability of the UN to implement the framework and special guidelines set down in Resolution 194 (III) of December 1948 calling for the return and compensation of the refugees.

Today UNRWA provides basic health, education, and social services for some 3.7 million Palestinian refugees, or about three-quarters of the entire Palestinian refugee population, residing in the five areas of its operation - Gaza, West Bank, Jordan, Lebanon, and Syria.

As part of its organisational and operational evolution, UNRWA has shifted focus from the early works activities to relief operations, culminating in its comprehensive human resource development programme focusing on education, health and relief and social services (Parvathaneni, 2003). Through a works program, the Agency has focused on human resource development and improvements in the social infrastructure. The Agency administers 59 refugee camps and employs some 22,000 persons, the majority of whom are refugees (Rempel, 2000; UNRWA 2002; Kapes, 2003).

According to General Assembly, UNRWA was established to provide relief and assistance, "without prejudice to the provisions of paragraph 11 of General Assembly Resolution 194 (III)", to prevent starvation and distress and to further the conditions for peace and stability (UNRWA, 2002)
In addition to emergency relief, rations, and basic services (i.e. health, education, welfare), Agency programs have also focused on development. In the early years of the Agency, this included small-scale training and employment-creating projects, medium government-controlled projects such as road building and tree-planting (BADIL, 2000).
UNRWA's regular programmes and emergency assistance have emphasised the aim of empowering the refugee community to become economically self-reliant and effectively contribute to the societies in which they live and work (Parvathaneni, 2003).

UNRWA continues to face annual deficit problems due to insufficient donor contributions. This has seriously hampered the ability of the Agency to provide assistance for Palestinian refugees.

The organisational structure of UNRWA, with established field offices, provides the kind of decentralised network, knowledgeable and attentive to local sensitivities, and responsible for Palestinian refugees, that is capable of responding to the particular needs of refugees not only within each host country but within different regions of the host countries (BADIL, 2000).
In the absence of any kind of international protection, UNRWA remains the sole functioning international body responsible for the majority of Palestinian refugees. The uncertain future of the Agency, combined with persistent financial pressure, has only heightened the sense of anxiety, alienation, and marginalisation experienced by Palestinian refugees (BADIL, 2000).

A significant drawback, however, lies in the fact that not all refugees are registered with UNRWA. As the Agency notes (BADIL, 2002; Kapes, 2003), its definition of a refugee was not meant to be exhaustive in a political sense but rather to define eligibility for the Agency's services. Those excluded include: refugees with an independent income or property, refugees who did not reside in UNRWA operation areas, refugees dropped from the record due to budgetary limitations on the number of persons receiving aid, refugees who were the offspring of refugee mothers and non-refugee fathers, refugees whose dignity prevented them from registration, refugees whose status improved and moved out of eligibility criteria, and refugees who lost their home and property but remained inside Israel (and first time displaced persons in the 1967 war) (BADIL, 2000).

The expression "Palestine refugee" has never been subjected to a strict legal definition valid for all purposes, whether by the United Nations, UNRWA or any other international body concerned with the question of the Palestine refugees (Parvathaneni, 2003).
The various definitions inherited and formulated by UNRWA, should be seen as concepts formulated for practical and operational purposes by the Agency at any particular time, in the context of assistance which the Agency was in a position to provide and circumscribed and restricted by the resources available to the Agency.

UNRWA's working definition of Palestine refugees for operational purposes, for registration and assistance is formulated as follows: "Palestine refugees are persons whose normal residence was Palestine during the period 1 June 1946 to 15 May 1948 and who, as a result of the Arab-Israeli conflict in 1948, lost both their homes and their means of livelihood. To be eligible to receive UNRWA assistance, refugees and descendants of such persons in the male line born after 14 May 1948, must be registered with UNRWA and live in the areas of UNRWA operations" (Parvathaneni, 2003).

While UNRWA's services to the refugee community have assumed a quasi-state public sector nature, the Agency does not have a mandate to ensure compulsory registration of births and deaths, akin to a governmental authority. Moreover, unlike governments, UNRWA is not in a position to undertake census and survey operations among the refugee community, particularly in view of the sensitivity associated with the refugee question and means to its resolution.
UNRWA registration has thus been voluntary and hence has been motivated by the need for the services of the Agency and where there was no impact on accessing such services, the registration data does not necessarily reflect the demographic reality.

The registered Palestine refugee population has grown from 874,596 in 1953 to 4,025,694 in 2002. During this period, the refugees resident in camps have grown from 300,785 in 1953 to 1,204,113 in 2002, (Parvathaneni, 2003) though there has only been a marginal decrease in the camp population as a percentage of the overall refugee population from 34 in 1953 to 30 in 2002 (see details in UNRWA, 2002, BADIL, 2003, BADIL, 2001)

Since the 1948 conflict, the Palestine refugees have had to consistently endure the essential characteristics of their refugeedom, statelessness, regional political shocks including wars, civil wars and popular uprisings, varying attitudes and perceptions of host governments and host societies towards them, varying access to host government services, labour markets and asset ownership, and blatant and latent exclusion from host societal and community networks (Parvathaneni, 2003).

Refugees regard UNRWA as a symbol of international responsibility for the creation and resolution of the refugee issue. On the other hand, the Agency has been regarded at times with an equal degree of suspicion as a mechanism to extinguish the refugee issue through de facto resettlement (BADIL, 2000).
The fact that UNRWA is not mandated to address repatriation, however, has not prevented refugees from raising the demand with the Agency. With the failure of Conciliation Commission to effectuate repatriation, UNRWA, through its daily contact with the refugees, has become both a symbol and lightning rod for Palestinian refugee demands for the right of return (BADIL, 2000).

Likewise, though the refugee camp population is now more than four times larger than at the time when UNRWA launched its operations, quasi-urbanisation accompanied by political uncertainty involving all stakeholders has hampered the application of town-planning to camp development (Parvathaneni, 2003).

The long-term future of the Agency is unclear. Political pressure continues to emanate from official Israeli circles and from some donor states to shut down the Agency. Under what political, economic, and legal conditions will the UNRWA operations be terminated? What if the PLO and Israel fail to reach an agree-

ment on the refugee issue? What if an agreement is signed that is not consistent with UN Resolution 194 (III) and international refugee law? (Rempel, 2000).

As noted by Al-Natour (1996; 2003) "[…] Awareness of the tragedy of declining services by the Agency is not enough […] The figures can increase in form, but much more important in services is the distribution of budget and sufficient allocations for expenditure to sector in vital areas. […] Palestinians see that they have primary interest in sustaining Agency services. This is an important political issue, for UNRWA remains the symbol of the International Community's responsibility towards the Palestine tragedy, expressing the right to return and supporting them economically and socially in the Diaspora"

After living more than fifty years in refugeehood, the Palestine refugees are awaiting a political solution to the Israeli-Arab conflict that would enable them to see their life-situation restored to normality. The main refugee populations are found in Jordan, the OPT, Syria and Lebanon, and a third live in camps. However, while politically speaking these populations are still suffering from a provisional status in which their rights to return or compensation have not yet been resolved, their life situation has become rather settled after three generations. Their basic living conditions resemble those of the host country populations (Hanssen-Bauer, Jacobsen, 2003).

5.2.3 Refugee Camps: a layered society

Since the 1948 conflict, the Palestine refugees and IDPs have had to consistently endure the essential characteristics of their refugeedom – statelessness, regional political shocks, civil wars and popular uprisings, and they were spread across Jordan, the West Bank and Gaza, Lebanon, and Syria, and elsewhere (Parvathaneni, 2003; BADIL, 2003).

Nearly one third of the registered refugees – about 1.3 million people – live in 59 recognised UNRWA refugee camps in Jordan, Lebanon, Syria, the West Bank and Gaza; and a significant number live in informal settlements near camps (Krafft, Elwan, 2003).

Likewise, the refugee camp population is now more than four times larger than at the time when UNRWA launched its operations, quasi-urbanisation accompanied by political uncertainty involving all stakeholders has hampered the application of town-planning to camp development (Parvathaneni, 2003).

As we already identified in the literature review, the refugee camps were politically conceived as a temporary option (Zetter, 1995); But evidence in the literature and moreover in the field experience confirms that they remain, for decades (Jabr 1989), becoming semi-permanent physical landmarks of a refugee presence and evolving social and economic entities (Marx,1992).

Location	Registered refugee population	% of reg. refugee pop. by location	Registered refugee population in camps, by location		Registered population not in camps, by location	
			Number; % of reg. Ref. popn.	Per cent	Number	Per cent
Jordan	1,679,623	42.2	293,215 (18)	23.2	1,386,408	51.1
Lebanon	387,043	9.7	217,211 (56)	17.2	169,832	6.3
Syria	401,185	10.1	115,863 (29)	9.2	285,322	10.5
West Bank	626,532	15.8	168,507 (27)	13.3	458,025	16.9
Gaza Strip	878,977	22.1	468,071 (53)	37.1	410,906	15.2
Total	3,973,360	100	1,262,867 (32)	100	2,710,493	100

Figure adapted from (UNRWA, 2002)

UNRWA-recognised refugee camps are situated on land that was originally allocated by host government. Moreover, out of 59 recognised UNRWA refugee camps, there are also 12 unrecognised camps, namely: 5 in the West Bank, 3 in Jordan and 4 in Syria (BADIL; 2003, Jarrar, 2003; FAFO, 2003).

The large number of Palestinians remaining in camps after more than five decades of being exiled, can be explained by several factors: family and village support structure in the camps; lack of resources to rent or buy alternative accommodation outside the camp; lack of living space outside the camp due to overcrowding; legal, political and social obstacles which force refugees to remain in the camp; the refugee camps is a symbol of the temporary nature of exile and the demand to exercise the right to return (BADIL, 2003).

The largest camp population resides in the occupied Gaza Strip (470,824) comprising approximately one-third of all registered refugees residing in camps. Some of the largest refugee camps are also located in the Gaza Strip. The large numbers of refugees living in camps in the occupied Gaza Strip is due largely to the lack of resources to build outside the camps, denial of building permits under decades of Israeli military occupation, and the lack of building space outside the camps.
In the occupied West Bank there are fewer refugees in camps (170,536), however, there are a large number of Palestinian towns and villages with high percentage of refugees (BADIL, 2003).

The second highest number of refugees living in camps is located in Jordan (294,447); However Jordan has the lowest overall number of camp refugees as a percentage of the total refugee population in a host country. Only 18 percent of registered refugees in Jordan reside in camps. The low number of refugees living in camps in Jordan out of the total refugee population in the country is related to the opportunities afforded to most Palestinian refugee in Jordan as Jordan citizens.

Lebanon has the highest number of refugees living in camps (217,953) out of the total refugee population in a host country. Approximately 64% of refugees in Lebanon live in official camps, 8% in unofficial camps. The remaining refugees reside in gatherings, cities and villages. The high number of refugees in Lebanon in camps out of the total refugee populations is directly related to the restriction placed by the Lebanese government and the lack of resources to find alternative housing outside the camps (BADIL, 2003).

Refugees and camps are held hostage by history, politics and poverty Farah, 2000, BADIL; 2003), for example, the Shabra and Chatila camps of suburban Beirut, and the Beach and Sheikh Radwan camps within Gaza, initially envisaged as separate entities from the local population, were laid out in a formal style of planning at odds with the more organic style of Arab city development (Shamir, 1971; Ben-Porat, Marx, 1971;Sayigh, 1979; Zolberg, 1986; Jarrar, 2003; FAFO, 2003).
As half a century rolled by, refugees continued to live in overcrowded camps, whose legal boundaries have not changed since their establishment. Refugees who acquire the financial means relocate outside camps, and those with some means conduct renovations or expand their shelters; however, the majority of refugees are unable to do either and are in urgent need of support (Farah, 2000). Overcrowding is a phenomenon characterising most of the 59 Palestinian refugee camps administered by UNRWA spread out in the Agency's five fields of operation (Farah, 2000).

Overcrowding in refugee camps is the result of historical, political and socio-economic factors. Refugees and refugee camps are the legacy of the 1948 war. During and consequent to that war, over three-quarters of a million Palestinians were uprooted from hundreds of towns and villages. About a third of the population moved into refugee camps set up by various voluntary organisations such ICRC. In May 1950, UNRWA took over relief operations and since then has been providing educational, health and relief and social services to Palestinian refugees (Farah, 2000).

Moreover, refugee camps in West Bank and Gaza, were prime targets during the Israeli occupation: many camps, such as Dheisheh in Bethlehem and Jabalia in Gaza, were often placed under siege for

weeks on end, hindering thousands of workers from reaching their places of work. Similarly, many of the youth were placed under detention and many more lost years of education, as schools and educational institutions were frequently closed down. These factors acted as catalysts in increasing levels of poverty with a ripple effect on overcrowding, in that the vast majority of the inhabitants in camps do not have the means to relocate outside their boundaries.

Refugees living in camps are not a social class and there is differentiation within and among camps. It is also important to note that camps are not closed communities; rather, relationships extend beyond the legal camp boundaries. There have been many changes in the social relations and cultural lives of refugees as is the case in all societies and communities. Notwithstanding many changes in Palestinian society, generally, refugees have maintained social bonds based on the extended family, the original village and the lineage. One important reason for maintaining these relationships has been the lack of effective institutions to provide the individual with social and economic opportunities and support. Therefore, the family provides an important resource for individual mobility and social security (Farah, 2000).

As a result of the peace agreements that followed the Declaration of Principles on September 13, 1993, the camps in West Bank and Gaza, fell within different administrative zones, namely: A, B and C: Palestinian Authority control (A); joint Israeli/Palestinian Central Authority control (B); and Israeli control (C). The "Swiss cheese" effect on the population obstructs movement and creates daily problems. The allocation of different travel permits, identity cards, restrictions and/or privileges hinders the movement of the population from one area to another and constrains them in smaller enclaves, which are overcrowded.
The legal status of refugee camps has been complicated by the zoning arrangements, especially Shu'fat camp near Jerusalem, whose inhabitants are 1948 refugees registered with UNRWA as well as other refugees including inhabitants from the old-city of Jerusalem. Thus refugees fall under various administrative and authority bodies and the ambiguity surrounding their fate and future, discourages them from relocating outside the camps (Farah, 2000).

