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## **Unlocking protracted displacement** Central America's 'success story' reconsidered

A collection of papers based on a research and policy project on 'Unlocking crises of protracted displacement for refugees and internally displaced persons' that combines the complementary knowledge of the Refugee Studies Centre (RSC), the Norwegian Institute of International Affairs (NUPI) and the Norwegian Refugee Council (NRC) / Internal Displacement Monitoring Centre (IDMC). This project was generously supported by the Norwegian Ministry of Foreign Affairs.

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## Working Paper Series

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## Executive summary

During the 1980s and early 1990s, more than three million Guatemalans, Salvadorans and Nicaraguans were displaced within their own countries and throughout Central and North America by interlinked civil wars and rampant human rights violations. Although the discourse of protracted displacement was not prominent at the time of the crisis, this was undoubtedly a protracted displacement situation: many Central Americans were uprooted for more than a decade before they were able to access a durable solution in the form of resettlement, local integration or voluntary return.

The struggle to resolve Central America's protracted displacement situation has often been heralded as a success story by researchers and practitioners. At the regional and international levels, the pursuit of solutions for displaced Central Americans was characterised by unprecedented cooperation between governments, inter-governmental agencies and NGOs, and yielded innovative practices such as land acquisition programmes for returnees and the utilisation of 'quick impact projects' that have subsequently been applied in other scenarios. While governments typically promoted return as the 'preferred' solution, increasing openness to local integration meant that many were able to choose a solution that best suited their needs. At the sub-state level, the development of solidarity networks linking the displaced with human rights advocates across the Americas and the mobilisation of forced migrants to negotiate solutions to their displacement have been hailed as triumphs of grassroots activism.

Upon closer analysis however, it is clear that this case is far from a straightforward success: although thousands of displaced persons embraced voluntary return and internal resettlement opportunities, scores were subsequently exposed to violence and discrimination while promised land redistribution and development programmes often failed to materialise. Access to protection and support in securing solutions was highly uneven: UNHCR estimates that as little as ten per cent of Guatemalan and Salvadoran forced migrants benefited from international assistance. Those least likely to receive support included IDPs; the thousands of asylum seekers who were denied refugee status through grossly politicised determination procedures; and the hundreds of thousands of Central American forced migrants who recognised that they were unlikely to be acknowledged as refugees, and therefore remained undocumented after fleeing to Mexico or the United States. Many of the latter group remained in North America and eventually managed to regularise their status. Since the end of the region's civil wars they have been joined by thousands of their co-nationals, driven to move by varying degrees of ambition, obligation, impoverishment and violence. Although undocumented migration played a pivotal role in the Central American crisis, this strategy falls outside the traditional durable solutions framework and eludes easy categorisation as a success or failure. However, the persistence of high levels of undocumented migration from post-conflict Central America undoubtedly attests to the inability of the Guatemalan and Salvadoran peace processes to transform state structures and rectify social inequalities such that citizens can thrive (or even, in some cases, survive) without recourse to migration.

More than a decade has passed since the conclusion of formal efforts to resolve Central America's protracted displacement situation. This is now an opportune time to reflect on this 'success story' and discern the lessons that may be drawn from it. Most assessments of this case have focused on a particular durable solution such as return; a particular population such

as encamped refugees or IDPs; or on either high-level or local efforts to resolve displacement. In contrast, this paper considers the contributions of actors at different levels to achieving a full range of solutions to the displacement of Guatemalan and Salvadoran refugees, IDPs and undocumented migrants who are widely recognised as having moved in large part to escape violence and persecution in the region. The resulting analysis underscores:

- the ambivalent, under-examined role of undocumented migration in the evolution and resolution of this protracted displacement situation;
- the importance of equal recognition of claims and access to assistance in support of durable solutions;
- the value of choice amongst durable solutions and flexibility in the implementation of these solutions;
- the potential of coordinated regional approaches to resolving protracted displacement linked to states' interests in other issue-areas;
- the importance of addressing the resolution of protracted displacement in detail in peace agreements;
- the need to address long-term development and justice concerns, particularly land restitution and redistribution, alongside the promotion of durable solutions;
- the advantages for displaced populations of local organising and international networking;
- the potential contributions of Northern solidarity advocates to opening up a range of durable solutions;
- the importance of synergy between 'top-down' and 'bottom-up' efforts to resolve displacement; and
- the difficulty of securing truly durable solutions to displacement in the absence of fundamental state reform.

# Introduction<sup>1</sup>

Interlinked civil wars, rampant human rights violations and grinding poverty led to a forced migration crisis in Central America. By the time regional and national peace processes took hold in the 1980s and 1990s, more than three million Guatemalans, Salvadorans and Nicaraguans were displaced within their own countries and throughout Central and North America (García 2006: 2). Although the discourse of protracted displacement was not prominent at the time of the crisis, this was undoubtedly a protracted displacement situation: many Central Americans were uprooted for more than a decade before they were able to access a durable solution in the form of resettlement, local integration or voluntary return. Indeed, for many indigenous refugees and internally displaced persons (IDPs), their displacement was supremely protracted as they traced their exodus to the arrival of Spanish *conquistadores* in the 16<sup>th</sup> century.

The struggle to resolve Central America's protracted displacement situation has often been heralded as a success story or even as a 'best-case scenario' (Worby 2000: 17). At the regional and international levels, the pursuit of solutions for displaced Guatemalans, Salvadorans and Nicaraguans was characterised by unprecedented cooperation between governments, United Nations agencies and non-government organisations (NGOs), and yielded innovations such as land acquisition programmes for returnees and the utilisation of 'quick impact projects' that have subsequently been applied in other scenarios. While governments typically promoted return as the 'preferred' solution for refugees, increasing openness to local integration on the part of several host states meant that many were able to choose which solution best suited their needs. At the sub-state level, the development of solidarity networks linking displaced Guatemalan and Salvadoran *campesinos* (peasants) with human rights advocates across the Americas and the mobilisation of Guatemalan and Salvadoran forced migrants to negotiate solutions to their displacement have been hailed as triumphs of grassroots activism.

Upon closer analysis, however, it is clear that this case is far from a straightforward success: although thousands embraced voluntary return and internal resettlement opportunities, scores were subsequently exposed to state-sponsored violence and discrimination while promised land redistribution and development programmes often failed to materialise. Access to protection and support in securing solutions was highly uneven: the Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that only ten per cent of forced migrants benefited from international assistance (García 2006: 35). Those least likely to be able to secure support included IDPs; the thousands of asylum seekers who were denied refugee status through grossly politicised determination procedures; and the hundreds of thousands of Central American forced migrants who understood that they were unlikely to be recognised as refugees, and therefore moved 'under the radar' to Mexico or the United States. Many of the latter group have remained in North America, where many have managed to regularise their status. Since the end of the region's civil wars, they have been joined by millions of their co-nationals driven to move by varying degrees of ambition, obligation, impoverishment and violence. Although undocumented migration played a pivotal role in the

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<sup>1</sup> I would like to thank Roger Zetter, Héloïse Ruauadel, and the participants in the 13 June 2011 workshop in Geneva on 'Unlocking protracted displacement situations' for their comments on earlier drafts of this work. I would also like to thank Claire Lauterbach for her editorial assistance.

Central American crisis, this strategy falls outside the traditional durable solutions framework, and eludes easy categorisation as a success or failure. However, the persistence of high levels of undocumented migration from post-conflict Central America undoubtedly attests to the inability of the Guatemalan and Salvadoran peace processes to transform state structures and rectify social inequalities such that citizens can thrive (or even, in some cases, survive) without recourse to migration.

More than a decade has passed since the conclusion of formal efforts to resolve Central America's protracted displacement situation. With the benefit of this hindsight, it is now an opportune time to reflect on this 'success story' and discern the lessons that may be drawn from it. Most assessments of this case have typically focused on a particular durable solution such as return; a certain population such as encamped refugees or IDPs; or on either high-level or local efforts to resolve displacement. In contrast, this paper aims to consider the contributions of actors at different levels to achieving a full range of solutions to the displacement of Salvadoran and Guatemalan refugees, IDPs and undocumented migrants who are widely recognised as having moved in large part to escape violence in the region. Although this broad-based approach inevitably limits the amount of detail that can be provided on each element or level of analysis, this holistic tack affords new insights into the conditions that enabled the at least partial 'unlocking' of Central America's protracted displacement situation. The resulting analysis underscores the importance of synergy between 'top-down' and 'bottom-up'<sup>2</sup> efforts to resolve displacement; the advantages for displaced populations of local organising and international networking; the potential contributions of Northern solidarity advocates to opening up a range of durable solutions; the need to address long-term development concerns, particularly land redistribution, alongside the promotion of durable solutions; the importance of equal access to international assistance in support of durable solutions; the value of choice amongst durable solutions for displaced families; and the ambivalent, under-examined role of undocumented migration in the evolution and resolution of this protracted displacement situation.

The paper proceeds by first outlining the Central American civil wars and the scope of the region's displacement crisis. Second, the paper addresses regional and national efforts to build peace and resolve displacement in Central America, including the International Conference on Central American Refugees (CIREFCA) process. Third, the paper analyses 'top-down' and 'bottom-up' contributions to achieving the durable solutions of resettlement, local integration and voluntary return. It then looks beyond the traditional trio of durable solutions to consider the role of undocumented migration in the Central American displacement crisis. The final section re-evaluates the successfulness of the Central American case and draws out the insights this case holds regarding the conditions for unlocking protracted displacement.

A brief word is required on the central concepts in this study. I use the term 'refugee' to indicate those who were forced across an international border and officially recognised under

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<sup>2</sup> I use 'bottom-up' as a shorthand term to denote actions undertaken at the individual, family or grassroots community level, in contrast to 'top-down' initiatives instigated by large institutional actors such as governments or international agencies. However, there is of course no firm distinction between these levels of advocacy and analysis. For example, refugee leaders who engaged in 'bottom-up' activism to secure government concessions in peace negotiations also exerted 'top-down' power within the refugee community. Several critical actors in this case, such as the Catholic Church, were active in both 'top-down' and 'bottom-up' efforts to resolve the displacement crisis.

international or domestic laws. As set out in the Guiding Principles on Internal Displacement, I conceptualise IDPs as ‘persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border’ (Guiding Principle 2). While acknowledging the diversity of possible motivations underpinning undocumented migration, I assume that the majority of Guatemalan and Salvadoran undocumented migrants who left their countries during the civil wars were compelled to leave and unable to return until the advent of peace in the region, and consequently had a clear moral if not also legal claim to protection and assistance.<sup>3</sup> Regarding durable solutions terminology, when discussing refugees I use the term ‘resettlement’ to refer to their relocation to third countries where they are offered permanent integration opportunities. When referring to IDPs, I employ the term ‘resettlement’ to denote their relocation to new communities within their state. I use the term ‘local integration’ to indicate the process of refugees and IDPs settling in the countries or communities where they sought shelter. As applied to IDPs, ‘return’ denotes migration back to communities of origin. In contrast, when discussing refugees I use the terms ‘return’ and ‘repatriation’ interchangeably to indicate refugees’ migration back to their country of origin. I do not assume that returning refugees necessarily resumed residence in their original communities, or that their return was permanent.