Any refugee camp today has been built up and occupied. Indeed, once there was no longer space to spread out horizontally, people began to build second and third levels, very often contrary to building regulations set by UNRWA and local host governments (see Lebanon and Jordan Chapter). Today, improvement in public utilities, such as water and sewerage networks, renovation of shelters, as well as micro-level projects aimed at enhancing the socio-economic and environmental conditions have become a necessity and a general refugee demand (Farah, 2000).

As argued by Gove and Hughes (1983), in what is widely recognised as a seminal study of overcrowding in households, the number of rooms available per person plays a critical role in determining the nature of interactions in the household, and is related to poor mental and physical health. The fact that camps have not expanded beyond their original boundaries and the increasing population density are the two main causes of overcrowding in the camps.

All Palestinian refugee camps started with tents erected in a grid system, as always in emergency phase. In the mid-50s, UNRWA began to encourage refugees to build their own shelters in the camps to replace the tents. Bricks and asbestos were provided for camp residents to build units of uniform specified dimension (Farah, 2000; BADIL, 2003):

- *'A units' measuring 3 x 3 metres housed families with 1-5 members;*
- *'B units' measuring 4 x 3.75 metres housed families with 6-9 members;*
- *'C units' measuring 4 x 4.45 metres housed families with 9-11 members;*
- *'AA units' were 6 x 3 metres, comprising of two rooms connected with an inside corridor, and housed 11-12 member families; finally,*
- *'BB units' measured 8 x 4 metres, which housed families of more than 12 members in two rooms.*

At this time, UNRWA schools, clinics, distribution centres and offices, as well as public latrines (which no longer exist as all homes have indoor toilet facilities) were constructed.

By the end of the 1950s and early 1960s, refugees began constructing additional rooms next to their units, as well as indoor toilets. The old prefab units were substituted by block rooms, with a small courtyard to grow a vine or lemon tree or vegetables.
Some refugees gave up some of their plot and converted it into shops, which lined the main streets (Budeiri 1996). As families grew, still more space was needed and the ground floor was expanded, eliminating the courtyard.

By the beginning of the 1980s, the housing units had become stabilised in terms of space but the population continued to increase, precipitating a housing crisis (Mansour 1998:3). Refugees at this time began to rehabilitate their shelters and construct new, more spacious ones with cement and iron bars (though some poorer refugees still live in the dwellings built in the mid-50s).

UNRWA, in West Bank and Gaza, provided building permits but did not supervise the construction itself. In the camps situated adjacent to towns, construction of homes was not able to spill over the boundaries of the refugee camps; hence, these camps' residents were the first to add a second story onto their shelters (Mansour 1998:3). UNRWA approves the two-story constructions but will not authorise construction of third and fourth stories.
The absence of laws during the Intifada encouraged the process of encroachment on public yards and by-roads. Public squares disappeared, the main asphalt public roads became very constricted, and the smaller roads became extremely narrow. Gardens and trees, planted in initial attempts to mimic the environment of refugees' original homes, were replaced by room additions or extensions (Mansour 1998:4).

Interesting, as argued by Ugland (FAFO, 2003), in the analysis of living conditions in camps and gatherings in Lebanon, households and individuals are shaped by the context within which they conduct their lives; for examples, Saygh (1994), in the description of Shateela Camp, describes the institutional framework as a set of "layers", each, with its specific set of actors. The first layer is the Lebanese state and the refugee management apparatus (laws, ministries, UNRWA, etc); the second layer is the rest of the Palestinian community with other camps. Furthermore, each camp is situated in a specific economic and social setting. Ugland, following the same logic, developed a specific framework a tripartite relationship between national policies, communities and households.

As argued by Jarrar (2003), the social interaction between locals and the refugees could be placed in a continuum with the refugees who avoided social contact with the locals at one end, and at the other end the refugees' feelings of alienation caused by their lack of local owned property. This leads one to conclude that the social interaction with locals does not necessarily motivate a real integration despite the living experience, namely in West Bank, in a co-ethnic society and the common "Palestinian Struggle".

According to UNRWA, more then 54,000 registered refugees still live in housing that does not meet minimally acceptable standards for structural soundness, hygiene, ventilations, and space relative to family size. Housing density ranges form 2.5 to 3.0 persons per room. Camps in Lebanon, has the smallest average square meters per person per unit (FAFO, 2000; 2001, 2002)

In Lebanon severe building restrictions prevent necessary improvement to poor quality housing, and Lebanese authorities continued to ban import of building materials into the camps in the south (FAFO, 2003; BADIL, 2003). Moreover in Jordan, around 150,000 refugees are living in poor housing and environmental conditions (FAFO, 2002).

5.3 Lebanon

5.3.1 Historical Background

The first refugees from Palestine entered Lebanon in 1947 just before Israel was proclaimed. At this time, UNRWA estimates that some 127,000 refugees were forced to leave their home in Palestine. Since that time the situation of the refugees has always been depending on the political development in the entire region of the Middle East.

The main reason for this, according to a survey done by the Ajial Center in Beirut (2001), is and was "their forced expulsion and uprooting from their homes in 1948.On one hand, they lost the security and stability[…]. On the other, their refugee status led to serious challenges that ranged from being treated as second-class citizens with many of their rights removed away from them, to being exposed to numerous social, political, and economic problems often associated with refugee populations and politically unstable communities such as a high crime rate, appalling health conditions, unemployment, inadequate educational services, and poor nutrition and sanitation" (Ajial Center, 2001).

After the refugees entered Lebanon, between 1956 and 1969 many camps were built next to the main cities in order to have cheap workforce available; but from 1969 on, the Palestinian society was recognised as a security problem (Suleiman, 2003).

When the Cairo Declaration was put into practice in 1969, the situation of refugees improved; they were able to set up their own organisations in order to improve their living conditions by themselves and the development of these structures allowed them to organise their daily life.

In the 70s and 80s, the PLO became a main actor in the Palestinian refugee society in Lebanon (Suleiman, 1997); Camp committees, which were acting like municipality boards, were created in a similar way to other associations, related to sports, culture, education and health. However, the overall situation of the refugees could not be significantly improved.

In 1992, after the military action of the Israel army in Lebanon aiming at eliminating the PLO influence, the living conditions for the refugees deteriorated; the activities of the PLO were downsized and also international organisations and donors reduced their engagement (Ajial Center, 2003). After 1982, military activities between Lebanese groups and Palestinians, as well as attacks from Israeli troops, resulted in a lot of losses on the Palestinian side and created an environment of fear and hopelessness.

Regarding the supply with health, education and social services, the Palestinian society in Lebanon is the only one to completely rely on UNRWA. Since the resources of UNRWA were limited both in respect to the number people, who could be covered, and to the services provided, "the situation evolved from bad to worse" (Ajial Center, 2001).

With the Oslo Peace agreement in 1990 an increase of the engagement of the IC to extend the assistance for the Palestinian refugees in Lebanon took place due to the fact that the main attention of the international donor community and NGOs was paid to the Gaza Strip and the West Bank. Today NPA is one of the few, which remained in Lebanon (Yassir, 2003).
Until today, international and local NGOs are present in Lebanon, financed by international donors and the Palestinian Diaspora (DFLP, 2003). However, these organisations are only able to assist in the needs of the daily life. Due to legal restrictions issued by Lebanese authorities, it is impossible to substantially improve the living conditions of the refugees.

5.3.2 The Legal Status of Palestinian refugees in Lebanon

The legal status of the Palestinian refugees is very limited and they are excluded from many civil rights; they only enjoy the right of residence in Lebanon (DFLP, 2003).
The Lebanese government is mainly denying the refugees living in Lebanon the right of employment, the right of association and, recently, a law was issued which excludes the Palestinians from the right to own property.

According to this it is only possible for foreigners originating from an officially recognised country to possess real estate. As long as Palestine is not recognied by the Lebanese government, Palestinian refugees have no chance to own an apartment or a house. De facto, Palestinians have therefore no chance to leave the refugee camps to live in an apartment building or house. (Al-Natour, 2003).
According to Souheil El-Natour (2003) the purpose of the law is to prevent any kind of "implantation" of Palestinian refugees in the Lebanese society.
Beside the restricted civil rights their rights as refugees are also limited due the fact that not all refugees are recognised as such so that accurate figures are not available (Suleiman, 1997).
UNRWA has different criteria from the government and independent institutions also use different tools for counting the refugees in Lebanon. According to UNRWA's latest figures there are 391,679 registered refugees in Lebanon (UNRWA, 2003). On the other hand the Lebanese Government, through the General Directorate for Political Affairs and Refugees estimates the number of refugees, has counted approximately 410,000 Palestinian refugees (Coordination Forum, 2001).
A third figure from the Norwegian Institute for Applied Social Science (FAFO) estimates that the number of Palestinian refugees has reached only 147,000 (FAFO, 1999).

The reason for the different outcome of the investigations of Palestinian refugees in Lebanon is firstly based on registration policies because some refugees are registered as refugees with UNRWA and the Lebanese authorities, some are only registered with Lebanese authorities and some refugees are not registered at all. Secondly, the different figures are the result of political reasons; the Lebanese government tries to keep the number of Palestinian refugees as high as possible in order to exert pressure on the Israelis (Suleiman, 2003).

The result of the lack of unique standards for measuring the number of Palestinian in Lebanon is that there are no accurate figures available. This leads to the problem that the amount of support does not necessarily cover all vulnerable refugees in Lebanon. For example, Palestinian refugees with Christian belief benefit from full civil rights within the Lebanese society (Suleiman, 2003).
Moreover, they are more or less well-integrated Palestinian refugees.

On the other hand, the Moslem refugees are not able to obtain these civil rights. Due to the difficult religious structure in Lebanon, the government tries to avoid the integration of Moslem refugees in order not to disturb the fragile balance between the several religious (Moslem) groups in Lebanon (Al-Natour, 2003).
More likely is the fact that with the number of Palestinian refugees, the Lebanese government wants to force Israel and the IC to finally solve the refugee problem through the enforcing of the right for return. This might result in the total removal of refugees from Lebanon and their resettlement in Palestine, respectively Israel (Suleiman, 2003).

The most vulnerable group are refugees, who are living outside the camps. They are more or less completely excluded from any support because they have no registration and are therefore not entitled to receive support from UNRWA as it is not allowed to assist this group. On top of that, they have no funds or financial means in order to finance a life outside the camps. In some cases the refugees outside the camps are in a better shape than the ones inside the camp because they have access to financial sources, which allows them to rent an apartment and to afford the maintenance. These refugees might have relatives or friends in Arab countries or Europe, which support them (Suleiman, 2003).

Currently, there are approximately 1,800 unregistered refugee families living in so-called unregistered camps in the south of Lebanon. Most of the refugees generate food and a small income through agricultural activities in the surrounding area (Yassir, 2003). Additionally, they receive some assistance through local and international NGOs.
This assistance is also limited; for example UNRWA and NGOs are not allowed to repair refugee shelters outside and inside the camps, because "the Lebanese government is convinced that an improvement of the living conditions means a step towards the integration of refugees into the Lebanese society" (Suleiman, 2003).

Activities and engagement of local and international NGOs are therefore characterised mainly by the status of legal and budgetary developments of the donors and the Lebanese government.

5.3.3 Setting the stage: themes, definitions and actors

Due to the fact that the camps are existing since 1947, the IC, local and international actors were able to gain experiences in order to provide the refugees with aid to cover their daily needs and to improve their living conditions.
That doesn't automatically mean that this support is sufficient. Because all activities are lacking the involved actors being able to provide the beneficiaries with a sustainable solution or giving the refugees somehow a perspective which allows them to live a normal life. This lack is based on the unwillingness of all actors involved in the Palestinian refugee problem to find a stable political framework, which provides the refugees with an acceptable solution for their problems.

However, the IC and their activities implemented by UNRWA, international NGOs and local refugee organisations and institutions formed a situation where, from a logistical point of view, no refugees have to be denied any assistance.

UNRWA, international and local NGOs developed over the past 50 years numerous strategies and tools in order to provide the Palestinian refugees with assistance. UNRWA has the longest smooth experience in the Lebanon and is providing fundamental assistance. In the field of health, education and employment, UNRWA is supporting 222,125 refugees in 12 camps (UNRWA, 2003). With this assistance UNRWA is supporting in the refugees in their basic needs and they give them at least a chance to improve their situation by being basically educated and healthy.

The UNRWA health services are aiming at covering the primary health care, food aid to vulnerable groups, assistance with secondary health care and environmental health within the camps.
Due to the limited civil rights of the Palestinians the services of UNRWA are highly necessary. Between 60 to 70% of the refugees are unemployed, 60% are below the poverty line and 36% are without any income. Therefore they cannot afford any of public or private health and completely depend on the UNRWA health services.
There are 18 UNRWA run health centres, 6 health posts that primarily take care of mother and child health, paediatrics, school health, health education, as well as treatment of contagious and non-contagious diseases. In addition, UNRWA has 24 specialised clinics, 17 clinics for dental care, 15 clinics for non-contagious diseases, 15 laboratories and 3 x-ray centres (Ajial Centre, 2001).

For complex treatments, UNRWA contracted three hospitals in Beirut, three in Sidon, one in Tyre and one in the Beqaa Valley. In the contracted hospitals, treatments were free of charge for so-called hardship-cases (Families with absence of breadwinner and children under 19 years) (UNRWA Press officer, 2003).
All other refugees have to contribute in the cost of treatment in a range between 12 to 40%. The cost for hospitalisation increased especially in Lebanon in the last few years as did the amount of special contributions. Therefore, it became extremely difficult for UNRWA to cover the requirements regarding hospitalisation (UNRWA, 2003).

A similar situation is shown in the field of education due to the limited access of the Palestinians to public Lebanese schools. UNRWA provides children with elementary and preparatory education and secondary education only in Lebanon. 5 secondary schools exist in Lebanon with 2,474 students. In 84 preparatory and elementary schools, UNRWA is educating 42,022 pupils, employing 1,841 educational staff (UNRWA, 2003).

In order to have enough teachers available, UNRWA developed its own teachers training centre in Lebanon for secondary schools and vocational trainings, the vocational training centres (VTC) providing skills and experiences for the Middle East labour markets (UNRWA, 2001).