## 1 Central America’s displacement crisis

Casting Central America’s civil wars as principally east-west Cold War struggles obscures the deeper roots of the region’s violence in heavy-handed elite rule, landlessness, and systematic discrimination against the rural poor majority. The 36-year Guatemalan civil war began in 1954 when the democratically elected President Jacobo Arbenz initiated a modest land reform programme that ran counter to the interests of Guatemalan elites and foreign companies, and was subsequently overthrown in a CIA-sponsored coup that installed iron-fisted military leaders.<sup>4</sup> Impoverishment and inequality flourished under military rule, sparking left wing insurgencies in the remote highlands. The main rebel groups came together in 1982 to form the *Unidad Revolucionaria Nacional Guatemalteca* (URNG), which counted 6,000-8,000 combatants and an estimated half million supporters at the peak of its strength in the early 1980s (Costello 1995). Although the URNG never presented a serious threat to elites’ hold on the Guatemalan state, the military responded to the rebels by unrolling a scorched earth campaign that aimed to starve the rebels of support by depopulating the highlands. Indigenous *campesinos* assumed to be core URNG supporters were the primary targets of attack. Indeed, the country’s UN-sponsored truth commission concluded that some 80 per cent of the victims of violence and human rights abuses during the war were Maya. State

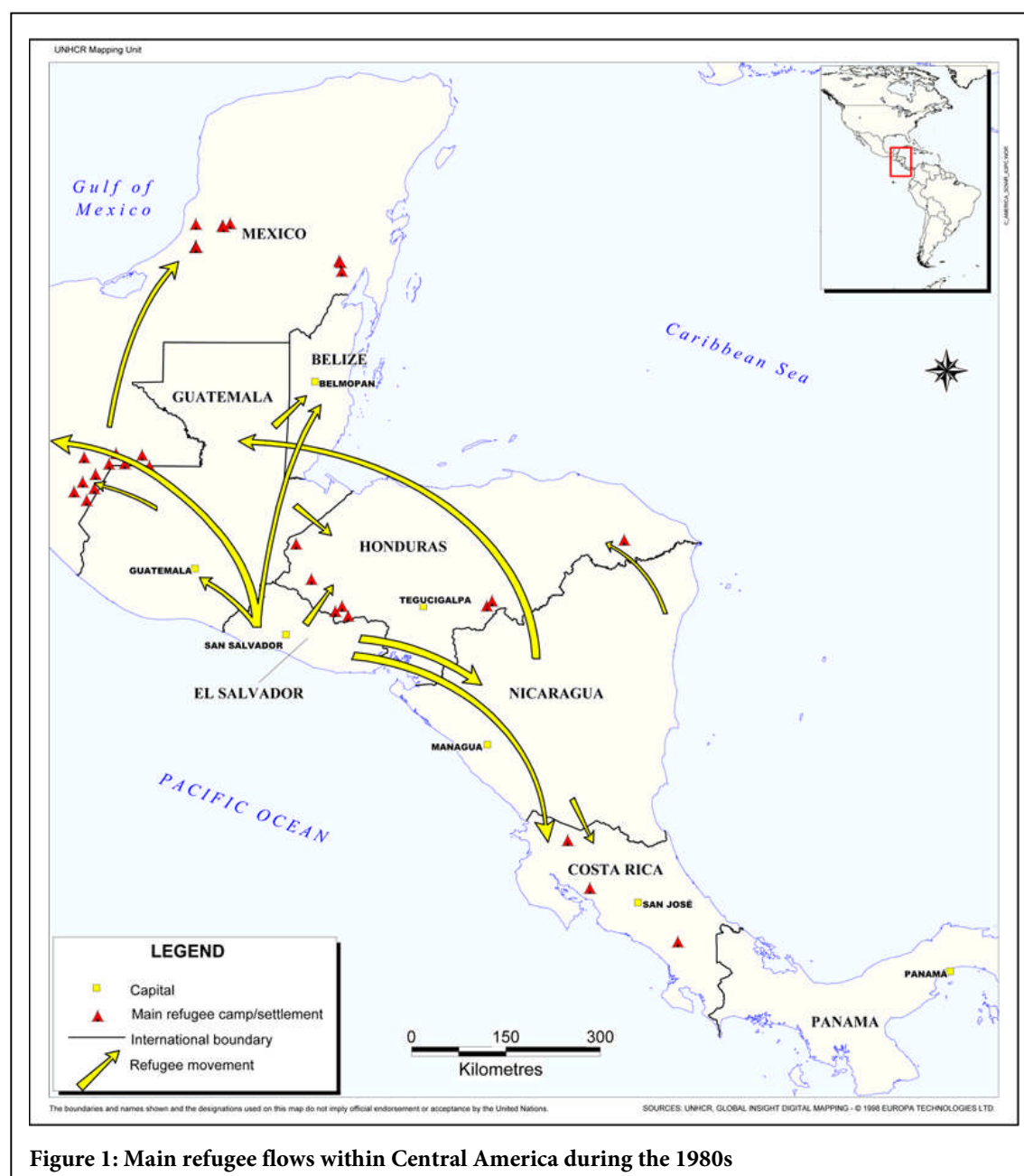
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<sup>3</sup> This conclusion is supported by research on motivations for migration amongst Central Americans in Mexico and the United States conducted by scholars including Montes (1987, 1988), Stanley (1986), and Aguayo (1985). It is also in line with UNHCR’s arguments that Guatemalans and Salvadorans who left their countries after the instigation of ‘scorched earth’ campaigns should be recognised as *prima facie* refugees (García 2006: 33, Michel 2002: 372).

<sup>4</sup> For a detailed history of the origins of the Guatemalan civil war, see Schlesinger and Kinzer (2005).



agents perpetrated 93 per cent of the violations, which the truth commission deemed genocide (CEH 1999, Sanford 2003).



Displacement was at the heart of the Guatemalan genocide: alongside 200,000 deaths and disappearances and the razing of 440 Maya villages, as many as 1.5 million were internally displaced (de Rivero 2001: 8, CEH 1999, Jamal 2000: 5). Statistics on the number who left the country vary widely: some 800,000 to 1.5 million Guatemalans fled to North America, most as undocumented migrants (Cheng and Chudoba 2003: 9-12). While the United States was loath to admit that a Washington-backed government was expelling scores of its citizens, Mexico feared that recognising large numbers of refugees would strain social services and its relationships with both its northern and southern neighbours. Consequently, refugee status determination for Guatemalan refugees was deeply politicised: despite UNHCR's suggestion that Guatemalans fleeing the war be recognised as *prima facie* refugees, a mere 1.8 per cent of

Guatemalan asylum applications filed in the United States between 1983 and 1990 were accepted (García 2006: 90). Of the 200,000 Guatemalans who applied for refugee status in Mexico, 45,000 were recognised and established in insecure camps along the border, which became the focus of humanitarian, political and scholarly efforts (Cheng and Chudoba 2003: 9-12, Jamal 2000: 5). In 1984, Mexico forcibly relocated some 18,500 refugees from the border camps in Chiapas to camps in Campeche and Quintana Roo on the Yucatán Peninsula, prompting some refugees unwilling to move so far from their homelands to undertake extremely risky repatriations (Worby 1999, Riess 2000: 9).

Like Guatemala, El Salvador was governed by a US-supported right-wing government that shored up the privilege of an elite minority at the expense of the rural poor. By 1980, 70 per cent of the country's arable land was controlled by one per cent of the population. 20 per cent of Salvadorans controlled 65 per cent of the national income, while the poorest 20 per cent shared only two per cent (Silber 2011: 36). In the 1970s, inspired in part by the teachings of liberation theology, thousands of *campesinos*, unionists, students and clergy joined revolutionary groups. Fierce government repression inadvertently stimulated increased support for rebel movements, particularly in the countryside. In 1981, opposition groups united to form the *Frente Farabundo Martí para la Liberación Nacional* (FMLN). Unlike the URNG, the FMLN controlled considerable swaths of territory in the north and east of the country, and launched offensives into the capital, San Salvador. Over the course of the country's 12-year civil war, the government joined the Guatemalan regime in employing scorched earth tactics designed to undercut the rebels' support base. El Salvador's national truth commission found the government primarily responsible for the violence and abuses of the war: five per cent of violations were committed by the FMLN, 60 per cent by the armed forces, and 25 per cent by right-wing paramilitaries and death squads (UNHCR 2000: 123, Silber 2011: 34-36).

The scorched earth campaign in the early 1980s resulted in the virtual depopulation of large swaths of territory. According to UNHCR, from 1979-1982, half a million Salvadorans were internally displaced and more than one million fled the country, primarily to Mexico, the United States and camps in Honduras (García 2006: 34-35, Montes 1988: 108). By the end of the war, some 20 per cent of Salvadorans had left the country (Moodie 2010: 1). Much like exiled Guatemalans, relatively few Salvadorans were recognised as refugees: despite widespread reports of egregious state violence, from 1983-1990 the United States recognised only 2.6 per cent of Salvadoran asylum claims (García 2006: 90).

Taken in total, UNHCR estimates that of the more than two million Central Americans displaced across international borders during the region's civil wars, only 150,000 obtained refugee status in countries including Mexico, the United States, Canada, Honduras, Costa Rica, Panama and Belize (UNHCR 2000: 136).<sup>5</sup> This purposeful refusal to recognise the scale

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<sup>5</sup> Conflict and displacement in Nicaragua followed a markedly different track. Protests against the ruling Somoza family culminated in the 1979 take-over by the leftist *Frente Sandinista de Liberación Nacional* (FSLN). While left-wing exiles returned, Nicaragua saw an exodus of middle class and wealthy citizens, and members of the armed forces. With US support, exiles in Honduras formed an armed opposition force known as the Contras, which fought throughout the 1980s to restore right-wing leaders to power. Many Nicaraguan refugees were unaligned indigenous Miskitos who fled fighting between the Contras and the Sandinistas, and government attempts to forcibly relocate them. Significant refugee returns began with a 'national dialogue' process in 1989 that resulted in elections

of the refugee problem, and the general neglect of the much less visible IDP population, suited the agendas of the region's governments, as it released them from responsibility for protecting the uprooted and providing solutions to their displacement (García 2006: 33).

## 2 Making peace and resolving displacement: Regional and national frameworks

Central America's civil wars and displacement crisis were resolved under the auspices of interlinked regional and national peace treaties and agreements focusing specifically on solutions for refugees and IDPs.

### Regional frameworks and processes

By the mid-to-late 1980s, the Salvadoran conflict was moving towards stalemate. Meanwhile, the Guatemalan army enervated the URNG and subsequently acceded to steps intended to burnish the country's abysmal international reputation. This included the election of a civilian president in 1986, a concession that did not lessen the military's hold on power in practice. After initial failed attempts at regional peace negotiations, Guatemalan and Salvadoran leaders joined their counterparts from Nicaragua and Honduras in talks mediated by Costa Rican President Óscar Arias, which resulted in the Esquipulas II agreement. Signed on 7 August 1987 by the presidents of Guatemala, El Salvador, Nicaragua, Honduras and Costa Rica, Esquipulas II established a path for the pursuit of peace in the region, and recognised displacement as a critical factor in Central America's conflicts (Article 8). The agreement eventually garnered the essential support of the United States, and in 1989, its provisions on displacement were augmented by the signing of the 1989 Declaration of the International Conference on Central American Refugees (CIREFCA).

CIREFCA was, however, much more than a one-off event or declaration. Rather, it was a process that unfolded from May 1989-1994, bringing together regional governments, international donors, UN agencies and NGOs to advance protection and support solutions for Central American refugees and IDPs. Officially, CIREFCA was an initiative of the region's governments, but in practice the initiative was driven by UNHCR in cooperation with the United Nations Development Programme (UNDP). An innovative effort to craft a regional response to the displacement of both refugees and IDPs, the 'underlying ethos of CIREFCA was to find durable solutions for displacement through an integrated development approach, closing the "gap" between relief and development' (Betts 2009: 95). CIREFCA gained traction because the resolution of displacement was seen by regional governments and international actors alike as integral to the regional peace process. The CIREFCA process has been applauded as comprehensive, cooperative and collaborative. It was seen as comprehensive in that CIREFCA advanced all three durable solutions to displacement, as well as economic migration; cooperative in that the process involved burden sharing between states of origin, host states and resettlement countries; and collaborative in that CIREFCA engaged a diversity of actors, including governments, UN agencies and NGOs. The proponents of the process

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which ousted the Sandinista government. The majority of Nicaragua's 350,000 IDPs and 72,000 refugees returned at the start of the 1990s (UNHCR 2000: 121-123, 139).

highlighted the connections between the resolution of displacement and questions of security, development and peacebuilding, and leveraged states' interests in these issues to secure support for protection and durable solutions (Milner and Loescher 2011: 8, Betts 2006: 5, 2008).

CIREFCA's most tangible contribution to the resolution of displacement was the provision of support for projects designed to enable the return or local integration of some 62,000 Nicaraguans, 27,000 Salvadorans, and 45,000 Guatemalans. Approximately USD422.3 million was channelled to the region through the CIREFCA process to backstop such initiatives (Betts 2009: 87-89). A particularly important initiative conceived within the context of the CIREFCA Plan of Action, the Development Program for Displaced Persons, Refugees and Returnees in Central America (PRODERE) drew on a USD115 million contribution from the Italian government to support the reintegration of displaced persons across the region. In addition to leveraging financial assistance, CIREFCA supported the displaced by setting out protection principles for repatriation processes in its Plan of Action and enabling political dialogues that culminated in the signing of Tripartite Agreements on Repatriation to Nicaragua and Guatemala (Betts 2009: 87-89, 2006: 11, Sollis and Schultz 1995).

Betts (2009: 109) argues that 'CIREFCA represents the most successful example of North-South cooperation in the history of the global refugee regime. Its success in facilitating cooperation also translated into positive outcomes for Central American refugees, leading to durable solutions for the majority of the refugees in the region.' Yet in assessing CIREFCA's success it is essential to bear in mind that the highly politicised nature of refugee status determination for Central American refugees meant that only a tiny proportion of those who sought shelter from violence and persecution across international borders were recognised as refugees. UNHCR itself acknowledges that although the CIREFCA process was mandated to support both refugees and IDPs, CIREFCA projects principally targeted refugees and thus touched only 'the tip of the iceberg' (Betts 2006: 12).<sup>6</sup>

While the history of CIREFCA is often narrated as a 'top-down' achievement of governments and UN agencies engaged in the regional peace process, this effort must also be situated in the context of the ensuing national peace processes. These processes were definitively shaped by the 'bottom-up' mobilisation of displaced communities determined to re-assert their rights as citizens, and use return, resettlement and (re)integration processes as staging grounds from which to challenge the exclusion and injustice of the Guatemalan and Salvadoran states.

### **National frameworks and processes**

The Esquipulas II agreement did not in itself end the bloodshed in Guatemala and El Salvador. Indeed, the Salvadoran and Guatemalan conflicts dragged on for five and nine years respectively after the signing of Esquipulas II. The UN-brokered agreement between the Salvadoran government and the FMLN was signed in Mexico City in January 1992. The Chapultepec Agreement and the ensuing peace process are often applauded as 'among the

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<sup>6</sup> Despite this disproportionate focus on refugees, some donor states complained that the process should have focused even more concertedly on refugees. Although PRODERE was mandated to treat refugees, IDPs, returnees and the non-displaced equally as beneficiaries, various PRODERE projects in El Salvador specifically endeavoured to support IDPs (Betts 2006: 25, 11; Sollis and Schultz 1995: 2). Nonetheless, on the whole, international support was primarily channelled towards recognised refugees.

most successful peace agreements in the post-Cold War period. The cease-fire held. The FMLN became a legal political party. Military, judicial and electoral institutions were reformed. An Office of Human Rights Counsel was established and a Truth Commission formed. Limited agrarian reform was granted...Democracy, it seemed, had triumphed' (Moodie 2010: 1).

At the time, the Chapultepec Agreement was one of the most comprehensive peace treaties ever negotiated. However, displacement was hardly mentioned in the agreement, because the majority of refugees expected to return had already done so by the time the accords were signed (largely to areas under FMLN control). The agreement's provisions on land redistribution and the resolution of competing land claims addressed a critical issue for displaced and returnee families. However, other important and unresolved dimensions of the displacement issue went under the negotiators' radar, such as the reintegration of returnees and the state's relationship with the many Salvadorans who remained abroad (Doggett and Kircher 2005: 17).

While the FMLN ran in the election mandated under the peace agreement, the right-wing Alianza Republicana Nacionalista (ARENA) party retained control. Initial optimism that the peace process would tackle and ultimately transform the entrenched inequalities at the root of the conflict waned as crime rates increased. Rising crime was accompanied by the continued large-scale movement of Salvadorans to the United States and a pervasive new anxiety as citizens struggled to acclimatise to a reality that was no longer war, but was in many ways equally violent (Moodie 2010: 2).

The Guatemalan peace process also resulted in, at best, a partial state transformation and transition from violence.<sup>7</sup> Unlike in El Salvador, however, the resolution of displacement was broached in depth at different phases of the negotiation process in which displaced populations participated actively. Alongside regional peace negotiations in 1986, the Guatemalan government dispatched delegations to Mexico to 'woo the refugees home' in a bid to restore the state's credibility and attract aid (Costello 1995; Worby 2000: 18). Would-be repatriates were promised property restitution and an amnesty covering their purported support for the insurgents. However, deep scepticism regarding the government's promises prompted the exiles to establish a network of Permanent Commissions of Guatemalan Refugees (CCPP) dedicated to achieving a collective and organised return. Although many of the refugee leaders were poorly educated *campesinos* with little political experience, they built on efforts amongst indigenous communities to fight poverty and racism, inspired in part by the tenets of liberation theology. Participants in the collective return movement were known as *retornados* and distinguished themselves morally, politically and socially from the *repatriados* who returned on the government's terms (Stepputat 1994: 181).

Participation in the collective return movement stoked the creation of new political identities amongst the refugees: many began to reflect on themselves as Guatemalans citizens, while a concept of their collective identity as indigenous peoples emerged that spanned linguistic and cultural sub-divisions within the population. These new identities were buttressed by the appropriation of a 'new language of rights,' which pervaded the agreement on return signed by the CCPP and Guatemalan government on 8 October 1992 (Krznaric 1997: 71). Known as

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<sup>7</sup> On the Guatemalan peace process, see for example Jonas (2000).

the October Accord, it was the first repatriation agreement negotiated between a government and its exiled citizens. Although the government considered the agreement to be political rather than legally binding, the accord mandated several measures to backstop the implementation process, including the creation of a Mediation Group and an International Advisory and Support Group for the Return of the Guatemalan Refugees (GRICAR).<sup>8</sup> The Accord stipulated that the 'return of refugees must be a voluntary decision, individually expressed, undertaken in a collective and organised fashion, under secure conditions and with dignity.' More specifically, it recognised returnees' right to personal and community security, free association and organisation and freedom of movement. The most detailed provisions in the October Accord focused on remedial rights and access to land. The *retornados* envisioned creating a number of return communities in which some families would remain while others eventually moved on to their original lands. Accordingly, the agreement set out a property restitution process and pledged that all landless adult returnees could become landowners through a 'revolving credit' scheme under which land purchase loans would be repaid to a community development fund, rather than to the state. The refugees celebrated this solution as both a just response to their displacement during the civil war and reparation for the systematic dispossession of the Maya since the colonial era. However, even CCPP supporters 'wondered at the government's apparent demagoguery in promising generous terms that at best would not be replicable to any group in Guatemala other than the refugees and at worst would simply be unworkable because of the resources they would require' (Worby 2000: 19-20).

The negotiation of the October Accord set the stage for extensive popular participation in the national peace process and the agreement itself served as a 'partial blueprint' for the 1994 Accord on the Resettlement of Populations Uprooted by the Armed Conflict (Resettlement Accord), one of the thirteen agreements reached by the government and the URNG to end the civil war (Jamal 2000: 5).<sup>9</sup> According to the 1994 agreement (Section I, Principles, 6), the process of resolving displacement 'shall not be discriminatory, and shall promote the reconciliation of interests of the resettled population groups and the population groups already living in the resettlement areas.' The agreement specifically connects durable solutions with the need for state reform, underlining that one of the main objectives of the process is to 'develop and strengthen the democratisation of State structures, ensuring that the constitutional rights and duties of the uprooted population groups are respected at the community, municipal, departmental, regional and national levels' (Section I, Objectives, 4). In terms of land access and restitution, the Resettlement Accord's provisions benefit the entire uprooted population but are far weaker than the assurances in the October Accord, obliging the government only to 'promote' land access for the displaced (Section II, 9). Displaced persons' remedial rights were further weakened by the fact that the agreement explicitly makes redress for land claims contingent upon international assistance and authorises the prioritisation of resources to support 'macro-economic stabilisation and modernisation of the economy' (Section IV.3, IV.2, Painter 1996: 157). The Resettlement Accord's weakness is

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<sup>8</sup> The Mediation Group was charged with helping to solve problems associated with the collective returns, such as land conflicts, while the GRICAR acted as a witness to mediation efforts and pressured the Guatemalan government to respond to refugees' concerns (Worby 2000: 19).

<sup>9</sup> The Resettlement Accord (Section I, Definitions, 1) defines resettlement as 'the legal process of return of uprooted population groups and individuals to their place of origin or another place of their choice in Guatemalan territory, and their relocation and reintegration therein.'

attributable in part to the signatories' pragmatic awareness of the difficulty of resolving the land claims of such a large population, but more so to the state's continued distrust of the displaced and its commitment to privileging the interests of national elites. While the URNG courted displaced communities' support during the conflict, at the peace talks, the debilitated force made concessions on uprooted persons' rights in order to strengthen its hand on other issues more important to the rebel leadership (Painter 1996: 160).

The last of the agreements between the government and the URNG, the Accord on a Firm and Lasting Peace, was signed in 1996, bringing an end to 36 years of war. The thirteen accords signed by the government and the URNG 'extend beyond the realm of traditional ceasefire arrangements,' setting out over 300 socio-economic and human rights reforms necessary to resolve the root causes of the war (Bailliet 2003: 171). Like the Salvadoran peace process, the Guatemalan negotiations aimed to transform the rebels into a legitimate political party, but they were also an opportunity for national elites to reconsolidate their grip on power, ultimately putting them in a position to renege on the commitments made in the peace agreements with very few punitive consequences.<sup>10</sup>

### 3 'Unlocking' displacement: Top-down and bottom-up contributions to durable solutions

The poor quality of protection afforded to the majority of Central American forced migrants created a situation in which many displaced persons had to draw on their own resourcefulness and community networks to survive. This 'self-help' approach was reflected in the undocumented migration of hundreds of thousands of Central Americans to North America, as well as in the creation of *Comunidades de Población en Resistencia* (CPRs) by some 32,000 Guatemalan IDPs. IDPs in these resistance communities banded together to protect their rights and negotiate the resolution of their displacement with the government in much the same fashion as the CCPP in Mexico (IACHR 1994). As the activities of the CPRs demonstrate, the 'self-help' approach that characterised many Central Americans' approach to securing refuge and protection often carried over to inform their pursuit of solutions to displacement. While international actors and negotiated frameworks such as CIREFCA played a critical role in opening up durable solutions, these high-level initiatives were complemented by the efforts of individuals and communities to envision and implement solutions to their displacement.

In the Central American case, the traditional durable solutions of resettlement, local integration and voluntary return were not pursued in isolation from one another, but were often closely interlinked. Some displaced individuals and families accessed more than one durable solution: for example, some exiled Salvadorans locally integrated in the United States, but regularly return to their country of origin, while some Guatemalan returnees ultimately chose to travel back to Mexico and integrate there. While it is important not to overdraw the

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<sup>10</sup> This elite hold on power was consolidated by the failure of a national referendum in 1999 that would have given the peace accords precedence over less progressive national laws, including the 1985 constitution (Carey 2004).

strength of the links between the durable solutions in this case, or the extent to which they were concertedly pursued through a harmonised strategy, the connections between them will be highlighted throughout the following analysis. This examination also demonstrates that displaced persons were not the sole ‘beneficiaries’ of durable solutions. Many actors had a critical stake in efforts to resolve displacement, including states of origin keen to attract aid money; regional governments concerned with stability and development in the Americas; and international agencies and NGOs thirsty for a success story to offset criticism of deeply flawed operations in the Balkans, East Africa and the Great Lakes region. The diverse interests of these actors definitively shaped displaced Central Americans’ opportunities and experiences.