After finishing these centres, the Palestinians have the chance to work in the surrounding countries, but due to the results of the second Gulf war the access to one of the largest employers in the Middle East are limited. Most of the Palestinian workers were expelled from Kuwait since Palestinians sympathised with Saddam Hussein during the military action in Kuwait and Iraq (Ajial Centre, 2001).
Despite the efforts of UNRWA, the refugees in Lebanon have lower education than the Lebanese citizens or Palestinian refugees in other host countries. "[…] The proportion of people with a certificate from a secondary school or post secondary education is about two times higher in the Lebanese population than in the Palestinian refugee population" (Tiltnes, 2003).

Beside these activities, UNRWA is also providing relief and social services, which means the provision of food, cash assistance, shelter rehabilitation as well as programmes for community rehabilitation and development, women and youth activities and poverty alleviation programs. Lebanon has the highest number of participants in the relief programme (11.1%) (UNRWA, 2001). At present, UNRWA is investing and implementing in Lebanon more than 50 million US$ which is 14% of the total UNRWA budget for the entire region.

Despite these efforts of the UN and the IC, the gaps within the needs of the Palestinian population cannot be bridged. 47 Palestinian organisations and local NGOs are making efforts to cover these gaps with limited success due to external factors.
Moreover, Palestinians are not allowed to build any association within Lebanon. Therefore all Palestinian NGOs are registered as Lebanese NGOs with Lebanese citizen as board members. Nevertheless these NGOs are unofficially run by Palestinians. In Lebanon no Palestinian NGOs exist. Suleiman (2003) remarks that actually a Palestinian NGOs is an impossible structure, because there is no Palestinian government and the Lebanese government refuses to co-operate with Palestinian organisations. Therefore the dichotomy between "non-governmental" and "governmental" organisations is in this unique case inappropriate (Suleiman, 1997)

Due to their efforts and UNRWA something like a second society existing in Lebanon. The first society is the official Lebanese society in which the Lebanese population is living; Palestinians have only limited and unofficial access to this society and their provisions (employment, services, etc.).
The second society is consisting of the Palestinians in Lebanon. This society more or less only exists within the refugee camps. Economically, these camps are provided by Palestinian retailers, employment is given through Palestinian SMEs or family businesses and the social sector is provided by Palestinian religious organisations or local NGOs which are also important employers (Ajial Centre, 2001).
This unofficial society is providing their members with the most basic services. Of course, that doesn't mean that the living conditions are appropriate for Palestinians, but at least these strategies allow them to survive in an extremely difficult environment.

Over the past 50 years, Palestinian organisations have been very well established in Lebanon; similar to UNRWA they provide heath and educational services to their beneficiaries. These activities are funded by the Palestinian Diaspora and by NGOs.

This kind of effort is usually provided by governmental authorities like social and cultural ministries, in Lebanon these tasks are conducted by local NGOs. For this purpose, a forum consisting of international and local NGOs was founded in order to co-ordinate and combine efforts. One of the most remarkable examples is apartment building in Beirut. Funded completely by NGOs, these ten displacement centres provide shelter for 836 families outside the camps. However, the living situation in the apartment buildings is still difficult but there is already an improvement in the form of the existence of sufficient infrastructure, more living space and better ventilation than in accommodations in the camps. Another effect of these buildings outside the camps lays in the avoiding of the separation of Palestinians from Lebanese citizens. Close to these apartment buildings, there are also facilities for education, vocational training and health services, open not only to Palestinians but to Lebanese as well.

Health services are focussing particularly on pregnant or lactating women, children and the elderly. These facilities are pretty well organised and their services are free. Therefore, not only Palestinians from the area are visiting these health centres, but also refugees from entire Lebanon in order to get medical support. This is the only medical service Palestinians can get in Lebanon; they are excluded from the public health system and they cannot afford private support. In addition, UNRWA health services do not include kidney dialysis, open-heart surgery, cancer and venereal diseases and some laboratory utilities such as a CAT scan are non-existing as is geriatric treatment (Ajial Centre, 2001). These cases only have a chance if international donors like the EU or international NGOs can provide the necessary funds in a non-bureaucratic and fast way. The local NGOs play an advocating role.

Another field of activity is the education of the youth, in fields, which are not covered by UNRWA (Suleiman, 1997). Local NGOs are trying to set up schools as well as vocational training centres. The main focus of these activities is on the additional skills like languages or computing. Within the vocational training they offer courses in hairdressing or technical skills in order to repair electrical devices e.g. air conditioners or TV sets.

This is only one example of how local NGOs are trying to improve the situation of the refugees and assist the most vulnerable. Their efforts are situated inside and outside of the camps and they are open to everyone. Most of them combine their activities with international NGOs, which are responsible for allocating international funds, consultation and supervision while local NGOs are responsible for the practical implementation of the projects (Ajial Centre, 2001). However, international NGOs are running their own projects but due to the long history of the refugee camps in Lebanon, structures and strategies are developed in which international and local NGOs are working together with shared responsibilities in the most adequate way. In 2001, 47 local NGOs and 20 foreign NGOs were active in Lebanon (Ajial Centre, 2001). An additional benefit of the efforts of the NGOs is the fact that most of the projects are less cost-extensive than the one of UNRWA (Yassir, 2003).

Apart from consulting and advocating, some international NGOs are also directly involved in the assistance of refugees. Within a NPA project, health services and education are combined. An NPA founded physical rehabilitation centre is providing rehabilitation for the disabled by the provision of prostheses, walkers and other helpful devices. At the same time a professional producer of prostheses, who has his workshop next to the health centre, is training youngsters in this profession. In general NPA is active in physical rehabilitation, public health, environmental protection, capacity building and as already mentioned in vocational training (NPA-Lebanon, 2003).

MPDL is active in the support of disabled people, one of the most vulnerable subgroup of the Palestinian refugees. Every single case is being assessed on an individual basis and the support is tailored according to this assessment. That includes the adaptation of the household to the special needs of the disabled, e.g. the installation of European water closets or the donation of supportive devices like walkers or wheelchairs. All required material and devices are purchased on local markets respectively, while craftsman from the refugee camps are engaged to carry out the works. Additionally this has a positive impact on the local markets and the employment situation within the camps.

Another international NGO which is active in Lebanon is the French organisation Premiere Urgence (PU). They are mainly active in the field of provision of economic assistance in order to enhance the camp economy. SMEs and family businesses are supported by PU, their projects provide families with a stable and countable income and provide the inhabitants in the camps with goods. Their experience shows that despite the non-integration of the Palestinians, a constant economic exchange between the inside and the outside of the camps is taking place, because for many Lebanese the prices in the camps are lower and the quality is better (PU, 2003).

Active organisations are trying to offer the camp population a fair, apolitical and non-religious assistance. However, religious and military groups and organisations are successful in hiring new members or participants. These circumstances make it much more difficult for independent organisations to find motivated participants and to convince them to a peaceful approach.

5.3.4 Problems and challenges

The current situation of the refugees in the camps is characterised by the fact that nobody dies of hunger and everyone has somehow a shelter to live in. Through the efforts of the donors and NGOs, the needs regarding health, education and social services are basically covered – but this is already the limit of what Palestinian refugees can expect.

Beside of the "non-implementation" of the right for return, the Palestinian refugees in Lebanon suffer from a disrespect of international law, the Universal Declaration of Human Rights, the Convention Related to the Status of Stateless Persons, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The result of this is the social and economic marginalisation of the Palestinian refugees in the Lebanese society (Suleiman, 1997).
"Partly as result of these restrictions, Palestinians in Lebanon suffer disproportionately from the effects of Lebanon's ongoing economic recession and accompanying fall in real wages (…) and the condition of Palestinian refugees…is worse than anywhere else in the region" (Suleiman, 1997).

The situation of the refugees causes social problems and psychological problems; additionally radical political or religious groups can easily recruit new members among the frustrated refugees (Yassir, 2003). And the camps are used by radical as well as criminal groups for hiding and preparing operations outside the camps (Yassir, 2003).
On one hand there are numerous developments going in the wrong direction due to political, organisational or practical reasons. On the other hand, a development took place in the engagement of donors and organisations, which shows a wide experience and has a positive long-term impact on the living conditions of refugees in Lebanon.

Regarding the UNRWA activities there is no doubt that without this engagement the situation of the refugees in the entire region would be even much more difficult. Due to coverage of the basic needs through the United Nations, many refugees were provided with shelter, health and education. This effort gives them with at least some hope that the international community takes care about their fate, which is as well an effect of the activities of the international donors and humanitarian organisations.

The funds of the UNRWA are limited and every year, the UNRWA has to fundraise in order to secure their budgetary needs. As Hoda Samra Souaiby, PR officer at UNRWA Beirut pointed out "funds ar e staying the same, but the needs are growing" (Souaiby, 2003).

Due to the restricted budget plan and the limited availability of funds, the registration of refugees in Lebanon was cancelled in 1996. Only if a Palestinian is registered as a refugee, he/she has the right to obtain assistance from UNRWA. Even if Palestinians are registered as refugees, their needs cannot be covered by UNRWA. One example for the gap within the services of UNRWA is the fact that ninety percent of all refugee children between 11 and 15 are not visiting any school because they have to work in order

to contribute to the family's financial means (Yassir, 2003). Of course the economic situation cannot be completely changed by the efforts of the UNRWA.

One of the biggest challenges is the co-ordination of efforts. Positive experience is made, but in general the visited organisations emphasised the fact that the willingness to co-operate and to co-ordinate the efforts is limited and very often depends on the personal attitude of the person in charge. There are, however, efforts made in order to exchange information, combine projects and spread the assistance in a most optimal way. In order to do so, a forum composed of several NGOs was founded in 1994, which is coordinating the activities in Palestine and in the host countries.
In Lebanon a forum co-ordinates the efforts of all involved NGOs in that country. Under the auspices of NPA the "Co-ordination Forum of NGOs Working Among the Palestinian Community in Lebanon" was set up with the aim to "manage through the collaborated efforts, to make the best use of their limited resources by prioritising refugee needs and avoiding unnecessary duplication in services" (Palestinian Coordination Forum, 2003).

5.3.5 Experiences in a long lasting situation

Whatever efforts were made over the past 50 years, a substantial improvement of the refugee situation in Lebanon has not been provided so far and the Palestinians in Lebanon have to face a most uncertain future in comparison to Palestinian refugees in other host countries (Suleiman, 1997).
As already mentioned, one reason for the stocking development is the lack of political will to find a sustainable solution for Palestinian refugees in Lebanon. No one of the involved actors was able to change the situation in a relevant way. Regardless the fact that in the area of investigation so far no return or reconstruction took place, the IC, the UN and international and local NGOs developed structures and strategies in order to provide all refugees in Lebanon with sufficient assistance. However, despite more than 50 years of involvement, there is a lack of co-ordination and combination of efforts. First of all, there is no contingency in the activity.
The grade of activities is not related to the need of the beneficiaries but to the budgetary decisions made by the donor community. Secondly, the services are not distributed in a combined way (Ajial Centre, 2001). This means that there are gaps, which are not covered while there is overlapping of activities.
Jaber Suleiman illustrated drastically this fact when he said that the "Lebanese government does not want the UNRWA to improve the situation of the refugees, they only want the UNRWA to control the refugees" (Suleiman, 2003). The community of the Palestinian refugees, the surrounding Arab countries (Jordan, Egypt and Syria) and the Israelis are relying on the efforts of international donors and their implementing partners. Therefore, the political will and own efforts from the communities on the spot are very limited. As long as the IC is providing assistance rather then a political solution, the motivation of the involved societies is limited due to a lack of long-term sustainable development.

Naturally, there are local hopeful engagements of Palestinian organisations, which have a comprehensive approach and useful strategies of improving the situation of the refugees by taking their fate into their own hands. But in general the Palestinian refugees became more or less well-trained receivers of assistance without any motivation to change their own situation. Certainly, the possibilities to basically change their personal situation are very limited, especially within the difficult environment Lebanon is. The impact of civil organisations takes place on a low level whereas radical violent organisations are more popular. At least they make the international media to pay attention to suicide attacks or armed uprisings.

Another problematic fact is that most of the local and international NGOs completely depend on foreign funding. "A sudden cutting-off of foreign funding for any reason would see a catastrophic reduction of their services or even lead to the collapse of many NGOs" (Suleiman, 1997).
That means that the whole Palestinian refugee situation in all hosting countries is financially extremely unstable because any activity depends more or less on funding from abroad. Self-sustainability has not been developed so far.

Despite the tremendous efforts and activities of NGOs, the Ajial Centre survey identified key issues, which are negatively influencing the impact of the engagement of the NGOs (Ajial Centre, 2003):

- *Prioritisation and planning: There is a lack of prioritisation and planning in order to match the needs in a sufficient manner.*
- *Duplication of work: The duplication of work is mainly based on the lack of co-ordination between UNRWA and other organisations.*
- *Co-ordination and co-operation between NGOs: Despite the efforts to co-ordinate the actions of the various Palestinian NGOs (Palestinian NGO Forum and the Meeting of Palestinian NGO in Sydon), the lack of co-ordination persists.*
- *Structure and mode of management: There is a lack of proper management skills within the offices of the NGOs. Especially in the field of personnel management and decision-making, structures are inefficient and insufficient which is hampering motivation of staff.*
- *Distribution of services: Services are often distributed without consideration for the needs.*
- *Financial resources: Most organisations depend on foreign sources rather than on locally generated ones. This state of affairs renders them vulnerable to the political agendas of the funding agencies.*
- *Non-existence of services: Despite the long engagement, there is still services needed which are not provided. (e.g.: Cultural and extra-curricular activities, sports and cultural facilities, centres for rehabilitating juvenile delinquents and vocational training centres that can assist graduates to find suitable employment).*

According to the Ajial Centre, a comprehensive approach is needed in order to overcome the above-mentioned issues. This approach should consist of a holistic survey of the need and proper, open and comprehensive co-ordination of all organisations involved. Within the following action the activities should be prioritised. Finally, the Ajial Centre survey emphasised the need for a structural reform of the NGOs and the importance of public participation in drafting project proposals and conducting the activities (Ajial Centre, 2003).