## Resettlement

Formal efforts to resolve Central America’s protracted refugee situation focused on voluntary repatriation and local integration to a much greater extent than resettlement. García (2006: 128) suggests that UNHCR’s ‘primary goal was to temporarily relocate refugees in neighbouring countries to ease the shock of displacement and facilitate repatriation once peace came to the region. Given that most Central Americans were in need of temporary safe haven rather than permanent resettlement,’ according to UNHCR, ‘the majority preferred to stay in countries that were closer to home.’ In the 1980s, UNHCR relocated a few thousand Central American refugees from Mexico to resettlement states such as Canada and Australia. These resettlement efforts were initiated at the request of the refugees themselves. For its part, the Mexican government was hesitant to advocate larger-scale resettlement efforts for the Guatemalan refugees, as it did not want to appear to be advocating the relocation of indigenous refugees far from their native lands (García 2006: 51).<sup>11</sup>

While resettlement from host states such as Mexico and Honduras was relatively limited, the resettlement of Central Americans from the United States to Canada was much more widespread. In the early 1980s, Canada implemented moratoriums on the deportation of Salvadorans and Guatemalans and by 1985, two thirds of its resettlement quota was made up of Central American refugees, many relocated from US detention centres. Ottawa also issued instructions to Canadian consulates in the US to issue visas to Salvadorans and Guatemalans facing expulsion from the United States, serving as a kind of *de facto* resettlement programme. At the time, Canada was purposefully pursuing a progressive refugee policy designed to underline its independence from the United States. Yet Canada’s resettlement policy also served to tacitly enable Washington’s continued application of draconian deportation policies against Guatemalans and Salvadorans, which ensured that Canada could implement its liberal policies without negative repercussions from the United States. From 1982-1987, Canada accepted more than 21,000 Central American refugees through a combination of resettlement, family reunification and the recognition of asylum seekers at the Canadian border (García 2006: 119-157).

Government-sponsored efforts to resettle Guatemalan and Salvadoran IDPs during the war reflected the militarisation of durable solutions in Central America. In Guatemala, the army ‘recovered’ and resettled IDPs in ‘model villages’ and ‘development poles’ where they maintained tight control over social life and development processes. If IDPs were not

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<sup>11</sup> It is unclear how this apparent concern on the part of the Mexican government meshes with its decision in 1984 to push approximately 18,500 indigenous Guatemalan refugees to remote camps in the Yucatán Peninsula.



‘recovered’ and resettled in the short term, their lands were redistributed under Decree 1551, which provided that property ‘voluntarily’ abandoned for more than a year would fall under the ownership of the state (Painter 1996: 150-151, Stepputat 1994: 179, Worby 2000: 17). The resettlement programme aimed to consolidate military control; prevent the return of ‘subversives’; improve the army’s image; and cover up evidence of massacres and ecological destruction (Costello 1995, Williams 2007: 42). As a carefully crafted policy to divide communities and sever ethnic ties, the resettlement scheme was, in short, genocidal.

In El Salvador, the government established the National Commission for the Displaced (CONADES) and the National Commission for the Restoration of Areas (CONARA), which were charged with coordinating relief activities for IDPs, rehabilitating conflict-affected zones, and supporting durable solutions. Sollis (1992: 51) reflects that CONADES’s:

*modest resources were not only inadequate to provide durable solutions but also fell far short of addressing immediate needs. CONADES’s problems stemmed at first from incompetence, subsequently from corruption, and then from the fact that municipal authorities on which CONADES depended locally had ceased to exist in one-third of the country. However, the failure of CONADES, and indeed all subsequent government programmes to address comprehensively the problem of the displaced, can be traced to the view that displaced people are military targets rather than war-affected civilians in need of humanitarian assistance.*

While CONADES passed information on IDP populations to the military, CONARA and *Unidos para Reconstruir* (UPR), the durable solutions programme that followed in its wake, were fully integrated into the army’s counter-insurgency strategy. These programmes attempted to use the resettlement of IDPs as a means to ‘pacify the country’ and create ‘strongholds against guerrilla incursions’ (Sollis 1992: 51).

Despite the government’s attempts to control IDP resettlement and use it to support the counterinsurgency campaign, some IDP communities managed to resettle themselves independently. For example, small groups of IDPs from El Salvador’s northern departments who had sought shelter in several communities over the course of the war resettled themselves to sparsely populated south coast departments. The ‘perceived success of repopulated settlements’ elsewhere in the country inspired the IDPs to undertake this self-styled resettlement, but without formal tenure rights the communities’ situation remained precarious (Sollis 1992: 55). As El Salvador’s organised return or ‘repopulation’ movement gained steam, many more IDPs resettled and integrated alongside repatriating refugees rebuilding communities in the country’s war-ravaged north and east.<sup>12</sup>

### **Local integration**

In comparison to resettlement, local integration was a much more prominent solution for Central America’s forced migrants. Between 1974 and 1996, over two million Nicaraguans, Salvadorans and Guatemalans – the vast majority undocumented – settled in Mexico, the United States and Canada alone (García 2006: 1). This section discusses the situation of undocumented Central Americans who were eventually offered formal local integration opportunities, as well as the much smaller number of locally integrated IDPs and recognised

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<sup>12</sup> See the following sub-section on voluntary return for a more detailed discussion of this process.

refugees.<sup>13</sup> This analysis suggests that in many cases local integration opportunities were the result of synergy between grassroots advocacy efforts and higher-level policymaking.

In assessing the role of local integration as a durable solution in this crisis, it is important to recognize that all those granted refugee status in the United States and Canada would typically have the opportunity to remain indefinitely, eventually integrating locally and acquiring citizenship rights. However, as aforementioned, refugee status was rarely granted to Salvadorans and Guatemalans in the United States, prompting many Central Americans to simply remain ‘under the radar’ upon arrival in the United States. Rising anti-immigrant sentiment in the 1980s and 1990s prompted the drafting of four major new laws in this period to restrict migration to the United States. Harsh deportation proceedings introduced under the 1986 Immigration Reform and Control Act (IRCA) were tempered by an amnesty provision allowing undocumented migrants to regularise their status if they could prove that they entered the US before 1982. Under the IRCA amnesty 277,642 Central Americans were ‘legalised’ (García 2006: 90). However, most Central Americans arrived in the US after January 1982, and were therefore not eligible for this formal local integration opportunity.

Concern at the exclusion of Central Americans from refugee status and a conviction that US policies were largely responsible for the exodus of Salvadoran and Guatemalan ‘feet people’ in the first place prompted a vocal minority of North Americans to push for greater protection and integration opportunities for displaced Central Americans. One of the most prominent manifestations of this activism was the sanctuary movement. In San Francisco alone, sanctuary movement activists provided legal aid and assistance to over 80,000 Salvadorans in the 1980s. By December 1987, more than 450 US religious institutions declared themselves to be sanctuaries, and the movement had more than 70,000 members dedicated to protecting Central Americans from deportation and enabling their local integration in the United States or Canada. Although only a relatively small number (an estimated 2,000) were actually sheltered in US churches or temples or smuggled to Canada, the sanctuary movement was pivotal in opening the United States up to the local integration of Central Americans (García 2006: 98-108). Salvadorans themselves also became highly mobilised to fight for their co-nationals to stay in the United States. Alongside activists from groups such as the sanctuary movement, they successfully pushed for the revision of policy frameworks so that by the 1990s, most Salvadorans who escaped without documents to the United States during the war were rendered eligible for legal permanent residency. This achievement was particularly striking given that the formalisation of undocumented Salvadorans’ local integration was achieved at a time when US immigration policies towards most demographic groups were becoming progressively more restrictive (Coutin 1999, 2000, 2007).

The local integration of formally recognised Guatemalan and Salvadoran refugees in Mexico and Central American host states was seen as a opportunity to promote stability and development in the region and was closely tied to progress on the repatriation front (Fielden 2008: 12). In Mexico, for example, Guatemalan refugees who were relocated to the sparsely populated Yucatán Peninsula were offered the opportunity in 1996 to officially locally integrate and become Mexican citizens. This openness to local integration in Mexico and other host states was partly attributable to the fact that UNHCR and the CIREFCA process

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<sup>13</sup> For further discussion of the situation facing undocumented Central Americans, see the following section entitled ‘Beyond durable solutions?’.

were strongly focused on ensuring that the pursuit of durable solutions benefited not only forced migrants but also members of host communities. The availability of international funding to support development projects in host communities made local integration a much more palatable prospect. However, in the more volatile Chiapas region, Mexico was reluctant to permanently accept large numbers of refugees who had proven themselves to be astute political organisers. Therefore, local integration opportunities were only offered in 1998 after more than half of the refugee population had already repatriated (UNHCR 2000: 137, Fielden 2008). Those refugees relocated to Campeche and Quintana Roo were more likely to stay in Mexico than their counterparts in Chiapas as they had ready access to land and had intermarried with the local population. In Chiapas, Campeche and Quintana Roo alike, grassroots activism and political organisation amongst the refugees played important roles in realising local integration. For example, from the outset of large-scale refugee flows to Mexico, the Diocese of San Cristóbal and the local bishop were major leaders in providing support to the refugees. Their approach focused on promoting integration and self-sufficiency, a strategy that paved the way for the refugees to remain indefinitely (García 2006: 65-71, Michel 2002).

For many refugee families, the protracted nature of the situation made the decision to stay or return extremely difficult: by the time the final Guatemalan peace accord was signed in 1996, more than 50 per cent of the residents of the border camps had been born in Mexico and were under 14 years old.<sup>14</sup> These younger refugees did not have the same emotional ties to Guatemala as their parents; for some, this was a reason to stay in Mexico, for others, this was a pressing reason to go back and reconnect with the land, thereby preserving critical elements of their indigenous cultures. Mexico's Migrant Stabilization Program effectively accommodated those refugees struggling to decide how to resolve their situation. Refugees could apply for an FM-2 visa if they wanted to pursue permanent residency and eventually obtain citizenship in Mexico. Those who remained interested in repatriation could select an FM-3 (Visitor Status) visa. Both options entitled the refugees to legal protection and freedom of movement within Mexico, the right to work, and the right to return to Mexico if they travelled abroad. UNHCR data indicates that some 22,000 Guatemalan refugees remained in Mexico; by 2004, 9,595 of these refugees had acquired Mexican citizenship (UNHCR 2000: 137, Fielden 2008: 14, García 2006: 83).

Like Mexico, Costa Rica also adopted a strategy of making local integration contingent on the prior repatriation of a significant proportion of the population. By May 1995, the Costa Rican government granted some 10,200 refugees permanent residency status in the country (Fielden 2008: 13).<sup>15</sup> CIREFCA-supported development projects facilitated the local integration of approximately 300 refugee families from El Salvador and Guatemala; from 2003-2006, some 500 of these refugees became citizens of Belize, with many more having obtained permanent residency status (Field 2008: 12, Betts 2006: 13). Alongside those refugees who benefited from official local integration programmes in host countries such as Mexico, Costa Rica and Belize, thousands more undocumented forced migrants remained in these countries without formal

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<sup>14</sup> Under Mexico's *jus soli* citizenship laws, children born to refugees sheltered in the country are automatically Mexican citizens. Similar laws pertain in Canada and the United States. *Jus soli* citizenship laws increased the political palatability of local integration and regularisation policies for longstanding refugee and clandestine migrant populations in North America because the children born to members of these groups were already citizens.

<sup>15</sup> On the experiences of Salvadoran refugees in Costa Rica, see Basok (1993) and Hayden (2003).

status. For example, by 1992, an estimated 150,000 Guatemalans were living illegally outside the camps along the Mexico–Guatemalan border. Although this population laboured under poor conditions, received little or no assistance and was largely ignored by researchers, governments and humanitarians alike, the residents appear to have remained in this liminal status, raising the question of what local integration must entail in order for it to be considered a durable solution (García 2006: 65).

Relatively little research has been conducted on the local integration of Central American IDPs. However, it is clear that like IDP resettlement programmes, local integration initiatives launched by the Guatemalan and Salvadoran governments during the war were characterised by militarisation and coercion. IDP-initiated local integration efforts were purposefully undermined by governmental interference with livelihood strategies. For example, authorities withheld fishing permits from IDPs who relocated to coastal areas until displaced families agreed to serve in civilian patrols, and prevented buyers from accessing IDP cooperative development enterprises (Sollis 1992: 62). After the Guatemalan and Salvadoran civil wars ended, many IDPs remained in the cities or semi-urban areas where they sought shelter; thus, urbanisation and local integration were closely interlinked processes. However, many IDPs who stayed in urban areas continued to face tenure insecurity, government harassment and inadequate livelihood opportunities—in short, it is debatable whether they in fact benefited from a durable solution.

Many Guatemalans continued to identify themselves as displaced long after the end of the war, with the well-respected National Council of Displaced People in Guatemala (CONDEG) estimating that as of 2006, 250,000 to one million people remained internally displaced in Guatemala. Yet as early as 1993, the Guatemalan government began to downplay the number of IDPs in the country in order to evade responsibility for resolving their displacement and, in particular, redressing their land claims. Shortly after the war the Guatemalan government unilaterally concluded that the country’s IDP problem had been resolved, reasoning that all those who had not returned to their communities of origin had locally integrated. Many actors in the international community – eager, perhaps, to close the books on this protracted displacement situation – concurred with the Guatemalan government’s assessment, reclassifying IDPs as ‘poor,’ rather than displaced persons with specific rights and concerns. The government’s manoeuvre underscores the difficulty of determining when local integration has actually happened, and the risk that by simply relabelling protracted internal displacement as local integration, states may sidestep their responsibility for providing durable solutions to an easily overlooked segment of the population (IDMC 2006, Bailliet 2003: 170, Williams 2007: 47).<sup>16</sup>

### **Voluntary return**

According to Central American governments, international humanitarian organisations and a significant proportion of the displaced population itself, return represented the preferred solution for the region’s refugees, and also, to a lesser extent, its IDPs.<sup>17</sup> Refugee repatriation movements attracted the lion’s share of state and international efforts to support the

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<sup>16</sup> On potential criteria for identifying local integration, see for example Crisp (2004) and Jacobsen (2001).

<sup>17</sup> For more detailed discussions of efforts to enable repatriation in Central America, see for example Larkin et al. (1991) and Manz (2004).

resolution of displacement, although scepticism is warranted regarding the extent to which the Guatemalan and Salvadoran states in fact supported the returns. Both states certainly desired the legitimacy the return movements afforded them and were quick to portray repatriation as a sign of confidence in the prospects of peace. However, military leaders and other national elites continued to regard the returnees with deep suspicion, and attempted to undercut forced migrants' efforts to position their return as a contribution to the peace process and 'state-making from the margins' (Stølen 2007: 203).

In both Guatemala and El Salvador, large-scale refugee returns preceded the signing of national peace agreements. The shift that enabled Salvadoran refugees to contemplate return was the army's decision, at US urging, to replace its scorched earth tactics with a 'low-intensity war strategy' intended to win over hearts and minds (Wood 2004: 126, Sollis 1992: 53). Because the Salvadoran refugees sought to repatriate to conflict-affected areas under the control of the FMLN, UNHCR felt that the returnees' safety could not be ensured and so neither actively promoted nor facilitated the process in its early stages. The repatriation or 'repopulation' process 'began during 1985, accelerated in 1986, and took root in the period October 1987-March 1990 with the voluntary group-repatriation of refugees, first from the Mesa Grande and then from Colomoncagua and San Antonio camps in Honduras' (Sollis 1992: 55). By the 'mid-1990s, all of the registered Salvadoran refugees in neighbouring countries – some 32,000 – had repatriated' (UNHCR 2000: 137).

Often billed as an idealistic grassroots campaign, the return movement was in fact motivated by a range of complex, inter-connected factors including poor conditions in the camps and pressure from FMLN leadership, an influence that was not publicly acknowledged due to the need to portray the process as a uniformly civilian undertaking. In other instances, the FMLN opposed the refugees' initial flight as a kind of desertion and sought to block their early repatriation. However, the refugees successfully contended that since they contributed to the revolutionary struggle from exile, they had a right to return to El Salvador on their own terms (Silber 2011: 65, UNHCR 2000: 129). Both the government and the FMLN had strong opinions on where the returnees should settle, with the government leaning on the refugees to move to areas outside the conflict zone, and other actors preferring the return of refugees to their original communities. Yet the refugees showed 'new and enormous capacity for negotiation, insisting on the right to return to communities irrespective of locale, and develop them without harassment' (Sollis 1992: 55-56). In practice, many refugees returned to their regions of origin, but not necessarily to their former communities. Returnees selected their destinations depending on the impact of the war, the prospects for development, and the new family and community ties created while in exile (Silber 2011: 5, 22).

The first large-scale repatriations from Honduras sparked increased organizing efforts amongst would-be returnees remaining in Honduras and those sheltering in Nicaragua and Panama. Refugee organisations lobbied state agencies, church groups, NGOs and international donors for support, and developed international networks which pressured the Salvadoran government to respect the refugees' rights upon return. To be sure, not all the returns to El Salvador were collectively organised. However, organised returns to towns such as Tenancingo and El Barillo 'opened up the way for subsequent groups to move back more spontaneously in a way that consolidated the reborn settlements and surrounding areas' (Sollis 1992: 54-55, Todd 2010, Wood 2004).

A particular strength of the Salvadoran process was the ‘mutually reinforcing’ nature of refugee and IDP returns. For example, the repopulation of communities such as Santa Marta and Las Vueltas was made more sustainable through cooperation and coordination between returning refugees and IDPs (Sollis 1992: 56). Key organisations such as the Christian Committee for the Displaced of El Salvador (CRIPDES), the National Coordination of Repopulation (CNR), the Council for the Development of the Communities of Morazán and San Miguel (PADECOMSM), the Coordination of Communities and Resettlers of Chalatenango (CCR), and the Council for Community Development in El Salvador (PADECOES) brought together repatriated refugees, resettling and returning IDPs, host community members and others who resisted the pressure to flee. These organisations were animated by a collective philosophy; a conviction that the government must be held accountable to local communities for rights protection and service provision; and a commitment to an integrated approach to development and the resolution of displacement. Cooperation under the auspices of these organisations helped reduce competition between different groups and generate more viable development strategies for repopulated communities (Sollis 1992: 56-65).

Despite the initial flourishing of pro-return and repopulation organisations, the movement encountered persistent setbacks including government attacks on the credibility of displaced persons’ organisations; death threats against community leaders; violence against returnees; and impoverishment in repopulated towns and villages. Silber (2011) argues that years after repopulation, many former returnee-activists face a profound disillusionment as they are asked to relinquish their revolutionary identities at the same time as they are expected to be productive – albeit disenfranchised – citizens by drawing on the same forms of participation that characterised their wartime activism. In November 1997, Tenth Anniversary of Repatriation Celebrations were held in departments across the country to commemorate the movement’s ‘historic gains and to rescue the historical memory’ of the struggle to return (Silber 2011: 58). In attempting to recapture a feeling of unity despite the deep stratifications that have come to characterise post-conflict El Salvador, these celebrations inadvertently underlined the shortcomings as much as the successes of the attempt to make return the predominant solution to displacement in El Salvador. As reflected in their slogan *Adelante, adelante que la lucha es constante*, ‘forward, forward for the struggle continues!’, the returnees and their fellow ‘everyday revolutionaries’ expected a long struggle for equality and prosperity in El Salvador. Yet almost two decades after the end of the civil war, there are few signs that this struggle is any closer to ending, and the disproportionately high outflows of Salvadorans from impoverished and violence-stricken repopulated communities to labour in the United States raises the question of whether return was ever a truly durable solution for displaced Salvadorans (Silber 2011: xiii, 2-4).<sup>18</sup>

In spite of its shortcomings, the Salvadoran return movement served as the inspiration for Guatemalan refugees’ struggle for a collective and organised return. Unlike the Salvadoran movement, however, the Guatemalan return was characterised by much less cooperation between returning refugees, IDPs and those who weathered the war in their communities. The

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<sup>18</sup> The election of an FMLN president for the first time in 2009 served as a source of optimism for the leftist organisers of the collective return movement, though this has not substantially transformed the inequalities that fuelled the civil war and persisted after the signing of the Chapultepec Agreement in 1992.

relatively progressive conditions for return negotiated by the refugees in Mexico directly benefited less than five per cent of displaced Guatemalans and often generated resentment amongst the non-displaced and IDPs, many of whom perceived the returnees as ‘demanding and spoiled’ or ‘cowards’ (Stølen 2007: 1-2, Worby 1999, Cheng and Chudoba 2003: 10).<sup>19</sup> In practice, however, all victims of the war struggled to access their basic rights under the national peace accords. When the first group of 2,500 returnees from Mexico re-entered Guatemala in January 1993, they were welcomed by hundreds of activists, diplomats, officials, reporters and fellow *campesinos*, and undertook a three-week, cross-country caravan designed to raise awareness of their experiences and goals. The ‘grand tour’ was both a ‘symbolic re-appropriation of citizenship’ and an astute strategy based on the returnees’ recognition that their security depended on ‘popular support and visibility in (the very limited) public opinion’ (Stepputat 1994: 178). Upon settling in the return community, christened Victoria 20 de Enero (Victory 20<sup>th</sup> of January), the returnees encountered army intimidation and delays in negotiating restitution and securing alternative land. Coupled with a coup d’etat in May 1993, these problems thwarted refugee advocates’ prediction that the October Accord would result in a ‘quantum leap in repatriation’ (WOLA 1989: 5). When civilian rule was restored and collective returns resumed at the end of 1993, they took place with much less fanfare but in equally insecure circumstances, culminating with the October 1995 massacre by Guatemalan soldiers of eleven returnees in Xaman who were peacefully protesting army presence in their community. Following the Xaman massacre, return rates slowed considerably, with the last collective returnees arriving in April 1999 (Krznaric 1997: 64-65, Worby 1999: 13-14).

Donors provided comparatively abundant, if short-lived, financial support for the operation, at the rate of more than USD2,000 for each of the 43,600 refugees who returned between 1984 and 1999 (Stepputat 2006: 128, de Rivero 2001: 10). UNHCR invested extensively in the return, providing personal documentation, cash grants, in-kind assistance, mediation services and innovative quick impact projects designed to promote reconciliation in return areas (Worby 1999). However, some of these programmes accentuated disparities between returnees and the non-displaced and ‘shoehorned’ returnees into inflexible assistance packages focused on land acquisition (Jamal 2000: 2). Arguably the ‘most significant challenge to peaceful reintegration’ in Guatemala, land conflicts between returnees and secondary occupants resulted in some of the most confrontational episodes of the entire return operation (Painter 1996: 151, Worby 2000: 19). A shortage of viable options for resolving land disputes prompted UNHCR to become heavily involved in mediating land conflicts (Bailliet 2003: 198, 2000a: 199-200, 2000b: 16-19, Jamal 2000). Despite UNHCR’s involvement, land access programmes for returnees were virtually paralysed, with the result that many returning refugees simply became IDPs (IDMC 2006). Others returned to Mexico. Indeed, within two years of the end of the official repatriation process, more than 500 former refugee families returned to Mexico, claiming that they were the victims of ‘economic violence’. As a representative of the displaced testified, “[w]e are not being killed by bullets, we are being starved to death” (Bailliet 2003: 167).

For refugees and IDPs alike, the return process was plagued by difficulties surrounding the capacity and integrity of the government, and coordination problems amongst the more than 700 NGOs involved in supporting the operation and accompanying the returnees (de Rivero

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<sup>19</sup> Please see the section entitled ‘National frameworks’ for a discussion of Guatemalan refugees’ efforts to organise themselves collectively to negotiate the October Accord.

2001: 10, Naqvi 2004: 93, Taylor 1998: 148, Mahony 1999: 34). Nonetheless, the returnees undoubtedly played a considerable role in the national peace process by bringing issues of violence and repression into the public arena for discussion, and setting the stage for extensive popular participation in the national peace process (North and Simmons 1999, Stølen 2007). Beyond their involvement in advocating land restitution and compensation programmes, returnees contributed to the national 'truth commission', as well as efforts to raise monuments, locate clandestine cemeteries, facilitate mass exhumations, and prosecute the architects of the genocide. Indeed, displaced persons' direct participation in the return and peace processes has been lauded as the most innovative and successful aspect of this case. Yet was there a downside to this approach? Stepputat (1994, 1999, 2001, 2006) argues that while the collective return movement's hands-on, participatory strategy was successful in terms of increasing security and challenging the national historical record, it was less practical as an approach to achieving development in the return communities.<sup>20</sup> Similarly, according to the UN Verification Mission in Guatemala (MINUGUA), 'the imperative on participation and consensus-building has at times slowed the implementation process, enabling the government and other state institutions to evade their responsibilities and substitute dialogue for action' (MINUGUA 2004). Ultimately, the return movements and the broader peace process have in many senses failed to substantively transform the Guatemalan state: fifteen years after the end of the civil war and the conclusion of refugee repatriation, impunity, systematic discrimination and impoverishment prevail, undercutting returnees' ability to continue participating in the struggle for justice, development and equality in Guatemala (Garni 2010: 329-330, Stølen 2007: 202-210, Worby 2000, Long 2008).