Whatever the activities, without a stable political solution there is no hope that the living conditions of the Palestinian refugees in the entire region will be fundamentally changed. Currently it seems impossible that refugees are returning to their villages, that they are able to resettle in Palestine with an entire physical and social reconstruction or to be able to live in an independent Palestinian state. As long as this is not taking place, the effort of donors and NGOs can only assist the beneficiaries in their daily needs but not improve their life generally nor provide them with a sustainable solution.

5.4 Jordan

5.4.1 Historical background.

Jordan is the country of the Near East that receives the highest number of Palestinian refugees. On 31 December 2002, of the 4.025.694 refugees registered by UNRWA in the region, 1.698.271 (42,18%) were living in Jordan (UNRWA, 2002a).
The Palestinian refugees represent 34,8% of the total Jordan population (UNRWA, 2002a).We can consider that this figure is slightly higher if we consider the Government's statistics that also include the Palestinians registered as refugees prior to the presence of the UNRWA.

An estimated 70-80% of the population currently living in the Jordan territory is of Palestinian origin. We cannot thus be surprised that the Palestinian demographic issue is an issue of foremost importance in Jordan. A proof of the importance of Palestinian refugees is the existence of a governmental organisation DPA (Department of Palestinian Affairs), linked to the Foreign Office and the equivalent of the old Refugees Ministry (DPA, 2003).
It acts not only as the reference of the Jordan political position on the Palestinian issue but is also respon-

sible for attending to an important part of the population, independently of whether this population resides in refugee camps or not.

To understand the high number of Palestinians in Jordan society and the differentiated treatment they receive, it is necessary to go back 50 years in time. The creation of the State of Israel and the two Arab-Israeli wars (1948 and 1967) are the causes of massive flows of Palestinians to all neighbouring countries: Syria, Lebanon, Jordan and to a smaller extent Egypt.
Two reasons pushed fleeing Palestinians to settle in Jordan. Jordan has a frontier of 386 km. with the historical land of Palestine and the territories of the West Bank were previously under Jordan administration until 1967. The Palestinians who fled to Jordan had a privileged reception compared to the treatment received in other countries. Most of the Palestinians received Jordan citizenship and all kinds of rights, which made them equal to other Jordan citizens. They are also included in the census as Jordan citizens. However a group of around 100.000 Palestinians from Gaza with Egyptian citizenship (the Gaza strip was under Egyptian administration until 1967) were welcomed in less favourable conditions. This group of Palestinians can ask for a Jordanian passport on a temporary basis but their rights in the Jordanian society are limited, especially those related to public employment and the right to vote.

In this way, Jordan dispenses a double treatment to the Palestinian population: those from the West Bank are considered like displaced populations and formally have the same rights as the Jordanians (even if in practice things are different) and those who come from Gaza have refugee status and are thus integrated in a restricted way to the Jordan population. The two groups receive the name of refugees, which is how the Palestinians in Jordan consider themselves and are all registered in UNRWA offices claiming their right to return.

After the first Gulf War there was another flow of Palestinian refugees in to Jordan, coming from Kuwait. Since the creation of the State of Israel, four generations of Palestinians live in exile and this group is growing at a significant speed in Jordan. The Palestinian birth rate is higher there than the domestic birth rate. All these factors explain the increase from 506.200 Palestinians in Jordan in 1950 to 1.698.271 in 2003 (DPA, 2003).

Currently this figure is increasing after the conflict in Iraq (UNRWA, 2002a).This new forced migration in the region has the particularity that it does not only include Palestinians living in the region but also other groups of population that are fleeing to the neighbouring country of Jordan.

5.4.2 Setting the stage: themes, definitions and actors

When studying the Palestinian demographic phenomenon, the first question that one must ask is: how does the Palestinian population live in Jordan? What are their living conditions?

UNRWA only recognises 10 refugee camps (Prince Hassan, Sukhnek, Madaba, are not recognised) but calls them refugee concentrations since the ground on which they are living has not been put at the disposition of UNRWA by the Jordanian authorities.
Jordan has the lowest overall number of camp refugees as a percentage of the total refugee population in a host country. Only 18% of registered refugees in Jordan reside in camps (BADIL, 2003; FAFO, 2002)

The 13 Palestinian refugee camps are situated in the West of the Jordanian territory (Zarqa and Irbid region), principally in the North and in the metropolitan area of Amman. The camps are thus in the densest regions of Jordan and near to Palestine. The first aspect of these camps is that they are densely populated, and are probably the most populated areas of Jordan. This is not surprising since the limited space of the camps has seen an increase in the population living inside its boundaries.
While all of the camps can be considered urban in character, the ones located in the north are more rural in terms of population involvement in agriculture (FAFO, 2002).

The camps have change since their creation and this is due to the demographic increase. To start with refugees were living in tents that were replaced by brick houses at the end of the 50s (see literature review and introduction).
Initially and depending on the number of members of a family, (generally numerous families), the houses had one (families under 5 members) or two rooms (for families with 6 or more members) of 12 square meters, each house on a parcel between 80 and 100 square meters. The ground for these camps is either state land or land leased by government from local landlords (in official camps UNRWA pay fees to Jordan Government). This means that refugees in camps do not own the land on which their shelters were built, but have the right to use the land for residence.
Not all the camps are considered independent localities in the Jordan official statistical classification system. Some camps have become neighbourhood like areas of much larger cities, making it something difficult to establish their exact boundaries (FAFO, 2002).

As return to Palestine seemed less and less probable, new families appeared and the population grew, and the structure of the camps was modified. New rooms were built horizontally when there was enough space but if this was not possible, new rooms were added on the roof of the house. An internal market of room rental to redistribute the growth of the families started. When the area of the camp was completely used, some families invaded neighbouring ground and built houses there. Other families abandoned the camp and went to live in urban areas.

The process that we have just described has also produced overcrowding, which is the result of historical, political and socio-economic factors (FAFO; 1997; 2002; BADIL, 2003). This, along with deterioration or insufficiency of accommodation, which is the elemental urban infrastructure (access, pavement, water, drains and electricity) and its maintenance, the quality of the provisions of public services, generate in the refugee camps health problems especially in the hotter months of the year (FAFO, 2002).
This insecurity leads to the question: who is responsible for the living conditions inside the refugee camps? Two institutions, The DPA Affairs and UNRWA, share this responsibility. The general norm establishes that the DPA is in charge of the administration of the camps, to provide infrastructure and offer police services. UNRWA deals with providing services (education, health, water management and electricity, rubbish collection, street cleaning, for example) in the camps that it recognises. The sharing of responsibilities involves permanent coordination between the two institutions.

UNRWA deals with providing primary education, in accordance with the curriculum of the governmental schools, whereas secondary education is provided by State schools. The health services are provided in centres inside the camps. Basically these centres deal with preventive medicine (vaccines, women's reproductive health and infant health) and curative medicine (diabetes, dental health, hypertension, etc) (UNRWA, 2002a).
However if treatment requires hospitalisation, the state hospitals take over. In general the camps offer well looked-after installations but the educational and sanitary services are the most necessary and funds do not cover them properly.

This is when other actors are needed to participate in the life of the camps to complement the mentioned services and avoid the deterioration of living conditions. The Committees for the enhancement of life in the camps are constituted of people selected by DPA in the leaders and qualified persons of the camps. Their work involves various areas: rehabilitation and incapacity programmes, youth and sports centres, computer courses, women centres, nursery, etc. These activities aren't necessarily developed by the Committees themselves.

Important is the participation of women in communal activities, activities that reflects their role in Arab society. Women develop their own projects and offer a wide-ranging choice of courses on women's rights, democratic awareness (an interesting pilot Project on an infant parliament to promote new values was implemented by the of Women of Jordan), healthy living, women's health and family planning, hairdressing and beauty, family economics, sewing, cooking, etc. Women have also organised them-

selves to provide nurseries, a gym, or advice on how to solve family tensions or discrimination against women (for example, hotline programmes implemented are oriented to advice and support wives in case of familiar rupture or in that cases in which Arab culture discriminates women). The Women's committees have the support of local Jordanian associations such as Union of Women of Jordan that assists them in "capacity building" or other international non-governmental organisations like MPDL (MPDL, 2003).

The Internal committees normally work with the help of volunteers and relieve technical and financial support from IC. The political association of the Palestinian Movement is forbidden inside the refugee camps.
The daily life inside the refugee camps reflects clearly that women are a capable element for bringing cohesion to the Arab society through families ties. Men are responsible for the economic side of the family. There is a whole internal economy in the refugee camps which can be seen in the commercial activity of the markets, small industrial businesses or the activity of doctors and lawyers. However the economic life of the camps is in itself insufficient and is very much linked to the Jordanian economy, which is structurally very vulnerable with a high dependence of external economies (imports of good and capitals) according to opinions expressed by various interviewers. One fact talks for itself: UNRWA (financed by IC except Arab countries) is the second employer in Jordan.

According to data (BADIL, 2003; FAFO, 2002) significant unemployment rate in Jordan is among youth (16% for men and 30% for women aged 15-24) and women (13% for adults). But when unemployment is not an economic problem for adult men (the rate is 5% for 25-34 aged, close to the rate of structural unemployment), jobs is the greatest problem for the men inside the camps. 70% of Refugees and IDP's living in camps or outside the camps, depend of waged employments and only a 25% are self-employments (in refugee camps the rate is lower (BADIL, 2003).

Family strategies of all kind are set up to create income such as temporary employment in the local industry or agriculture, temporary emigration to the countries of the Gulf, the opening of businesses in third countries that are run by brothers in turn or the remittances sent by family members abroad.
Close to 70% of refugees and displaced, including those inside the camps, receive income from wage employment (FAFO, 1997; 2002). Fewer refugee households, 25%, receive income form self-employment with lower rate in refugee camps (BADIL, 2003).

When the family links to create income fail and the situation becomes critical, UNRWA puts in to practice its programme called "Special Hardship Programme" that provides financial assistance to cover the basic needs. 8991 families, about 2,5 % of the refugee population benefits from this programme. 4030 of these families (half of the total) live outside the refugee camps (UNRWA, 2002a).
This illustrates two points that we must always take in to consideration when referring to the context of the refugees in Jordan. First, life in the camps does not have to be associated to the state of poverty and secondly, local and international assistance (DPA, Local associations, UNRWA, ECHO, and International NGOs) do not centre exclusively on the refugee camps but assist the entire Palestinian population (UNRWA, 2003).
On the other hand there is not a great social difference between the Palestinian refugee that lives in a camp and the one who doesn't.

Moreover the existence of programmes orientated to vocational training and support to small entrepreneurs is fundamental. In this way UNRWA has given more emphasis to its education programmes and vocational training in recent years. The Italian organisation ICU dedicates part of its efforts to creating local capacity, vocational training, the granting of micro credits and the promotion of the participation of financial institutions in the economy of the refugee camps. Finally the rehabilitation programmes for people with incapacities has also a positive effect in the strengthening of the families.

5.4.3 Temporary versus long term

As already mention, there are clear limitations that exist for the Gaza refugees that concentrate in general in the Jerash camp (45Km north Amman) and to employment in the State Administration and the army. Despite this, in general lines the population is integrated in the Jordanian life alter a long time in the country. However the aspiration to be recognised the right to return to Palestine remains just as strong as at the start of the Palestinian Diaspora.
The question is: if return to Palestine were possible, how many Palestinians would actually return? Many avoid answering the question and others answer positively on their return, more to live up to their long-live aspiration than by conviction or personal possibility. In this scenario, international aid oscillates between punctual but continual emergency aid, and low intensity in an uncertain term development aid.

On the one hand ECHO finances small-scale projects of Humanitarian Aid, implemented by NGOs. In the case of the MPDL, ECHO aid goes to rehabilitation of houses. UNRWA continues to offer emergency aid for families without income but its initial assistance programmes (food and basic goods provision) have been terminated. This is because the needs of the population have changed during the years and it is having trouble receiveing funds from the international Community, whose attention is focused on the implementation of the Peace Process. Its capacity is thus restrained and it proves hard to attend to the responsibilities of its mandate and implement consistent development projects. Other organisations such as the ICU work simultaneously and realistically on rehabilitation (houses and installations) and on development /capacity building, vocational training, micro credits). Relief and development overlap and are diluted in the magnitude of the Palestinian phenomenon in Jordan. In a non-resolved problem like this one, the political solution always goes before the economic solution.
Along all interviewed, in the field visit, Palestinian refugees living in camps, members of governmental and local institutions, agencies and International NGOs mentioned in this report, only one international functionary dared to tackle the difficulties of the refugees in the hypothetical scenario of the right to return to Palestine.
The repossession of land, other belongings and rights would present great technical difficulties due to the long process of occupation and land use that has taken place over the last 50 years. But also the economic difficulties of the families to build a new life in the land of their grandparents and to abandon a society in to which they have finally been integrated would be an important element when considering return. In the hypothetical case one can thus assume that the majority of refugees would stay in the land of exile and some would return to Palestine and the majority would visit frequently the land that their ancestors were forced to leave. Until then the social and political aspirations continue and the economy waits patiently till it will have to lead the return.

5.5 West Bank and Gaza Strip

5.5.1 Historical Background

A lot of effort has been put into trying to create a Jewish State in the land of Palestine since the first Zionist Congress in 1897 (Vital 1975).
One of the most important international documents addressing the division of Palestine into two states, one Arab and the other Jewish, is the UN Resolution 181 approved the 29th November 1947: "Future government of Palestine".

The UN resolution provides a detailed description of the boundaries of the two states; this proposed partition is the result of the work of an ad hoc UN Special Committee on Palestine (UNSCOP), set up in 1947 to give an answer to the Palestine situation, and under the request of Britain. The partition plan intended to create:

- *A Jewish state on 56.47 % of Palestine (15,261,648 dunums) with a population of 558.000*

Jewish and 405.000 Arabs. Although Jewish Land ownership in this territory did not exceed 9.38% (1,383,856 dunums);

- *An Arab state on 42.88% (11,589,868 dunums) with a population of 805.000 Arabs and 10.000 Jewish;*
- *An international Zone of Jerusalem on about 0.65% (175,504 dunums) with a population of 100.000 Jewish and 105.000 Arabs (Vidal, 1999)*

The Arab population has never considered the plan fair and at the beginning did not recognise at all the validity of such partition. However it never became a reality as consequence of the First Arab – Israel War of 1947-49, also known as "al Nakba" (Catastrophe).