## **4 Beyond durable solutions? Undocumented migration and Central America's protracted displacement crisis**

Given the almost impossible odds of obtaining protection through highly politicised refugee status determination systems, most displaced Central Americans evaded this bureaucracy and independently made their way to North America. Central Americans' efforts to craft their own 'solution' through undocumented migration are rarely considered in assessments of the region's protracted displacement crisis, but this phenomenon is notable, particularly in light of UNHCR's recent interest in how mobility and labour migration may intersect with and complement the traditional durable solutions framework.<sup>21</sup> Undoubtedly, the decision of hundreds of thousands of Central Americans to migrate illegally rather than seek formal recognition and support relieved pressure on the humanitarian system: if even a small fraction of the undocumented migrants had been acknowledged as refugees in need of protection and durable solutions, the scale and complexity of the case would have increased dramatically. Yet from a normative and policy standpoint, it is unclear whether undocumented migration represents a 'solution' for displaced persons. Should Central Americans' widespread recourse to undocumented migration prompt a rethinking of this case as a success story?

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<sup>20</sup> See also Stølen (2007: 209).

<sup>21</sup> See for example Long (2009, 2010).



Although scores of Central Americans who fled undocumented to North America in the 1980s have now regularised their status and established vibrant diaspora communities, the Salvadoran case in particular accentuates the ambivalences of this quasi-solution to displacement. Before the onset of the civil war, Salvadorans had no history of large-scale migration to North America. In the 1970s, less than 139,000 citizens emigrated from all seven Central American countries combined (Garni 2010: 317, García 2006: 30, Montes 1988: 110-111). By 1988, however, one million Salvadorans had fled to the United States, many with escape stories evocative of those recognised as refugees in Honduras. Known as El Salvador's 'fifteenth department,' the twenty per cent of the national population living in the United States during the war principally hailed from the regions most affected by violence, including Usulután, Chalatenango, Morazán, San Vicente, and Cabañas. Those who found under-the-table work in the United States promptly began sending remittances to their families at a combined rate of more than four million dollars a day by 1988, which US authorities interpreted as evidence that the Salvadorans were economic migrants who did not merit protection from deportation (Montes 1988: 111-120, Silber 2011: 8). However, Montes (1988: 107) contends that 'regardless of the way that the situation is perceived by international interests, this migration [had] deep roots in the political crisis and the civil war,' and was 'rooted more in...repression and war than in the economic situation.'<sup>22</sup> In spite of this assessment and concerted advocacy efforts, thousands of Salvadorans were deported by US authorities, and hundreds of deportees are known to have been murdered upon their return (García 2006: 92-3).

As the Salvadoran population in North America grew, amnesty provisions, the introduction of agricultural guest worker programmes, marriages to American citizens and the birth of children on US soil meant that an increasing proportion of the population was 'becoming legal.' However, the persistent threat of the detention and deportation of those who remained without status perpetuated the marginalisation of the community, as Salvadorans who had 'graduated from the school of clandestine and illegal survival' were compelled to draw on 'mechanisms of concealment, self-defence, and solidarity, which enhance their ability to survive in these circumstances' (Montes 1988: 124, García 2006: 166-167). Although desperate to avoid deportation, significant proportions of Salvadorans in the United States indicated that they would like to return to El Salvador, whether temporarily to see family or permanently.<sup>23</sup> However, for many the risk of crossing borders without documentation made short-term returns impossible, while families' dependence on remittances ruled out more permanent returns. This suggests that although undocumented migration functioned as a stop-gap solution, it also left many feeling trapped.<sup>24</sup>

Despite these difficulties, high rates of undocumented migration to North America continued after the war, particularly from 'repopulated' regions and other areas struggling with natural disasters, impoverishment and unabated political and criminal violence (García 2006: 158-159). In this period, the mixed impacts of large-scale undocumented migration for post-war

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<sup>22</sup> See also Aguayo 1985: 64-73.

<sup>23</sup> For example, in a 1987 survey of Salvadorans in the United States, 46.2 per cent indicated that they wanted to return to live in El Salvador, while 57.4 per cent preferred to regularise their status and remain in the US (Montes 1988: 121).

<sup>24</sup> For a discussion of contradictions surrounding remittances and development, see Pedersen (2004).

El Salvador became increasingly evident.<sup>25</sup> By 2009, 16 per cent of the country's gross domestic product came from remittances; some 77 per cent of remitted money is spent on food, underscoring the dependency that has emerged on funds sent from migrant family members. The establishment of Hometown Associations dedicated to supporting development projects in El Salvador reflected the collective spirit that also shaped the country's return movement, but because these associations garner less than one per cent of migrants' remittances, their impact has been modest (Garni 2010: 324-325). Taken in total, it appears that '[m]igration that began in the context of war provided personal security for those who got away, but the effects of this and subsequent migration may in fact be exacerbating on-going problems of political destabilisation,' in El Salvador as families are divided and local economies are drained of human capital in the form of young and comparatively well-educated workers (Garni 2010: 326, Montes 1988: 107, 116). High rates of migration have been connected to rising land prices and reduced crop production, as migrants use income earned abroad to purchase properties at which they are not present to cultivate. This in turn leads to increased unemployment in rural communities in which many refugees and IDPs settled. With an annual homicide rate of 150 murders per 100,000 citizens, El Salvador has become the most violent country in the Americas, surpassing even war-torn Colombia (Garni 2010: 317-318, 328). This violence has been tied to the country's dependency on remittances and high levels of migration, which has created an environment conducive to the transnational spread of the notoriously violent *maras* (gangs) (Zinecker 2007, Garni 2010, Rodgers 1999, Johnson 2006, Fariña et al. 2010).

In short, through undocumented migration, hundreds of thousands of Central Americans accessed a fragile degree of self-styled protection from violence in their states of origin and supported family members who were not able to flee through remittances. Although this strategy has yielded some long-term benefits, and has arguably functioned as a 'solution,' particularly for those who have been able to regularise their status in North America, the impact of this outflow on patterns of violence and under-development in El Salvador may be inadvertently undermining the durability of 'traditional' solutions such as return and local integration.

## 5 A success story revisited: Insights from Central America

Whether or not efforts to resolve protracted displacement in Central America are deemed successful clearly depends on how success is defined, the levels on which the case is analysed, and whether the evaluation takes a long-term perspective.<sup>26</sup> The Inter-Agency Standing

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<sup>25</sup> Similar phenomena are evident, although on a reduced scale, in Guatemala, where three per cent of the population is living abroad, and remittances account for ten per cent of the gross domestic product (Garni 2010: 323, 333).

<sup>26</sup> What constitutes 'long term' is of course a matter of perspective. Typically, institutional evaluations of durable solutions operations are only undertaken once, within a few years of the conclusion of international involvement in a particular region, an approach that does not capture a long or even medium term view. Although more than twelve years have elapsed since the conclusion of formal efforts to resolve Central America's protracted displacement situation, the implications of these

Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons indicates that a 'durable solution is achieved when internally displaced persons no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement' (IASC 2010: 5). Even by this relatively narrow technical standard, it is clear that efforts to unlock Central America's protracted displacement crisis were far from an unblemished success. Commendable progress was achieved at the international level through the CIREFCA process and at the grassroots level through remarkable mobilisation and networking amongst displaced populations and their international supporters. However, the collapse of projects intended to benefit displaced Central Americans and their neighbours have translated into persistent assistance needs, while the failure of land restitution, compensation and redistribution programmes mean that many of those uprooted by the wars remain landless and still considered themselves to be displaced long after the situation was declared resolved (Kowalchuk 2004, Bailliet 2000a, 2000b, 2003).

If success is understood more comprehensively as the safe, dignified and durable resolution of displacement in a way that advances and is inseparable from broader processes of peacebuilding, development and transitional justice, then Central America's 'report card' appears even more lacklustre. Initial optimism that the pursuit of durable solutions, particularly return, would support the fundamental reformation of the Salvadoran and Guatemalan states has in many cases given way to frustration and disillusionment in the face of increasing levels of violence, socio-economic inequality and the persistent risk of repeated forced displacement to make way for development projects that serve the interests of the Central American elite at the expense of marginalised citizens (Silber 2011, 2004, Stølen 2007, Todd 2010, Dickins de Girón 2011).<sup>27</sup> Just as return contributed more modestly than hoped to processes of state reform, development and peacebuilding, lack of progress on these fronts has undercut the viability of many Central Americans' purportedly durable solutions. In the absence of equitable national development plans, effective responses to widespread violence, and state structures that take all citizens' rights claims seriously, many residents of return communities and repopulated towns have had little option other than to join the outflow of undocumented migrants to North America. Violent attacks against these migrants as they attempt to cross northern borders undermine the stability and security internationally-supported efforts to resolve displacement had hoped to bring to the region's borderlands.

Despite the widespread sense amongst many survivors of the war that '*estamos peor que antes*' ('we are worse off than before [the war]'), both the successes and shortcomings of 'top-down' and 'bottom-up' efforts to unlock Central America's displacement crisis yield a wide range of insights for those concerned with contemporary protracted refugee and IDP situations (Moodie 2010: 13). The following include some of the principal insights the Central American experience offers:

### **Equitable acknowledgement of claims and access to protection and support**

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undertakings are still unfolding, and it may be instructive to revisit this case decades from now to assess the trans-generational impacts of the pursuit of durable solutions.

<sup>27</sup> For example, plans to dam the Usumacita River under the Plan Puebla Panama would mean the flooding of return communities in Guatemala's western Petén region. Returnees have mobilised to resist this planned displacement (Stølen 2007: 210).

In principle, the governments and international organisations involved in promoting solutions to Central America's displacement crisis recognised the importance of responding to both refugees and IDPs, and ensuring that initiatives intended to support the resolution of displacement also benefited non-displaced community members. This equitable and holistic approach strengthened many interventions, but unfortunately was not integrated throughout the entire operation. In practice, the small fraction of the displaced who were formally recognised as refugees received disproportionately more assistance than other, equally needy forced migrants. This generated grievances and prolonged the displacement of the less vocal and visible populations. Indeed, any celebration of the success of efforts in Central America must be tempered by the recognition that UNHCR assistance reached less than ten per cent of displaced Central Americans (García 2006: 35). While the political fiction that the majority of those who fled Central America were economic migrants rather than refugees rendered the scope of the crisis more manageable, arbitrariness and inequity in the distribution of protection and assistance ultimately undermined the efficacy of efforts to unlock this situation.

### **Choice amongst durable solutions and flexibility in implementation**

Choice between durable solutions; flexibility in the implementation of particular solutions; and the possibility of combining durable solutions according to the needs of displaced individuals and families all played important roles in unlocking this protracted displacement situation.<sup>28</sup> Whereas contemporary protracted displacement situations are often characterised by fixation on a particular solution such as return, many displaced Central Americans, particularly refugees, were able to choose between voluntary repatriation and local integration.<sup>29</sup> Despite their ambivalence towards the refugees, Guatemalan and Salvadoran authorities were eager to reap the legitimacy associated with the return of the displaced—the fact that the refugees could opt for local integration instead of return strengthened their hand in negotiating repatriation. Central American refugees sheltered in North America were typically able to return to their countries of origin without forfeiting local integration opportunities in their asylum states. This enabled refugees to exercise their right to return to their states of origin, reconnect with family, and contribute to national peacebuilding without sacrificing the security of residency rights in developed host states. Importantly, return was not seen as a question of restoring the *status quo ante*. Rather than insisting that returnees re-establish themselves in their original communities, support was provided for those who wished to settle elsewhere in the country. This flexibility helped facilitate comparatively smooth return and reintegration processes.

Unfortunately, not all displaced Central Americans benefited from this range of options, some of which were offered with the goal of offsetting criticism for repressive policies towards other migrants. For example, the Mexican government used the progressive step of extending local integration opportunities to refugees to deflect criticism for the abuse of migrants caught

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<sup>28</sup> Refugee families often 'hedged their bets' by taking advantage of the full range of choices available to resolve their displacement. For example, young adult members of a Guatemalan refugee family in Mexico may migrate to the United States or Canada, while the rest of the family divides itself between locally integrating in Mexico and returning to Guatemala. Family members may remain in different countries, or may eventually reunite where living conditions seem most promising. In any event, this case suggests that in order to understand how forced migrants navigate the search for 'solutions' to protracted displacement crises, family-level 'diversification' strategies must be taken into account.

<sup>29</sup> Resettlement was also an option upon request for some refugees, but was not commonplace.

stealing across its borders. Mexico predicated local integration on the return of a sizeable proportion of the refugee population; thus, early returnees did not have the benefit of opting for local integration. Return to original communities was often unattainable for those who wished to do so, due to inadequate support for the relocation of secondary occupants. Furthermore, settlement options for both IDPs and returning refugees were limited by lacklustre progress on land restitution and redistribution. Nonetheless, the relative prominence of choice and flexibility in this operation contributed substantially to its achievements.

### **Coordinated regional approach, linked to states' interests**

Although the CIREFCA process has been criticised for its limited practical effect on the majority of Central America's forced migrants, this was nonetheless an innovative attempt to promote a coordinated regional response to displacement. Because CIREFCA was nested within the regional peace process and made clear the links between the resolution of displacement and states' priority concerns such as security, development and peacebuilding, it was able to increase the protection and support available to Central American refugees and IDPs (Betts 2009: 109-111). Outside of the CIREFCA process, the policies of the major host countries were largely disjointed, although as the crisis unfolded, coordination mechanisms developed that helped systematise responses to Central Americans on the move, and have continued past the close of the region's civil wars. For example, the Puebla Process of the Regional Conference on Migration has brought together eleven of the countries in the Americas since 1996 (García 2006: 157). While these cooperation processes have in some respects enabled a more even-handed response to migration in the region and have helped resolve tensions between different countries' policies, they have also served as a foil for the promulgation of highly restrictive anti-immigration policies, and a platform for advancing wealthy states' interests in containing migration flows within Central America. This case therefore demonstrates that regional coordination efforts that capitalise on states' priority concerns can make important contributions to resolving protracted displacement by increasing the amount of support and the range of solutions available; however, the direct engagement of NGOs and human rights advocates in these processes is an important precondition to ensuring that regional cooperation processes ostensibly intended to advance migrants' wellbeing are not co-opted by anti-immigrant interests.

### **Addressing the resolution of protracted displacement in peace agreements**

The inclusion of detailed provisions on durable solutions and remedial rights for refugees and IDPs in Guatemala's peace agreements proved a significant factor in enabling the 'unlocking' of this displacement crisis. Arguably, the exclusion of similar provisions from El Salvador's Chapultepec Agreement, on the assumption that they were unnecessary since the majority of displaced Salvadorans had already repatriated, undercut the ability of returned and resettled Salvadorans to use the peace agreement to leverage much-needed support for the ongoing (re)integration process. The vast majority of peace agreements now include detailed provisions on the rights of refugees and IDPs (Phuong 2005). The particular insight of the Central American experience is that articles on the resolution of displacement should benefit all refugees and IDPs equally;<sup>30</sup> must be backstopped by international accompaniment and

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<sup>30</sup> The negotiation of the October Accord between Guatemala and the CCPP underscores how the direct participation of displaced populations can result in agreements well-tailored to their needs and concerns, and strong 'buy in' to repatriation and reintegration processes. However, the grievances

monitoring; and that displaced populations must be prepared to use the promises made to them in peace agreements as a strategic advocacy tool.

### **Addressing durable solutions and development in tandem**

Durable solutions in Central America, especially return, were intimately tied to longstanding development and justice concerns. Displaced persons' belief that undertaking a particular solution such as return would improve their socio-economic prospects was central to the decision to take the risk of leaving their camps and hiding places to rebuild new communities. This belief was in part a reflection of the poor conditions in which many encamped refugees lived, but was also nurtured by the promise of international support for those undertaking return and resettlement, and the conviction that by banding together the displaced could help provide for one another's needs. In practice, hopes for improved conditions often went unrealised. Human rights and vocational training provided to some displaced groups prepared them to use the pursuit of durable solutions to advance their interests in development and state reform. However, many projects intended to support the immediate reintegration of refugees and IDPs failed to provide long-term benefits for former displaced persons and their neighbours. This case therefore underscores the need to engage development actors with long-term planning capacities in the process of resolving protracted displacement and, perhaps more importantly, challenging the structural impediments to development and equality (Weiss Fagen 2003). Indeed, the pursuit of truly durable solutions must be conceived as a long-term enterprise that is predicated on detailed understanding of the local, national and regional political economy.

Durable solutions need not preclude mobility. The Salvadoran government in particular embraced the quasi-solution of the integration of undocumented migrants in the United States as a means of advancing national development and creating conditions for the realisation of durable solutions such as return and resettlement within El Salvador. Recognising the contribution of remittances to the nation's recovery from war, El Salvador petitioned the US to refrain from deporting Salvadorans, and adopted a contentious 'development strategy' in which 'the nation's primary mode to engage globalisation is through the [continued] emigration of its citizens' (García 2006: 110, Silber 2011: 17). Although the government's recognition of the role mobility had quickly come to play in Salvadoran society was highly pragmatic, continued high rates of emigration have been critiqued as undermining national stability, and as a reflection of the failure of Salvadoran democracy and its vision for development (Silber 2011: 11-18, García 2006, Garni 2010). Refugees who returned to Chalatenango only to join the steam of clandestine migration to the United States describe their homeland as '*una tierra expulsador*' – a 'land that expels' – suggesting that in some instances at least, migration to the United States may be not so much a way of supporting durable solutions and development as it is a manifestation of continued forced displacement (Silber 2011: 19). In the Salvadoran case, it appears that the entrenchment of large-scale migration and reliance on remittances may be a condition both for unlocking and inadvertently perpetuating protracted displacement.

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generated by the implementation of an accord that extended superior benefits to a particular displaced group underline that ensuring that agreements benefit all refugees and IDPs equally may maximise their contribution to the sustainable resolution of displacement.

## **Addressing land claims and other justice issues**

Just as refugees and IDPs hoped that the process of resolving displacement would stimulate development, many were also optimistic that the pursuit of durable solutions would provide an opportunity for the acknowledgement and resolution of longstanding grievances. The promise of land restitution or redistribution was essential to convincing many displaced persons to take a chance on solutions such as return. In practice, land restitution and compensation schemes were highly flawed—these costly, drawn-out processes benefited only a fraction of claimants, were not backstopped by broader land tenure reforms, and sparked serious conflicts at the grassroots level (Taylor 1998: 73). These conflicts underlined the fact that resolving displacement and redressing forced migrants' justice claims, particularly as they pertain to the loss of land, cannot be seen as a question of restoring the *status quo ante*. In most if not all cases, restoring the *status quo ante* is simply impossible. Instead of attempting to 'turn back the clock,' land restitution and compensation programmes must be premised on consultation with the displaced regarding their own preferences and priorities, and must take into account the claims and concerns of secondary occupants, who are often displaced persons themselves.

Despite its shortcomings, land restitution and redistribution was pivotal to the sustainability of return and resettlement efforts, and was complemented by the involvement of refugee and IDP leaders in other important transitional justice processes, such as truth commissions, exhumations and the push for trials for the architects of atrocities. These activities helped ensure displaced persons' experiences were recognised and reflected in national narratives of the conflicts, which in turn arguably helped facilitate integration (Duthie 2011, Bradley 2011, Seils 2002).

## **Organisation and participation of displaced persons**

The organisation and active participation of refugees and IDPs in crafting solutions to their displacement was an essential precondition to the even partial unlocking of this protracted displacement situation. UNHCR (2000: 143) has suggested that the CIREFCA process was pivotal to the flourishing of grassroots organisations in Central America. However, closer analysis demonstrates that the grassroots movements were successful in larger part because they built on much deeper histories of resistance, and were sustained by belief systems such as liberation theology and solidarity amongst the region's displaced activists, who took inspiration from one another's efforts. This case makes clear that displaced persons who mobilise to collectively advance their interests and defend their rights typically fare much better than those who do not or cannot. Those who were not organised did benefit from efforts to 'scale up' some of the concessions negotiated by groups such as the CCPP; however, durable solutions strategies could have been further strengthened by more purposeful efforts to seek out and listen to the perspectives of the thousands of refugees and IDPs who had been terrorised into silence, or were not as savvy in courting media attention and international supporters.<sup>31</sup>

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<sup>31</sup> For example, through successful lobbying the Temporary Protection and Deferred Enforced Departure provisions introduced in the 1990 US Immigration Act were applied to allow thousands of Salvadorans to stay in the United States. Because Guatemalan migrants had not established as many networks with US activists and were not as highly profiled in the media, they were not able to benefit from these measures, although they, too, faced major security risks in returning (García 2006: 112).

Grassroots mobilisation benefited not only refugees and IDPs themselves, but also Salvadoran and Guatemalan society more broadly, as some advocacy groups have continued to advance ‘state-making from the margins’ by pushing for accountability and equitable development (Stølen 2007: 203). However, some observers have suggested that the premium placed on participation in decision-making processes has in some cases detracted attention from lack of progress on critical peacebuilding and development issues (e.g. MINUGUA 2004). At the grassroots level, returnees whose activism represented a critical contribution to the resolution of displacement are now faced with an unsettling tension in which they are both expected to continue with their push for change, but also to give up their revolutionary identities, which are seen by some as anachronistic vestiges unsuited to ‘peace time’ in Central America (Silber 2011). At the same time, women who emerged as leaders in the struggle for durable solutions have, post-displacement, been pushed to resume narrow and subservient gender roles (Leffert 2001, Weiss Fagen and Yudelman 2001). These experiences and observations confirm that while grassroots organising was central to the resolution of protracted displacement in Central America, the legacies of these movements are more complex than some romanticised accounts of them have suggested.

To what extent may the lessons gleaned from the active participation of displaced Central Americans in the pursuit of peace and durable solutions inform other cases? Admittedly, the level of strategic mobilisation demonstrated in this case is relatively rare.<sup>32</sup> The Central American experience cannot simply be replicated, as it grew out of deeply-held religious and moral convictions, and displaced communities’ historical experiences of oppression and resistance. However, it is important to recognise that the active organisation and participation of forced migrants *developed* over the course of this protracted displacement situation. At the outset, many displaced persons were unaware of their rights and were afraid to speak out, having seen first hand the violent consequences of opposition to the government. Displaced persons’ organisational efforts flourished in part because churches, NGOs and UN agencies provided early and strategic support to emergent leaders in refugee and IDP communities. Human rights training was a particularly critical contribution, as this enabled the displaced to voice their concerns in a ‘language’ understood by the international community, and equipped them with a clear set of accepted standards to use when lobbying their governments. UN agencies, NGOs and the Catholic Church did not merely consult with the displaced on programme design and delivery, but provided a high-profile platform from which the displaced could advance overtly political goals. Reclaiming this approach would not result in a repeat of the Central American experience, but could position the international community to encourage the emergence of well-organised, highly capable refugee and IDP movements in other contexts.<sup>33</sup>

### **Advocacy and solidarity in host communities and the global North**

Refugee and IDP mobilisation significantly contributed to unlocking protracted displacement in Central America in part because displaced persons’ concerns were amplified by a bevy of prominent civil society organisations in host communities, and particularly in the global

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<sup>32</sup> It would be inaccurate to portray the Central American experience of collective mobilisation as unique: at certain points, remarkable levels of organisation and participation have also characterised elements of the Palestinian, Sudanese and Rwandan refugee populations, amongst others.