Of the Arabs originally situated in the area that became Israel, only approximately 150.000 remained in their homes after the war of 1947-1949, becoming an Arab minority in the Jewish state, while 750.000-900.000 were forced to leave and became refugees (there is no single authorative source for the exact number of refugees); over 500 villages and towns were destroyed or resettled with Jews. The total losses of destroyed or confiscated Palestinian property are estimated at US$209 billion (Flapan, 1987; Pappé, 1992; Khalidi, 1992; Morris, 1999).
In addition to the refugees, there are the Palestinians IDPs, who were expelled from their villages – located in what became Israel - during the 1948 War. At the end of the war, they numbered some 30-40,000 people who were not allowed internally to return to their homes and placed under military rule to facilitate the expropriation of their land (BADIL, 2003).

Moreover at the end of the conflict, in 1949, the land that becomes Israel was much wider then the originally planned 15.200 dunums, Israel occupied 21.47% of Palestine (5,264,352 dunums). Therefore Israel controlled 77.94% of Palestine; only 22.06% of Palestine was left outside Israeli control. The West Bank (20.74% of Palestine) fell under Jordanian control and the Gaza Strip (1.32% of Palestine) fell under Egyptian control.

The UN General Assembly set forth the specific framework for resolving the Palestinian refugee case in UN Resolution 194(III), 11 December 1948. UN Resolution 194(III) reaffirms three basic rights of Palestinian refugees and two primary solutions.

The Resolution reaffirms the right of each individual Palestinian refugee to:

- *Return to his/her home of origin;*
- *Real property restitution; and*
- *Compensation for losses and damages.*

The Resolution affirms two primary solutions for Palestinian refugees:

- *The right to return to their homes and receive real property restitution and compensation for losses and damages; and*
- *Assistance for resettlement in a host state or a third country and real property restitution and compensation for losses and damages.*

In its resolution it express the right to return to their homes of origin if they wished so when Israel and its Arab neighbours (i.e., Jordan, Egypt, Lebanon and Syria) signed armistice agreements in 1949 marking the end of the war. In reality expulsion and internal transfer of Arabs from their land, now under the control of Israel, continued also after the signature of the Armistice Agreements. It was not allowed to use the force anymore but the Israel army had other way to persuade the Arabs to leave their villages (Flapan, 1987). Israeli police carried out raids on Palestinian villages to search for refugees who had returned spontaneously following the cessation of the hostilities.
Returnees were subsequently transported to the borders and expelled (BADIL, 2003). This is one of the main reasons for the difficulty of determining a general accepted number of Palestinian refugees and internally displaced after the creation of the State of Israel.

In June 1967, Israel captured the Sinai, the West Bank, Gaza and the Golan Heights. The war, was a disaster for the Arab world, especially for Jordan that lost the West Bank, received a new wave of refugees, and lost its credibility to be the representative of Palestinians (Dosenrode, Stubkjaer, 2002).

As result of the 1967 war, the West Bank, the Gaza Strip, and East Jerusalem underwent military occupation from Israel and 350.000-400.000 Palestinian became refugees or IDPs, some of them for the second time (BADIL, 2003). Also in this case it is impossible to determine the total number of refugees in an unequivocal number.

The IC clearly condemned the occupation of those areas from Israel and approved the UN Resolution 242 on the 22 November 1967 where: "The Security Council, Affirms that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles: (i) Withdrawal of Israel armed forces from territories occupied in the recent conflict; (ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force; […] Affirms further the necessity (a) For guaranteeing freedom of navigation through international waterways in the area; (b) For achieving a just settlement of the refugee problem; (c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarised zones[…]"

Since 1967 Israel has destroyed thousands of Palestinian homes and has confiscated agricultural land in the OPT leading to further internal displacement. During the 70s, an average of 21,000 Palestinians per year was forced out of Israeli-controlled areas (Permanent Observer Mission of Palestine to the United Nations web page). In the 1967, Israel considers the indigenous Palestinian inhabitants as having the status of resident aliens in the OPT. The status of resident alien does not provide a guarantee of residence; since 1967 Israel has revoked the residency status of hundred of thousands of Palestinians (BADIL, 2003).

Palestine, even after 56 years, is still not a country. Palestine lies on the western edge of the Asian continent and the eastern extremity of the Mediterranean Sea. Numerous ineffective peace processes have attempted to create a sovereign state on a part of the Palestinian land and to give a solution to the refugees' question. Nevertheless at the beginning of the British Mandate in Palestine, the indigenous Arab population owned over 90% of the land. Today the indigenous Palestinian population owns and controls just over 10% of the land within Israel and the 1967 Occupied territories (BADIL, 2003). The Palestinian population living in the OPT (West Bank, Gaza and East Jerusalem) accounts for 3,382,000 (Palestinian Center Bureau Statistic web page); 1.549.000 of them are refugees (UNRWA, 2003).
Still nowadays no clear solution has been proposed and not any single UN resolution has been enforced.

5.5.2 Israel and refugees

Legally, after 1967 Israel became an occupying power outside of its 1949 borders, assuming the obligations thereby incumbent upon it by the Fourth Geneva Convention, which was designed to protect the civilian population of occupied areas and to prevent the occupier from permanently changing the status of the territories. Despite the illegality of the occupation in international law, Israel also assumed the responsibility for the economic and social well being of the Palestinian population it now controlled. In contravention of these obligations, Israel went about "de-developing" the OPT and changing their demographic composition by means of land confiscation, deportations and building of illegal Jewish settlement (Hawari, 2003; Roy, 1995).

In the aftermath of the 1967 war, the question of the Palestinian refugees in the OPT imposed itself urgently on Israel and the state was compelled to find a solution to the refugees under its control (Hazboun, 1996). In 1970 the refugee population in the West Bank and Gaza strip reached 584,506

(UNRWA, 1990). However since 1967 Israel was forced to deal with the refugees within its borders and intensive discussions on the refugee question took place and numerous proposals were submitted and named after those who suggested them.

The proposals varied from the denial of Israel having any responsibility for the refugee problem to the support of the UN resolution 194, considering also the resettlement in Arab Countries. However most of the plans proposed were mainly intended to resettle the refugee camps population in better housing in Palestinian areas or Arab Countries. The value for Israel of these plans was to provide a solution to the refugees' problem avoiding the repatriation or the compensation, and underline the Israeli government's belief that a political problem could be reduced to social and economical ones. But the refugees' adherence to their political rights contrast sharply with the Israeli assumption that the resettlement and urbanisation will dissipate the right to return (Hazboun, 1996).

In the 1970s and 1980s, Israeli policy in the OPT was designed to suppress political activity and isolate the population from Palestinian organisations and activists abroad. Despite systematic Israeli repression, the occupied population nevertheless established themselves as leaders of the Palestinian struggle for national liberation when, in 1987, they launched the first Palestinian Intifada, which lasted until 1991.

All the Palestinian population was subjected to the psychological stress of living under an occupied authority, but the inhabitants of the refugee camps were also suffering more restriction of movement, curfews and the anxiety inseparable from military security measures due to the fact that all the camps were closed (UNRWA, 1986).

Under the Oslo/Madrid process, which began in the early 1990s, the Palestinian refugee issue, among a set of other issues such as Jerusalem, settlements, borders, and water, was left for so-called final status negotiations as set forth in the 1993 Declaration of Principles signed by Israel and the PLO.
After Oslo, all camps in the West Bank and Gaza Strip except Shu'fat Camp in Jerusalem came under the control of the PNA, but the overall fate of the refugees remains one of the most complex issues still awaiting a solution in the context of the "final status" talks between the PLO/PNA and Israel.
In fact during final status talks in July and December 2000, Israel's position and American bridging proposals on the refugee issue attempted to secure a political agreement whereby Israel would "recognize" the right of return, in principle, with Palestinians, in return, being asked to forego the right of return in practice in order to maintain the Jewish demographic majority in Israel and Jewish control of refugee properties (BADIL, 2003; Passia, 2003).
OPT are divided in West Bank, Gaza Strip and East Jerusalem; Those three areas anyway are not continuous internally but are subdivided in smaller enclaves which entrances is under the control of Israel Army. The Oslo Agreement specified the parts of Gaza and West Bank over which the Palestinian National Authority would have jurisdiction. The Agreement envisaged the staged withdrawal of Israel forces so that the Occupied territories would, in the interim period, consist of territorially distinct cantons, classified as either, zones A (full Palestinian control), B (Palestinian civil control and Israel military control), C (full Israel control) (Hawari, 2003).

The Oslo process failed to redress the demographic, economic and military imbalance between the Israelis and the Palestinians. In effect, Israel divested itself of Palestinian population centres, while maintaining control over the majority of the land and natural resources. Israel still had the control over 83% of the land (areas B and C), 400 km of by pass road that divided the West Bank into three sections and mainly 120 disconnected enclaves. During all the period Israel did not dismantled any settlement, on the contrary the settlement grew substantially in area and population (Hawari, 2003)

Many communities lost land in 1948 - including many not formally registered as refugees - and many localities have been steadily losing additional territory to settlements over the last thirty years. The Oslo Accords provided little protection in this regard: most West Bank residents live in areas 'A' or 'B' under

PNA administrative jurisdiction although most available building land lies on the edges of towns and villages in Area 'C' - currently some 60 percent of West Bank land. Permission to build requires Israeli authorisation. Between 1996 and 1999 only seventy-nine such permits were granted, leaving residents no choice but to build "illegally". Recent months have seen a surge of demolitions and demolition orders served upon 'illegal' buildings along the path of the barrier. The barrier will isolate predominantly Area 'C' land, and further diminish natural expansion for many communities, leaving young homebuilders no alternative but to leave. There is already evidence of internal migration from some affected areas (UNRWA, 2003a).

The control of the Palestinian Authority on certain areas, A and B as specified in the Oslo Agreement, has been regained by Israel since September 2000 with the reoccupation of the occupied Territories as reaction to the Al-Aqsa Intifada.

5.5.3 Current situation

Since the election of Ariel Sharon as Prime Minister in February 2001, Israel attempts to suppress the Palestinian Intifada and reoccupy the areas of the West Bank and Gaza under the control of the PNA have led to an escalation of violence and a total collapse of the peace process. Suicide bombs have increased dramatically, which Israel used as a pretext to reoccupy major Palestinian towns between March and June 2002 (Hawari, 2003).

The siege and closure on the OPT, dramatically tightened by Israeli occupation forces since October 2000, have essentially placed three million Palestinians into a series of collective jails, far tighter than at any other time since 1967 (even during the first Intifada). Israel has imposed a closure of international borders, sealing off the Gaza Strip and West Bank from Israel, from neighbouring countries, and from occupied east Jerusalem. Furthermore, it has imposed a siege on Palestinian towns, villages, and refugee camps, severely restricting movement within the OPT.
In addition, Israeli troops often place communities under total curfews during incursions into areas under the jurisdiction of the PNA or in the Israeli-controlled sector of Hebron, essentially a form of collective house arrest. Furthermore military operations had an adverse impact on the ability of UNRWA and NGOs to carry out their humanitarian functions in support of the Palestine refugees. Movement of humanitarian goods, particularly in places where supplies of food, medicines, blood and other items were urgently needed, was often blocked, delayed or made very difficult (PCHR, 2003; UNRWA, 2002).

Siege and closure have a devastating economic impact, especially given the dependency of the OTP on the Israeli economy (Palestinian Counselling Centre, 2003). One of the main failures of the PNA after Oslo has been the incapability to develop an independent economy from Israel. Palestine is not self-sufficient and does not produce its own product anymore. Now with the closure of the roads Palestinians cannot move their products and therefore Israeli companies are the only one able to deliver goods (Barghouti, 2003).

The second year of the Intifada witnessed a further steep decline in all Palestinian economic indicators. Gross National Income, in 2002 mounted to 40% less than in 2000. With a 9% growth in the population of the West Bank and Gaza over the past two years, real per capita incomes are now only half of their September 2000 level. Unemployment stands at 53% of the workforce (World Bank, 2003)

Labour flows virtually ground to a halt as closures and other measures continued to keep large numbers of Palestinians unemployed. According to a World Bank report published in March 2003, in September 2000, an estimated 128,000 Palestinians worked in Israel and the Israeli settlements. With the outbreak of the intifada, the Israeli Government at first cut back heavily on the issuance of reduced work permits, but in recent months has begun to provide considerable numbers once again. Some 32,000 were being issued by the end of 2002, though only about a half of these were being used — internal closures make it hard for many workers to move though the West Bank and Gaza to the designated workplace. 60,000

Palestinians have lost their jobs inside the Palestinian areas since September 2000 as demand collapsed and businesses were forced to lay off workers. The effect of large-scale unemployment has been to aggravate the severe economic decline in both the West Bank and the Gaza Strip. Using a poverty line of US$2 per day, the World Bank estimated that 21% of the Palestinian population were poor on the eve of the Intifada, a number that increased to about 60% by December 2002. Accounting for population growth, the numbers of the poor have tripled, from 637,000 to just less than 2 million. The poor are also getting poorer.

In 1998, the average daily consumption of a poor person was equivalent to US$ 1.47 per day. This has now slipped to US$ 1.32. More than 75% of the population of the Gaza Strip is now poor. The high rate of Palestinian population growth (4.35% per annum) is fuelling the growth in poverty. Furthermore between June 2000 and June 2002, Palestinian exports declined by 45% in value, and imports contracted by a third (World Bank, 2003).

The World Bank has estimated that the physical damage resulting from the conflict jumped from US$ 305 million at the end of 2001 to US $728 million by the end of August 2002 (World Bank, 2003; Local Aid Co-ordination Committee, 2002).

Anyway, the main service providers – the Ministries of Health and Education and the municipalities – have maintained a basic network of sound public services in an environment beset by curfews, closures, periodic violence and severe fiscal compression. These institutions have continued to do their job thanks to the commitment of thousands of Palestinians who work in schools, clinics and municipal service departments, supported in the field by the UN system (in particular UNRWA) and by Palestinian and International NGOs (World Bank, 2003).