<sup>33</sup> For discussion of an innovative project that attempted to build on the Central American collective organisation experience by bringing together Guatemalan and Burmese refugee women to share perspectives and mobilisation strategies, see Inter Pares (2003).



North. Indeed, the Central American experience highlights the importance of the ‘bottom-up’ activities of not only refugees and IDPs but also the citizens of host and donor states. In a relatively rare show of solidarity with the victims of war and displacement, a remarkably wide range of religious institutions and NGOs actively supported each of the three durable solutions to displacement, as well as the regularisation of undocumented migrants. For example, the Catholic Church in Mexico actively supported the local integration of Guatemalan refugees, building on locals’ initial openness to the refugees on the basis of common cultural ancestry. In El Salvador, the Catholic Church served as the intermediary in the negotiation of the first large-scale return of refugees from Honduras. North Americans concerned about the role of western governments in propping up the Guatemalan and Salvadoran regimes sponsored refugees for resettlement; provided sanctuary for those facing deportation; and pushed for amnesties for undocumented migrants. Ultimately, the groundswell of popular concern prompted the US government to push for an end to scorched earth warfare in Central America, which opened the door for return and internal resettlement. Northern activists accompanied returnees; monitored conditions in return and resettlement communities; and pushed for governmental compliance with human rights guarantees and peace agreement provisions. The latter functions were critical to the success of return and repopulation processes because, in the words of one Guatemalan returnee, ‘without international accompaniment, the people are like worms the army can step on’ (García 2006: 82, Levitt 1999).

Although the involvement of thousands of ordinary North Americans, church groups and NGOs proved essential to enabling solutions for displaced Central Americans, efforts to stimulate similar levels of interest in displaced crises outside the Americas have floundered.<sup>34</sup> Re-engaging the citizens of wealthy states with the power to open up a range of solutions for the displaced may prove essential to replicating the progress achieved in Central America. As diaspora communities in Northern states grow, members of these groups may play particularly important roles in pushing for more open and even-handed policies towards new migrants.

### **Synergy between top-down and bottom-up efforts**

In this case, states of origin, host states, donors, international organisations, the NGO community and the displaced populations themselves were all supportive, at least to some extent, of the idea that Central America’s refugees and IDPs should have access to a range of choices in the resolution of their displacement. Rather than fixating on solutions that are politically popular but out of step with displaced persons’ preferences (or vice versa), this case benefited from broad synergies between top-down and bottom-up efforts to resolve the regions’ protracted displacement situation. Particularly important in this respect were the steps gradually taken by Washington to regularise the status of many of those Central Americans who pursued their own ‘bottom-up’ solutions in the form of undocumented migration to the United States.<sup>35</sup>

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<sup>34</sup> For information on efforts to counter trends of apathy and antagonism towards refugees and migrants, see the website of the New Sanctuary Movement at: <http://www.newsanctuarymovement.org>

<sup>35</sup> Analysis of the advocacy strategies that prompted the US government’s formal acceptance of these undocumented migrants is unfortunately outside the scope of this paper.

## **Acknowledging and adapting to the role of undocumented migration**

Undocumented migration figured centrally in the unlocking of this protracted displacement crisis, but the pivotal role of this illicit ‘solution’ has rarely been examined in relation to the region’s recognised refugees and IDPs. What insights may be drawn from the practice of undocumented migration in this case? In recent years, many scholars have underlined the positive contribution mobility or transnational livelihood strategies may make to the resolution of displacement.<sup>36</sup> However, the clandestine war-time migration of Guatemalans and Salvadorans to North America should not be mistaken for the secure enjoyment of free movement. Given the dangers of illegal crossings into North America and the need for undocumented migrants to stay under the radar of national authorities, many of those who made the trip were rendered relatively *immobile* upon arrival, at least until they were able to regularise their status. For mobility to support dignified, rights-based solutions to displacement, migrants require formal recognition and access to protection mechanisms. The widespread exploitation of undocumented migrants makes it clear that bringing ‘bottom-up’ solutions above board is essential to ensuring that this practice supports the sustainable resolution of protracted displacement. At the same time, regularising the status of undocumented migrants to Northern states cannot substitute for states of origin, donors and international organisations making good on their obligation to support ‘traditional’ durable solutions such as voluntary return. Indeed, the regularisation of undocumented migrants may complement but cannot replace viable reintegration and development prospects in countries and communities of origin. How to overcome states’ reluctance to recognise and protect the rights of migrants who arrive through clandestine channels remains an open question. As interest in the role of mobility in the resolution of protract displacement grows, further research on the successes and shortcomings of the Central American case may prove a source of valuable insight.

## **Durable solutions, peace processes and state reform**

The Esquipulas II agreement, Guatemala’s national peace treaties and the CIREFCA process all conceived of durable solutions as an integral part of broader processes of peacebuilding and state reform. Yet in practice, all those refugees and IDPs who pursued durable solutions within Guatemala and El Salvador encountered states that, whatever documents had been signed, were in many ways fundamentally resistant to the reforms that would have been necessary to enable the displaced to assume the status of full and equal rights-bearing citizens. The harassment and assassination of returnee activists; the failure of land restitution and redistribution programmes; inadequate development support for the regions most affected by displacement; and the Guatemalan government’s (largely successful) attempts to render its IDP population invisible by unilaterally declaring that all those who had not returned or resettled had successfully locally integrated, all testify to a profound failure to achieve durable solutions, understood as the resolution of displaced persons’ ‘specific assistance and protection needs’ such that they can ‘enjoy their human rights without discrimination resulting from their displacement’ (IASC 2010: 5).

The return movements’ rallying cries of ‘Struggle to return! Return to struggle!’ and ‘Onwards, for the struggle continues,’ underline that displaced Guatemalans and Salvadorans fully anticipated that the resolution of their displacement would be a long-term undertaking (Taylor 1998: 10, Stepputat 1999: 210, Silber 2011: xiii). Although this undertaking remains

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<sup>36</sup> See for example Adepoju et al. (2007), Long (2009, 2010), Monsutti (2008), and Van Hear (2006).

incomplete, efforts to resolve Central America's protracted displacement situation provide insight into how 'top-down' and 'bottom-up' approaches may be combined to enable access to a relatively wide range of choices for the displaced. While far from a resounding success, the creativity and commitment demonstrated by displaced Central Americans and their supporters ensures that this case continues to stand out in the history of efforts to resolve protracted displacement.

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## Síntesis introductoria

Durante los 80 y principios de los 90, más de un millón de guatemaltecos, salvadoreños y nicaragüenses fueron desplazados dentro de sus propios países y por toda Centroamérica y América del Norte a causa de guerras civiles interrelacionadas y una desenfrenada violación de los derechos humanos. A pesar de que en el momento de la crisis apenas se habló de una situación de desplazamiento prolongado, lo cierto es que lo era sin duda: numerosos centroamericanos se vieron desarraigados durante más de una década antes de que pudieran atenerse a una solución duradera en forma de reasentamiento, integración local o retorno voluntario.

El esfuerzo por resolver la prolongada situación de desplazamiento en la América Central ha sido a menudo presentado por investigadores y profesionales como una historia de éxitos. En los niveles regional e internacional, la búsqueda de soluciones para los centroamericanos desplazados se caracterizó por una cooperación sin precedentes entre gobiernos, agencias intergubernamentales y distintas ONG, dando lugar a prácticas innovadoras, como los programas de adquisición de tierras para los repatriados y el desarrollo de 'proyectos de efecto rápido' que han sido posteriormente aplicados a otros escenarios. Mientras lo habitual de los gobiernos fue promover la repatriación como la solución 'preferible', la creciente apertura a la integración local significó que muchos pudieran escoger la solución que mejor se amoldase a sus necesidades. A nivel sub-estatal, tanto el desarrollo de redes solidarias, que comunicaron a los desplazados con los defensores de los derechos humanos a lo largo y ancho de las Américas, como la movilización de los migrantes forzosos para negociar las soluciones a su desplazamiento han sido tenidos por triunfos del activismo de base.

Sin embargo, haciendo un análisis más exhaustivo, es claro que el caso que nos ocupa dista mucho de constituir un claro éxito: a pesar de que miles de personas desplazadas se acogieron a la repatriación voluntaria y a las oportunidades de reasentamiento interno, posteriormente muchos quedaron expuestos a la violencia y la discriminación, mientras que la prometida redistribución de la tierra y el desarrollo de programas a menudo no lograba materializarse. El acceso a la protección y el apoyo para asegurar las soluciones se dispensó de forma harto desigual: el ACNUR calcula que sólo un diez por ciento de los migrantes forzosos guatemaltecos y salvadoreños se beneficiaron de la asistencia internacional. Entre aquellos con menor posibilidad de obtener apoyo estaban las PDI; los miles de solicitantes de asilo a quienes se les negó el estatus de refugiados en virtud de unos procesos de determinación escandalosamente politizados; y los cientos de miles de migrantes forzosos centroamericanos que reconocieron haberse dado cuenta de que lo más probable es que no fueran a ser reconocidos como refugiados, y por tanto permanecieron indocumentados tras emigrar a México o los Estados Unidos. Muchos de éstos últimos permanecieron en Norteamérica y finalmente lograron regularizar su estatus. Desde el fin de las guerras civiles, miles de sus compatriotas se les han unido, movidos a trasladarse por diversos grados de ambición, obligación, empobrecimiento y violencia. Aunque la migración indocumentada desempeñó un papel fundamental en la crisis centroamericana, esta estrategia no pertenece al marco tradicional de soluciones duraderas y se resiste a ser clasificada fácilmente como éxito o fracaso. De todos modos, la persistencia de altos niveles de migración indocumentada desde la América Central posterior al conflicto atestigua la inviabilidad de los procesos de paz salvadoreños para transformar las estructuras estatales y rectificar las desigualdades sociales

para que los ciudadanos puedan prosperar (y aun, en algunos casos, sobrevivir) sin tener que recurrir a la migración.

Ha pasado más de un decenio desde la conclusión de los esfuerzos formales para resolver la prolongada situación de los desplazados de Centroamérica. Este es un momento oportuno para reflexionar sobre esta 'historia de éxitos' y discernir la serie de lecciones que de ella se pueden sacar. La mayoría de evaluaciones de este caso se han centrado en una solución duradera concreta, como la repatriación; en una población determinada, como la de los refugiados o las PDI; o en unos o en otros esfuerzos (bien de alto nivel, bien locales) por resolver la situación del desplazamiento. En contraste con esto, este artículo considera las contribuciones de los actores a distintos niveles, enfocadas a conseguir toda una serie de soluciones al desplazamiento de los refugiados guatemaltecos y salvadoreños, las PDI y los emigrantes indocumentados de quienes se reconoce generalizadamente que han tenido que trasladarse, en gran medida, para escapar de la violencia y la persecución en la región. El análisis resultante hace hincapié en los siguientes puntos:

- el papel ambivalente y desatendido de la migración indocumentada en la evolución y resolución de esta situación de desplazamiento;
- la importancia del reconocimiento igualitario de las demandas de, y acceso a, la asistencia en favor de soluciones duraderas;
- el valor de la elección entre soluciones duraderas y la flexibilidad en la implementación de las mismas;
- el potencial de los enfoques regionales coordinados para resolver el prolongado desplazamiento en relación con los intereses de los estados en otros ámbitos;
- la importancia de abordar pormenorizadamente en los acuerdos de paz la cuestión de la resolución sobre el prolongado desplazamiento;
- la necesidad de abordar cuestiones de justicia y desarrollo a largo plazo, en concreto la restitución y redistribución de las tierras, junto con la promoción de soluciones duraderas;
- las ventajas de la organización local en el establecimiento de redes internacionales para las poblaciones de desplazados;
- las potenciales contribuciones de los defensores norteamericanos de la solidaridad a la apertura de toda una serie de soluciones duraderas;
- la importancia de la sinergia entre los esfuerzos 'de arriba abajo' y los 'de abajo a arriba' para resolver el desplazamiento; y
- la dificultad de asegurar las verdaderas soluciones duraderas al desplazamiento sin una profunda reforma estatal.