Above all, these measures have paralysed civilian systems and created emergency situation for the population: food shortage, problem with fresh water, electricity, access to healthcare, the accumulation of garbage in the streets, the interruption of education for children and youth, and so on. In such conditions, high levels of poverty and despair prevail and weaker sectors of the population, such as children, women, old and especially refugees (Hawari, 2003; Calvelli 2003).

5.5.4 Population, movement and distribution

Different estimations are given as to numbers of refugees and many scholars are using the picture of two big bangs, 1948 and 1967, which scattered Palestinians into a limited number of agglomerations where their presence is stable and statistically "known". For many people, however, displacement has been multiple, involving many shades of insecurity and rights violations. A few outstanding instances: Gaza, where between 1971 and 1989 the Israeli authorities coercively rehoused 10,517 camp families (Negev Bedouin have also frequently been re-located). Anyway most of the escalation in insecurity has happened since Oslo. In fact the restrictions on movement have become harsher since 1987 as consequence of Intifada, but became a real new policy since 93 (Saiygh, 1998).

Since 1967, the territories have been marked by a varying, but generally high, net migration, in some years reaching as much as 2 percent of the population. Many moves have been political, caused by real or perceived threat of persecution by Israeli authorities, but the vast majority of the moves have been for seeking work, education or marriage. Whatever its causes, today the migration shows itself in that as much as 57 percent of households in the West Bank and Gaza Strip have relatives abroad (Pedersen et al., 2001). But the migration did not stop with the creation of the refugee community; in fact there is also a reverse flow of Palestinian coming back: after the First Gulf War around 30.000 Palestinian came back, while after Oslo Agreement the number is around 220.000. The return was an agreement between Israel and PNA but was not supported financially, therefore many of the returnees were wealthy Palestinians able to finance their return and interested in investing in the country.

But due to the difficult economical situation and the crisis of the military occupation since 2000, most of the investments are not inserted in a long term and sustainable plan of economic growth but are merely services (Barakat, 2003).

There are differences between urban and rural places in the OPT, but the distinction are not so strong because of the small distances between them, and also due to presence of the ambiguous nature of refugee camps. Even if all villages are defined as rural, the Palestinian population is largely urban. Palestinian society is very urban compared to many other developing countries, a fact belied by its "traditional" population structure. The explanation may lie in the significant political events as well as in structural (e.g., land availability) and cultural factors (Pedersen at al., 2001).

Gaza Strip is a small piece of land, 46 km long and 6-7 Km wide, with an estimated population of over 1.200.000. The refugee camps in the Strip are amongst the most densely populated areas of the world. Palestine refugees living in Gaza account for 22% of all UNRWA registered refugees. In an area of only 360 square kilometres, three quarters of the current population are refugees, according to UNRWA's 2003 figures: 901,092. Over half of the refugees live in eight camps. Most of the people who fled to the Gaza Strip as a result of the 1948 Arab-Israeli war were from Jaffa, towns and villages south of Jaffa, and from the Beersheva area in the Negev Desert. Gaza Strip host the largest camp population among all the Palestinian refugees and some of the largest camps are also located in Gaza. The large number of refugees living in Gaza is due in large part to the lack of resources to build outside the camps, denial of building permits under decades of Israel military occupation, and the lack of building space outside the camps (BADIL, 2003; UNRWA, 2003).

The West Bank covers 5,500 square kilometres with an estimated population of 1.8 million people. According to UNRWA's 2003 figures, there are 647,919 registered refugees. While one quarter of West Bank refugees live in nineteen recognised refugee camps, the majority live in towns and villages.

Thirty-four percent of the Palestinian population is located in Gaza and half is divided between northern and central West Bank. Thus, while the Gaza surface area accounts for about 6 percent of the total land area of the OPT its relative share of the population is six times as high, resulting in a very high population density.

Overall, about 40 percent of Palestinians in the Occupied Territories are refugees. But they are not spread evenly over the territory. This is largely a consequence of the geographical patterns of relocation after the 1948 and 1967 wars. The highest proportion is found in Central and Southern Gaza, reflecting the large concentration of refugees in the Shati' and Rafah refugee camps, followed by Jericho in the West Bank and North Gaza. All these areas constitute "refugee enclaves". During the major waves of displacement/expulsion, Palestinian refugees tended to remain as close as possible to their homes and villages of origin based on the assumption that they would return with the cessation of the armed conflict in the region (BADIL, 2003).

Nearly half the refugee population lives in refugee camps. The other half is more or less evenly distributed across large villages, district capitals and municipalities. The majority of non-refugees live in large villages with the remainder in urban areas. In other words, the residential situation of refugees is highly variable both in terms of physical environment and access to different services and opportunities (Pedersen et al., 2001).

The Palestinian population, the majority of whom is refugees, is a young population with a high rate of natural growth. The demography of the West Bank and Gaza Strip holds considerable interest. The Gaza Strip is one of the densest populated areas of the world, and the rapid increase of population poses difficult challenges for developing a sustainable economy. Fertility in the Gaza Strip is generally higher than in the West Bank and the signs of a decline is much more pronounced in the West Bank than in the Gaza Strip. However, although the levels are different, the mechanisms of fertility change appears simi-

lar, with the age of marriage playing a pivotal role in the determination of the number of children to which a woman in Palestine give birth (BADIL, 2003; Pedersen et al., 2001).

Distribution of UNRWA Registered Refugees by District and Camps (RC)

West Bank			Gaza Strip		
District	Camp (year of est.)	Population	District	Camp (year of est.)	Population
Nablus	Askar (1950)	13,297	Gaza North	Jabalia (1948/49)	103,646
	Balata (1950)	20,002			
	Camp No. 1 (1950)	6,033			
Jenin	Far'a (1949)	6,565	Gaza City	Shati (Beach) (1949)	76,109
	Jenin (1953)	13,755			
Tulkarm	Nur Shams (1952)	7,944	Gaza South	Khan Younis (1949)	60,662
	Tulkarm (1950)	15,661		Rafah (1949)	90,638
Ramallah	Am'ari (1949)	7,821	Gaza Central	Deir Balah (1949)	20,188
	Deir Ammar (1949)	2,145		Nuseirat (1948/49)	64,233
	Jalazon (1949)	9,009		Bureij (1949)	30,059
	Qalandia (1949)	8,948		Al-Maghazi (1949)	22,536
Jerusalem	Shu'fat (1965/66)	9,396**			
Jericho	Aqabat Jaber (1948)	5,034			
	Ein Sultan (1948)	1,872			
Bethlehem	Dheisheh (1949)	10,494			
	Aida (1950)	4,034			
	Beit Jibrin (1950)	1,792			
Hebron	Fawwar (1949)	6,809			
	Arroub (1950)	8,897			

** the de facto numbers of the camp population are much higher as some 4,000 refugees have moved into the camp in the past years to avoid losing their residency rights in Jerusalem

(Source: UNRWA, 2002)

Figure adapted from (UNRWA, 2002)

Three linked economic factors are important in the demographic picture of the Middle East. These are the extremely low labour force participation of women, the high proportion of the labour force employed in wage labour and the heavy dependence on remittances. The economies of the region are basically modern in the sense that agriculture and family farms comprise a comparatively small part of the economy coupled with the fact that wage labour outside the home is very important. Remittances and other forms of non-labour income that subsidises households are substantial.

The 1992 FAFO survey of conditions in the West Bank, Gaza and Jerusalem showed that on most indicators (employment, housing, infrastructure services, household assets) camp inhabitants form a distinct and disadvantaged sector. In addition, the survey showed a stratum of refugees living outside camps whose living standards are hardly better. Thus, around 70 percent of camp refugees and nearly 50 percent of refugees outside camps in Gaza fall into the lowest economic status bracket, while in the West Bank, the figures are 40 percent (in-camp) and just over 20 percent (out-of-camp) (Heiberg, Ovensen, 1993).
The refugee camps therefore constitute a type of locality distinctive from Palestinian society and are clearly relatively deprived type of locality.

5.5.5 Refugees, camps and Palestinian population

"All the Palestinian population has a refugee mentality due to the lack of freedom of movement" (Gomis-Perez 2003). This assertion spells out perfectly well the current situation in all the OPT, the tenacity of refugee/non-refugee boundaries even within Palestinian society is very strong and it is mainly because of differences in terms of housing, amenities, occupation, home ownership and wealth (Saiygh, 1998). As Shamir study showed, the refugees perceived themselves different from, or socially inferior to, the people among whom they live; the main reason is that people posses land and property while the refugees had lost theirs (Shamir, 1980).

After Oslo the PNA started to exercise their power on a restricted numbers of policies areas. They created a Refugee Department in charge of relation with UNRWA, monitoring the situation in the camps, and

representing the refugees in the international discussions. The main governing body in the Palestinian refugee camps is the Popular Committee, whose board is composed by 10-11 people representing the different political fractions and association of refugees created inside the Camps. They are nominated on a voluntary basis and represent the camps towards the Refugee Department of the Palestinian Authority. The Committee is also managing relations with Donors and NGOs interested in financing activities or infrastructure inside the Camps. NGOs do not usually work in the main three interventions' fields of UNRWA, although the UNRWA cannot satisfy all the needs because of the chronic lack of funds. Therefore there is a great problem of maintenance and renovation of infrastructure inside the camps, and also of basic services due to the high demand from the refugees for a reduced number of structures and service available (Refugee Department PA, 2003).

The PNA should have taken over part of the responsibilities of the UNRWA, following the Oslo Agreement, but this never happen due to the strong opposition by the refugees themselves and the worsening of the situation. The UNRWA is in fact necessary for the services provided but also as political statement from the international community that the refugees' issue is not solved at all (Gassner, 2003; BADIL, 2003; Barakat, 2003; Balata Camp, 2003). Until 1967 the refugees were represented by the government of their hosting countries, after 1967 UNRWA represented them, and since 1994 it is a task of the PNA.

In the research on Palestine a real gap exists with respect to analysis of internal structure and social change mechanisms among Palestinians. Moreover, the literature on the Intifada shows that, responding to changed circumstances, the refugees have become more political and are no longer, as before, pleading for help in their helplessness.
Problems of social status (deriving from landlessness) and the disintegration of stable societal structures were exacerbated by the problem of leadership. The refugees describe themselves as a leaderless mass, the traditional leadership having lost credibility in the circumstances of the flight from the homeland. Thus, the crumbling of traditional bonds caused psychological distress, the loss of a sense of security and protection, shock, loss of self-respect, loss of identity and subjection to the label refugee, and the reinforcement of their own and other's sense of their difference and otherness (Sayigh, 1977; Shamir, 1980).

The political role played by the refugees is really high and they were especially active in the first Intifada and in the political elections of 1996, although they did not seen any improvement in their life condition, nor after Oslo and neither after the elections (Barghouti, 2003) It is anyway interesting to notice that the refugees did not managed to produce an authorative, central leadership or an enduring organisation that would represent their interest (Jarrar, 2003; Shamir 1980).
The refugee camps deal with the PNA as if they were the government of a hosting country, and not their own government. The situation is complicated even more because the PNA does not have the same quantity of money of the neighbouring hosting countries and they compete for international funding with UNRWA, but there is a smooth division of labour between the two (Refugee Department PA, 2003; Dheheisheh Camp, 2003; IBDAA, 2003).
Each camp is unique, but all of them are separated by the surrounding areas. The camps are overcrowded and although people can move outside if they have enough money to afford it, a lot of refugees want to stay inside the camps because they are afraid to loose their status.

Ben Porath and Marx (1971) study identified significant economic aspects of the camps:
The very limited possibility of owning property;

- *Refugees in camps are less interested, that the surrounding Palestinians, in opportunities far from home;*
- *The presence of UNRWA make the refugees more dependent and more inclined to hold their refugee identity;*
- *Mobility among the inhabitants of the camps; when the refugees make money enough they usually live the camps.*

The camps are populated by families coming from different areas and most of them did not know each other before coming to live in the camps, nevertheless the camp has become a "new strong family unit" (Palestinian Counselling Centre, 2003; Balata Camp, 2003). As some scholars pointed out the refugees came to regard the camp as a substitute for the traditional social framework and tended to evade direct confrontation with the outside (Bruhns, 1955; Shamir, 1980).

Of course the size of the camp can create differences in the type of social connections. In big camps, such as Jabalia in Gaza Strip, populated by 105,431 people, the solidarity and ties are created among groups of families that arrived together and therefore started to live very close. The differences with the exterior of the camp are not so relevant because Jabalia is a town in itself and with its own services (UHWC, 2003). While Beit Jibrin, the smallest camp in the West Bank established in 1950 in the heart of Bethlehem, is a small area of 20 dunums inside the municipal boundaries where are living 1778 people that are completely connected among them but separated from the town outside the camp (Beit Jibrin Handala Cultural Centre, 2003).

The refugees that leave the camps still remain refugees; the main difference is in the better condition of life outside the camp (Dheheisheh Camp, 2003). "The Palestinian refugee perceived himself as worthless, a nothing, someone who lives a life of despair and humiliation, half a man, someone deprived of his dignity, homeland and religion" (Shamir, 1980)

Instructive evidence, regarding the difference between refugees and non refugees is related to education. Education makes less difference to occupational status than family background. Though UNRWA refugees have a significantly higher educational level than non-refugees, in terms of wealth they are generally less well off. The role of intact kinship groups, and especially the links between these groups and property, is more crucial than education in determining the household's economic position. Though refugees have large family networks the connection between these networks and property was to a large extent detached in 1948, and in all the other wave of displacement. In spite of dismemberment, Palestinian society has retained a kind of class-consciousness manifested most strongly in marriage practices, business dealings and everyday transactions (Hazboun, 1996).

Life in the camps is hard and bleak enough to cause individuals to feel that their individuality, self-confidence and values were dissolving. At the same time, the camps' social institutions raised unseen walls (and visible ones, too) that isolated and segregated the refugees from confrontation with the wider Arab society and forced them into a world of memories of the lost paradise of Palestine. Palestine is no longer a geographical entity; it is now a state of consciousness. This paradise is contrasted with the current reality of poverty, shame, and the refugees' sense of loss of control over their individual and collective future.

Refugee camps are an explosive situation because of their terrible conditions. Oslo created a separation between refugees and non refugees, and although all the Palestinians are suffering from the military occupation, most of the Israeli violence is addressed towards the refugee camps and the areas closed to the "security walls", creating more depression and new internal displacement. The construction of the wall and the destruction of houses and agricultural land create furthermore a continuous displacement of refugees and the generation of new displaced people (Palestinian Counselling Centre 2003). The refugees living in the camps feel like a minority and they are ready to fight for their rights. Therefore the seeds of the resistance towards the military occupation are in the refugee camps due to the difficult situation suffered by the people, and they are ready for the struggle (Barakat, 2003; Dheheisheh Camp, 2003)

To conclude, refugees related to their refugeeism in two contradictory ways, as both a temporary and a long-term state. On the one hand, their terminology emphasised the temporariness of camp life; they called their living quarters "shelters", not homes (Shamir, 1980). On the other hand, they continued to see themselves as refugees even after their camp had acquired the status of an urban workers' neighbourhood (Marx, 1992). They also preserved their refugeeism by refusing to give up their UNRWA food card,

which they presented like a sort of passport (Ben-Porath, Marx 1971).
The reconstruction of the Jenin Camp after the partially destruction of the Israel Army is exemplar of this situation. The UNRWA had land outside the camp but people refused to be resettled there for two main reasons: population of the same camp do not want to be separated and people believe it was only an attempted from the Israeli government to weakened the UNRWA and therefore the refugees themselves (Barghouti, 2003).

5.5.5.1 Refugees and other actors

"No one has a clear strategy for Palestine" (Martinez, 2003). The main reason for such impasse is the fact that the situation is considered and approached, as an emergency while it is primarily a political and diplomatic crisis. The situation nowadays is totally unstable and unpredictable, which creates a very difficult environment for planning, not only activities but especially the perception of a future; the consequence is an unhealthy environment for all the population, but even more for refugees who do not own anything (Palestinian Counselling Centre, 2003; IBDAA, 2003).

While any short-term recovery will depend on the lifting of closures, this will not suffice to put the Palestinian economy onto a sustainable growth path. World Bank (2003) analysis shows the limited power of donor assistance under such conditions. If donor disbursements were doubled to US$ 2 billion in 2003 - something, which there is no reason to believe is feasible – the poverty rate would only fall to some 54% by the end of 2004.
This is in part because closures dampen the ability of foreign assistance to raise real incomes, with most of the funding translating into imports and inflation rather than domestic production. The situation remains one of protracted conflict and political crisis. Donor funds can cushion the impact of the crisis and maintain a modicum of essential services, but they do not amount to a solution. An agreed framework for political progress is indispensable for the resumption of economic and social development in both Israel and the Palestinian territories (World Bank, 2003).

The solution of the conflict is political. Nevertheless the social-cultural-economical aspects of the current situation are the most important for the development of the human being (Barghouti, 2003). Many refugees have lived for very long in a ghetto and they have developed their own culture. The PNA failed to treat them as citizens (Barghouti, 2003), and the refugees were never involved in the social economic development plan of the PA (Refugee Department PA, 2003).

Since Oslo in the West Bank and Gaza national institutions were being set up, trade unions, women's organisations, charitable societies, schools, students' unions. These institutions assumed central significance as local symbols of Palestinian nationhood. But the refugees have never been integrated into this process.

Integration of the refugees in the rest of the Palestinian population is not the objective of any actor active in Middle East. Many are the reasons that play a role in this approach. Firstly, because a high number of refugees create more pressure on the international community and shows that the refugee issue is not solved. The miserable situation of the camps is used as a political issue in the international discussions. Secondly, integration is anyway not a solution in itself because many refugees that leave the camps are integrated in the new area but they still consider themselves as refugees. The only fair and legal solution for this problem is the right to return, which is quite different form the return in itself.

A central assumption of the interpretations of the Palestinian "right of return" is the establishment of a Palestinian state in the West Bank and Gaza. Such a state would not only be able to accept those Palestinians wishing to return to their national soil, but would further be able to offer Palestinian citizenship to those who remain in the Diaspora (Palestinian Refugee ResearchNet, 2003).

The decision of returning is anyway not an emotional choice but is rooted in the real possibility and economic conditions (Gassner, 2003; Barakat, 2003; Barghouti, 2003). At the moment a hot topic for the

IC is the research on absorption capacities of Palestine and Israel towards returnees. At the moment several researches are in progress but none of them are finalised yet (Gassner, 2003; Barakat, 2003).

"If the conditions create the human beings, our task is to create human conditions" (Dheheisheh Camp, 2003). The conditions nowadays are not humane, especially for the refugees and above all for the children. The closure has created a collapse of all the networks existing before; people are dealing with survival and have no time left to deal with the future scenario (Gassner, 2003). People and NGOs need to have long-term perspective, continuous support, and independency, both economical and psychological (Bertinussen, 2003; Calvelli, 2003). The presence of UNRWA and the rest of IC has created a mentality of dependence, especially among the refugees themselves that are afraid to loose their status and therefore the right to return. Many of the local NGOs encountered (Palestinian Counselling Center, 2003; IBDAA, 2003; UHWC, 2003) are working in the framework of self-sustainable development and are interested in keeping their actions driven by the needs of the refugees' community and not by the agenda of donors or international NGOS. Most cultural, women, and youth centres are seeking the support of the international solidarity movements and the contribution of the refugees themselves in order to keep their independency. Although the role played by the international community is relevant in terms of services provided, its agenda is too much oriented in the short- term framework, humanitarian aid, and not in the real solution of the problem. Instead of continuously rebuilding infrastructures, it should insist that Israel ceases the destruction of these infrastructures (UHWC, 2003).

A key strategy could be the orientation of the activities into a wider scale than camps in order to support the transformation of the refugees into citizens (Barghouti, 2003).
Furthermore the activities should be based on the real and identified need of the people, as this will help the people to regain control of their life. For example children and women are suffering from the current situation but are not able to express their needs and to ask for support. Children have been exposed to harassment, displacement, shooting, and destruction of their homes and schools; and these measures have a drastic effect on their psychological side. Women are victimised by the political violence, living in perpetual fear for their safety and that of their families, while bearing the additional burdens imposed on them by conditions such as the destruction of their home, the uprooting of trees and rampant unemployment (Hawari, 2003). Organisations working with women, children, and youth should ask them what they need and afterwards designing their activities according to the needs. This is a long process that requires a long-term commitment (Palestinian Counselling centre, 2003).

It is necessary to concentrate in the creation of job opportunities for the people; and also in this case it should be for a minimum and granted period of time in order to have an impact not only on the economy but also on the psycho-social situation (Barghouti, 2003; Bertinussen, 2003). As suggested by the World Bank, employment generation schemes have a place in the welfare mix, due to their psychological and capital- forming benefits – particularly if designed to maximise labour content and the use of local materials (World Bank, 2003). There is a tremendous amount of unused professional capacity at the local level; with human and social capital that can easily be mobilised if conditions for renewed economic activity are met, employment and labour market policy should target women and young workers. Gender mainstreaming is required in view of the extremely low female labour force participation rate, which has dropped even further during the second Intifada (ILO, 2002).

Furthermore refugees see in education a way of gaining control over their fate, a chance to build a future and escape from passivity and dependence. In fact, they ascribed even more importance to education, for they perceived it as bestowing a wider awareness generally. Given the difficulties deriving from the refugees' low social status, and the fact that they had lost their lands that had previously supplied prestige and status, they also saw education as a means of entry into the host societies and a substitute source of public pride. At the same time, their marginal status and lack of employment opportunities caused them to leave their children in school for a longer time. Getting an education was seen as a temporary replacement for a homeland and a passport (Sayigh, 1995).

5.5.6 What next?

The Palestinian and Israeli populations are paying a very high price for occupation and violence. The present Road Map merely continues a long pattern of missed opportunities. There is a need for an effective Road Map towards a comprehensive and durable solution of the conflict in general and for Palestinian refugees in particular who should not have to choose between law and politics. International law provides the basic guidelines for an effective political process. It is a tool which can enable Israelis and Palestinians as well as third party mediators to reach and implement an agreed upon political solution. Finding creative means to facilitate a substantive discussion about the conflict itself and its root causes, especially inside Israel, will be critical towards the re-incorporation of international law as a first step in finding a just, comprehensive and durable solution (al-Majdal, 2003).
Disregarding human rights, or subordinating these rights to political considerations can only undermine the prospect of achieving durable peace and security. The failure of past agreements between Israel and the Palestinians has demonstrated that while a human rights agenda alone may not be the answer, it must be a central part of any solution. Only a just settlement, which respects the human rights of all parties, will endure (Amnesty International, 2003).

In this respect the IC has failed the Palestinian and Israeli victims, whose human rights have been neglected in the pursuit of a "peace and security" formula, which, if achieved, cannot be durable unless based on respect for the fundamental human rights of all. As the situation continues to worsen the need for steps to be taken becomes more pressing (Amnesty International, 2003).

Several efforts are done by local, Arab and Jewish, civil society to establish a peace dialogue and to publicly address the reasons of the conflict. Their work should be supported as a clear voice towards the end of the barbaric and the only hope for the future. One example of a grassroots initiative encountered in Dheisheh Refugee Camp is Ibdaa, which means, "to create something out of nothing". Founded in 1995, Ibdaa serves over 1500 children and young people annually through various programs, while providing job opportunities to over 60 families in the camp. Ibdaa's mission is to provide an environment for the camp's children and young people to develop their ability, creativity and leadership skills through social, cultural and educational activities that are not readily available in the camp. Ibdaa strives to empower the children and instil in them confidence and strength to face their difficult future, while educating the international community on the Palestinian refugee issue.

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Chapter 6

Findings, lessons learned and future options

6.1 Introduction

This part of the document reports conclusions form phase one (literature review) and phase two (field research) in order to develop a sort of guiding principles useful for project members, the SOLIDAR network and the donors community, in order to re-orientate the debate towards a comprehensive approach by means of defining different areas of concerns.
All the suggestions, which are articulated among different and simple-expressed recommendations, aim to suggest alternative/combined strategies on return and reconstruction outlining guiding principles for working in complex environment with refugees and IDPs.
Moreover this part also tries to underline some lessons learned form the implementation of the research project and finally, suggest some future options for further research.

6.2 General recommendations

While specific solutions must be tailored to the country and circumstances, certain general issues do emerge. Among these, establishing and maintaining order and security is a fundamental prerequisite. In many post-conflict situations a fundamental responsibility is the one for political and security matters, and such responsibility can be given to different actors (eg. UN in Kosovo and US Military Force in Iraq). While the restoration and preservation of security is a prerequisite, the political timetable is necessarily different from a reconstruction timetable that looks to sustainable and long-term development. This difference in perspective and timing is surmountable but only if it is recognised and explicitly addressed. All the actors involved should cooperate with a:

- *holistic development plan;*
- *common policy framework;*
- *clear funding arrangements;*
- *activities designed in terms of achieving capacity;*
- *development outcomes, rather than necessarily short term results.*

Anyway, thinking in holistic terms does not mean that each intervention requires satisfying all the needs. Different actors have different tasks and responsibilities and such division should be kept clear in all the phases and levels of the interventions.

6.3 Strategies

6.3.1 Regional strategic based

Regional strategic planning should constitute a crucial level in the context of refugees and IDPs, as demonstrating in the Balkans and Middle East areas. Regional planning methodologies could provide:

- *the means to conduct assessment of resources;*
- *the basis for the coordination of infrastructure provision and investment allocation necessary to underpin the regional economy for refugees and hosts;*

- *the tools to ensure that settlement patterns of refugees are compatible with the existing distribution of settlements, infrastructure networks and resources;*
- *the opportunities to promote development through different sector investment strategies, and conduct appropriate and common information campaigns and legal support.*

6.3.2 Long term based

As we try to underline in the literature review, the emphasis on repatriation as the preferred solution has been discussed in many studies, assumes that asylum is a transient stage even when many refugee situation are de-facto permanent (e.g. the Palestinian case).

This is the dilemma pointed out in the whole publication. Durable, in other words, developmental responses such as those advocated in this review are not, by themselves, likely to be a major variable in the refugee's decision to remain or repatriate.
On the other hand, developmental strategies rather than emergency assistance more effectively serve both the needs of refugees and their hosts. For the refugees, invariably protracted exile demands planning policies for shelter and settlement which offer durability, stability and continuity. For their hosts a developmental model, by integrating refugee and hosts' needs, will help to ensure that their long term aspirations for improved physical and social infrastructure, economic opportunities, community development, and environmental sustainability are less likely to be undermined by short term and pragmatic responses (Zetter, 1995).

Even in those cases, actors and donors chose to work by short timeframes and reiterate the same form of assistance, based on short, self-contained, sectoral projects. As Crisp observes, "[ ]rather than responding to this impasse in innovative ways, the principal members of the international refugee regime chose to implement long-term 'care-and-maintenance' programmes which did little or nothing to promote self-reliance amongst refugees or to facilitate positive interactions between the exiled and local populations.... [...] this is partly because here is a vested interest in perpetuating the 'relief model' of refugee assistance, which entailed the establishment of large, highly visible and internationally funded camps, administered entirely separately from the surrounding area and population" (Crisp, 2003).

Moreover, the nature of funding (ad hoc emergency funding, conspicuous, and short termed) determines to a large extent the modalities of intervention and the possibility of connecting relief and development. This model discourages a vision extending besides on the short timeframe of project-approach: "Crisis-driven funding not only wastes resources; it also inhibits long-range planning and undermines the sustainability and effectiveness of programs" (Forman, Parhad, 2000).

Typically, most projects have adopted a short-term and finite time horizon, using simple output measures of housing completions or repairs. Relief aid is comparatively easier money than for development (VOICE, 2001), and is disbursed to achieve quick, visible results. Impact measurement is, in general, a neglected task, but even more so in relief, where the focus is only on immediate outcomes, such as "houses rebuilt", missing the long term vision.

6.3.3 Institutional capacity based

Social mobilisation and empowerment are consider central aspects of projects that aim to put in place foundations for long-term social improvement; recognising, moreover that institutional capacity is a prerequisite to ensure the continuity of improvement and change process.
Therefore, we underline the importance of building a local knowledge empowering resources at local level, comprising three main dimensions: knowledge resources, relational resources, and capacity for mobilisation, all interrelated and mutually supportive.

6.4 Approach

6.4.1 Development oriented and supportive

Developmental approaches are focus in supporting the capacity of local institutions and partners. Humanitarian action needs to confront the fact that, since government authorities usually represent one of the warring parties and civil society is highly politicised, the adoption of "developmental" strategies would imply making difficult choices about the legitimacy and desirability of different national institutions (ODI, 1998; Ellis, 2001).
At a more fundamental level, state and local structure might have collapsed, and the only option left to humanitarian organisations is to get directly involved in the provision of services.
As a result, relief is delivered mostly through a substitution strategy, without relaying on local counterparts. It does not aim at building local capacities of people and institutions (absent or unsuitable) but organises a parallel system, at the risk of undermining existing or emerging ones.

Moreover, substitution strategies are the by-product of a regime that pursues the segregation of refugees. Refugees camps - as self contained systems providing separate support and services to the inhabitants - are the physical incarnation of this parallel systems, forcing separation rather than questioning that "They ensure that refugees remain a visible and easily identified target group for international aid" (Bakewell, 2001).

This parallel system might not be beneficial to the needs of the host population and at the same time, are usually insufficient for the refugees, which might still attempt to create informal networks of support with the local community.
A structural problem of relief is that it tends to operate through parallel, expatriate driven systems by default, and has little familiarity with other alternatives.
The need of building on capacities as well as addressing vulnerabilities, to improve participation, has been pointed out repeatedly in the literature. Relief still fails to capitalise indigenous/local individual capacities as well as self-help movements that might be already in place when international assistance arrives, and this might hamper the effectiveness of subsequent aid interventions. Objective limitations posed by working in conflict areas might reduce participation, but the permanence of a top-down approach is by large due to the rigidity of agency systems and procedures, and to the attitudes and understanding of key field staff.

6.4.2 Context-based

Breaking down the static distinction between relief and development in smaller components is an attempt to get a new approach. It allows discussing developmental vs relief options starting from an acknowledgement of the situation on the ground and of the capacity rather than applying prefabricated categories of relief and development tout-court.

Rather than to abstract ideas of "relief" and "development" one should be looking in a bag of "relief and developmental tools/capacities" and pick and choose the right mix that is suitable to a situation.
Labelling generically a situation as "relief" or "development" would not help. It is the right combination of tools that need to be envisaged. The bottom line is that the distinction relief/development is in fact and artificial generalisation straitjacketing interventions rather than making them responsive.

Ad hoc strategies can be identified considering on a wider range of alternatives that can create synergy among relief and development, together. It is also necessary to develop easily actionable tools and frameworks that can be used along the spectra of different indicators.
For example, implementing agencies working on shelter should not only be trained and experts in distributing plastic sheeting and rebuild houses, even if this might be the most frequent form of assistance;

They should be aware of a vast array of approaches, including developmental approaches (self-help, credit, capacity building, participatory planning) and be able to choose which combination to apply in a given situation, rather than using a prefabricated "relief" response.
Moreover, many of those capacities are already there, however developmental tools tend to be known by development people and vice versa.

6.4.3 Livelihood and self-reliance based

A reconceptualisation of refugees and IDPs as a "positive resource", would open the door to new and much more positive interventions in the field, which could mitigate the negative disequilibria effects of refugee impacts on the host economy (Zetter, 1995).

As funds are limited and assistance cannot last forever, it is now understood that refugees should become self-reliant. The idea of self-reliance does not presuppose that refugees will find a durable solution in the country of asylum, it is rather seen as part of a continuum that will eventually allow to fade out assistance even in the absence of a "final solution" or a "political solution" as demonstrated in the case of Palestinian refugees.

Self-reliance is a typical "rehabilitation" activity, oriented to the reestablishment of livelihood, placed in the grey area between relief and development. Many studies investigated how self reliance has been achieved in different contexts pointing out the usefulness of enabling environments, small settlements sizes, organised communities and freedom of movement and interaction with the host population helped reliance.

Supporting self-reliance is about putting in practice "developmental skills" (e.g. community-development, income-generation and micro-finance activities, education, training and job-oriented skills development programmes) that are a scarce resource amongst many relief agencies. As Crisp points out, the expertise of relief actors is sometimes insufficient to deal with key factors influencing self-reliance, and in those circumstances the involvement of development actors, national, regional and international, is necessary (Crisp, 2003). At this stage partnerships among the various stakeholders is essential, as well as information-sharing, joint strategic planning and programming, coordination and division of labour with different actors.

6.4.4 Capacity building oriented

Along with "empowerment", "participation" and "gender-equity", capacity building is seen a fashionable buzzword or commonsense represent obviousness in project design, but also an essential element if development is to be sustainable and centred in people.
The research recognises the importance of adopting capacity building as an approach, rather than a set of discrete or pre-packaged interventions, in order to support capacities (social, economical, political). Therefore, capacity building is far more than a technical intervention; it is a process of change.

Capacity building might be designed to promote transformation that take place within far wider processes of social and economical change; hence it is important in being flexible enough to respond to changing situations, while maintaining a sense of directions.
As we discovered, rehabilitation and reconstruction are not so much questions of returning to normality, but as argued by Chiwa (1997) "as of creating consensus around a new set of norms"; with this approach, rehabilitation and reconstruction should be focused on helping people to function within a new social, economic and political environment rather then on trying to return to the past.

6.4.5 Integrated and multidimensional

As we discovered during the research, rehabilitation, has usually been carried on a series of discrete, short-term, local focused and with little strategic overview due to a high donor-driven dependence.
Moreover, the nature of rehabilitation, is inextricably linked with reconciliation which is able to build bridges of social capitals while, rehabilitation underpins them with concrete actions economically focused.
In this regards, we consider that the appropriate and balanced integration of hardware (physical and material interventions) and software (regulation, local capacities, contacts) can lead to improve the impact of intervention in complex post-emergency phases.

International actors, should balance a technology-based approached, mainly focused on the hardware dimensions, as provider of services, employment and projects, to a community-based approach, as enabler or facilitator/manager of weak or disrupted social capitals.
In this direction we underline few key useful elements:

- *Access to basic services;*
- *Empower to restore or enhance livelihood;*
- *Local infrastructure (to support livelihood);*
- *Resources mobilisation (all level of society, form community to government);*
- *Institutional capacity building (development supportive political relations).*

6.5 Crosscutting issues

6.5.1 Sustainability

Sustainability, which became the top item on many development agendas and return policy papers, means ensuring that aid services and interventions continue to operate satisfactory and generate benefits over their planned time extension.
Ensuring sustainability is meaning taking into consideration all different aspects related to it: environmental, institutional, financial, technical, and social.
The following activities can help to contribute in improving sustainability:

- *Mobilising and facilitating the active participation of different stakeholders in decision-making process;*
- *Taking culture and context into account and understanding local priorities, as well as formal and informal power structure and institutions;*
- *Enhancing software components of programs such as training, tutoring and accompanying capacity building and advocacy schemes;*
- *Establishing and institutional framework in order to provide different levels of services which will generate sufficient level of security, access and opportunities.*

6.5.2 Replicability and transferability

These focuses highlight the fact that technologies as well as development process may need to be adapted to local context and conditions, rather then simply replicated. Planning mechanism need to be demand responsive, through using appropriate services, project and activities, rather then the adoption of universal norms and prefabricated concepts on an a priori bases avoiding general conceptualisation as: capacity buildings, low-income, participation, repayment schemes.

6.5.3 Stakeholder participation

An important variable discovered with regard to the complexity of the intervention model is participation which, "signifying the degree to which decision-making on specific objectives is left with the social system on the ground (e.g. local governments, communities, etc) (Zetter, Hamdi, Ferretti, 2002).

Participation of primary and secondary stakeholder, ensuring that their perspectives and knowledge are incorporated in any project and programme, is recognised as key of success.
The full involvement of clients/beneficiaries/actors may occur in project planning, assessment, monitoring and evaluations assuming it as a process of empowerment, promoting equity and sustain integration. The opposite approach, the "turnkey-design" (standing for a low degree of participation, understand and used as a tool to control the external variables, such as budget and donors, incorporated as kind of "frozen" data or invariables into a fixed, logical and orthodox plan) and the "workshop-design" (representing a high degree of participation, understand and used as a tool to incorporate the external factors as differing interests, capacities, and local knowledge into the design of the programme), the first widely adopted in Balkans, and the second more developmental, are seen as tout court adopted in the filiere of reconstructions, suggests that , in fact, a specific approach could be developed for participation, contextualised, having some room for manoeuvre to bridge the two opposites.

6.5.4 Housing and resettlements

In the whole study we recognise the key role of housing, settlement and infrastructure, in the return and reintegration of conflict displaced populations, because:

- *Housing is a basic physical need of populations. Extensive reconstruction of war-damaged property is a precondition for the wider objectives of reintegration;*
- *Housing, as hardware component of programmes, is connected to the wider processes of community reconstruction, restoration of the local economic livelihoods, and to peace building;*
- *Housing and construction sector as a whole play a significant macro-economic role, as a leading economic sector in post-war reconstruction situations.*
- *Housing constitutes social capital, and an important social and cultural commodity*
- *Housing constitutes long-term investment, normally the largest financial venture of any family.*
- *Housing is both an instrument and a metaphor for reintegration and trust.*

Despite the significance of housing in return and reintegration programmes and the consideration of housing as catalyst for starting broad post-war intervention leading to sustainable development, there has been little systematic review and in depth study at a policy/programme level. Dissemination of lessons learned and experience between agencies is limited.
For donors, housing remains, as pre-definition, items of project expenditure and not an investment. Housing is an exceptional vehicle for replenishing social and human capital. Social capital cannot be provided, but must be earned. Moreover, the way that humanitarian actors organise housing construction (technology, procurement, building materials, etc), management and beneficiary selection affect the capital formation in the area of intervention. Investment in the social capital of disaster-affected communities might be the key to building sustainable recovery. Until now post-disaster reconstruction has focused too much on rebuilding programmes only and though deprived of the social component even technical solutions do not take adequate account of the needs of the community. This may mean that reconstruction will not lead to recovery (Minerivni, 2002).

6.6 Opportunity for changes

6.6.1 Learning dimension in NGOs

In recent years there has been a lot of interest on the topic of organisational learning in relief and development co-operation. This interest emerged as one of the main issues in the debate on aid effectiveness and a lot of studies were produced (see Cassen et al., 1986; Mosley, 1987; Bauer, 1992; Berg, 1993; Eade, 1997). Anyway most NGOs have to deal with the everyday tension of raising, spending and accounting for money and will separate the learning function from the management ones.
Learning can be seen as an "optional extra", which can be cut when the money is tight. If there is no a feedback mechanism and a small research scheme system and no opportunities to disseminate lessons

from on-site practice and to analyse it, the institutional memory (and moreover the network memory) becomes fragmentary and short-lived.
An active learning dimension inside the NGOs can have several positive repercussions inside the NGOs themselves. Learning is not purely an intellectual phenomenon, but a process, which is linked to a change of practice. It is not enough to identify a problem and propose a solution. The solution must be put into practice before learning can occur. Therefore an active learning process will reframe the relations between field and headquarter personnel, increasing the experimental dimension and the quality of aid delivery; furthermore it will function as input for the managerial and administrative staff of the headquarters on different subjects and it will facilitate the consolidation of knowledge inside the NGOs. Summing up, we can point out that NGOs should improve the learning dimension within them and the networks, through: lessons form the grassroots organisations (CBOs, and local partners) experiences are seen as fundamental; practitioners in the field (field office, counterparts, project, programmes) should be encouraged to reflect on their experience in an analytical way (written, form, workshops, seminars, mailing lists, etc).

Disseminating the information, form different field of experience, can help to bridging the gap, which means to demolish many institutional barriers that separate development from relief and to start exchanging culture and expertise amongst practitioners from both sides.
All material developed should be useful for advocacy, case studies and trainings for the new generation of practitioners. NGOs should develop a project-base learning mechanism through an adequate system of recording, storing and retrieving analysis of local experiences mainly thought low cost methods (e.g. internet for example), highlighting the setting up of sample-practices rather then best-practices;

6.6.2 Research dimension and innovations

Research and scientific learning is not the common field of activity of NGOs, due to a lack of resources and of strategic visioning. Moreover, research and training cannot be a prerogative of the research institutions and training schools. In fact, there is a gap between research and training on one hand and on-site operations on the other. If the sole experience is more considered than training and research, the research richness dissolves into academic practice. So, the development and maintenance of a sane cooperation between research and training institutions and organisations and on-site actors became obvious and fundamental.
Moreover, NGOs must consider how their role might change. They should develop alliances (with Instructions, University, Network-based research) and skilled personnel (technically and managerially) able to conceptualise and generalise from the on-site know-how based on extremely practical information built on experiences run on a different cultural context. This is in order to allow comparisons among different solutions in different contexts addressed to solve the return and reconstruction issue.

6.7 Lessons learned future options for further research

Despite the output, the formal evaluation and the dissemination process that will happen, this research project was a great challenge for the partners that agreed to develop it, both procedurally and substantively.

Procedurally, because a great effort has been done to break the chain of the vicious circle between the research and the daily on-site experiences, stressing the added value of the network model.

Substantively, because a great amount of information, analysis and conceptualisations have been processed and produced. The research is giving the opportunity to develop a series of critical perspectives and reference points for enhancing the professional capability and policy responses in refugee relief programmes at different scales, internally and externally.

Moreover, in order to re-take possession of the virtuous logic again, the experience gives the chance to assess future research on recurring themes which can bridge the concerns of researchers and practitioners as:

- *From temporary residence to "new urban order". The impact of ad hoc resettlements on the settlements pattern*
- *From survival strategy to "new economy approach". The impact of ad hoc income generating project to the rehabilitation of the local households economy*
- *Voluntary repatriation or resettlements solution. The impact of durable solution strategy in complex emergency and their impact on NGOs policy*
- *On-site research and training in complex environment: the role of NGOs know-how.*

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