

# 4 Responding to emergencies

If the past is any guide, the world can expect a big emergency involving human displacement every 16 months—and a massive one every two years. In the past 15 years there have been seven of the latter, each of which has resulted in the displacement of more than 1.5 million people.<sup>1</sup> Since the 1991 Gulf War the international emergency-response system, in which UNHCR plays a major role, has been strengthened in the areas of planning, human resources, supply stockpiles and early warning systems. But despite these efforts, its effectiveness has been uneven.

The reasons for that patchy record include the reluctance of the international community to take strong action to defuse conflict, funding shortfalls, insecurity in areas of humanitarian operations, and the inaccessibility of some of those in need of assistance. Matters have also been complicated by an increase in the number of humanitarian and political actors involved in emergency assistance, the trend towards ‘bilateralization’ of aid and a constriction of the neutral humanitarian space within which aid personnel can work safely. This chapter looks at how these challenges have spurred the review and reformulation of policies to improve emergency responses in the future.

## Historical overview

The establishment of UNHCR in 1951 coincided with the onset of the Cold War. Initially, the agency’s main stage of operations was Western Europe, which received refugees fleeing communist regimes. At its inception, UNHCR’s work was limited to legal issues, helping governments to adopt laws and procedures to implement the 1951 UN Refugee Convention. Its first major challenge was responding to the exodus of some 200,000 refugees from Hungary in 1956, following the Soviet suppression of the Hungarian uprising.<sup>2</sup>

During the 1960s, as decolonization in Africa gained momentum, UNHCR grew into a refugee agency with a global mandate. The process began when it assisted Algerians who had fled their country’s war of independence and sought refuge in neighbouring Tunisia and Morocco and helped them to repatriate at the end of the conflict. The Algerian crisis marked UNHCR’s first involvement in Africa. Subsequently UNHCR was exposed to many new challenges and dangers in providing assistance and protection to Rwandan refugees in the Great Lakes region of Africa. By

*Refugees from Darfur, Sudan arriving at camps close to the border in Chad. (UNHCR/B. Heger/2004)*

1969, about two-thirds of UNHCR's global programme funds were being spent in African countries.<sup>3</sup>

Decolonization and post-independence civil conflicts ranged across much of Africa and Asia in the 1970s and 1980s. The 1971 Bangladesh crisis marked UNHCR's first large-scale involvement in South Asia. As on numerous occasions thereafter, the UN Secretary-General called on UNHCR to play the role of 'focal point' for the overall relief operation. Involving about 10 million refugees, the Bangladesh crisis saw the largest single displacement of people in the second half of the twentieth century. This period was also characterized by the involvement of the Cold War superpowers in internal wars—in the Horn of Africa, Latin America, and Asia—which generated large flows of refugees. UNHCR grew rapidly as it tried to respond to emergencies on three continents.<sup>4</sup>

In the 1990s new conflicts of a different nature arose, and with them came shifts in perceptions about refugees. Western countries in particular began to see refugees as a burden, and turned their efforts to trying to contain them within their region of origin. Consequently, UNHCR became more involved in situations of ongoing armed conflict, necessitating greater cooperation with military forces. This was illustrated by UNHCR's major operation when Kurds fled northern Iraq at the end of the first Gulf War in 1991. Another major and long-term emergency operation started the same year when the violent break-up of the former Yugoslavia led to the largest refugee crisis in Europe since the Second World War.

Other crises in the 1990s which were characterized by large-scale human displacement included those in the Great Lakes region of Africa, West Africa, Southeast Asia and the Horn of Africa. But as the interest of the major donors waned, many crisis areas virtually disappeared from the international political and media maps; at the beginning of the twenty-first century several forgotten refugee situations continued to fester.<sup>5</sup> In Africa in particular, the major powers were reluctant to get involved unless their strategic interests were at stake.

Since 2000, several new or intensified emergencies have made significant demands on humanitarian agencies. These have occurred in Afghanistan, Iraq, Sudan and the countries affected by the tsunami of December 2004.

## Preparedness capacity

Over the past decade the international community has paid more attention to emergency preparedness to improve the quality of its response to crises. Self-examination has been a part of this process. The 1996 inter-agency evaluation of the humanitarian response in Rwanda pointed out that aid agencies lacked consistent working definitions of preparedness measures and contingency planning. The report noted that it was important to conceive preparedness broadly to include the advance placement of key technical and logistics staff and adequate mapping and communications equipment.<sup>6</sup>

Some progress has been made, and is reflected in an increase in the number of professionals with emergency-response expertise on humanitarian rosters. User-friendly and efficient emergency procedures and clear standards and guidelines have been instituted. Emergency supplies have been stockpiled, with stand-by purchase arrangements and delivery mechanisms that can be activated rapidly to ensure rapid deployment. Such pre-positioning occurs at the international and regional levels, though the latter tends to have more limited stockpiles.<sup>7</sup> UNHCR has its international stockpiles in Copenhagen and Abu Dhabi and a few regional ones in Africa to cover 500,000 people. Required items can be airlifted within 48 hours in the event of an emergency.<sup>8</sup>

For an emergency involving half a million people UNHCR can deploy between 60 and 125 international staff, depending on the needs and capacities of governments, host communities and partner organizations.<sup>9</sup> Such teams ideally possess the required technical expertise, experience, language skills and gender balance and can be mobilized within 72 hours.<sup>10</sup> This enhanced capacity was well-demonstrated by the rapid response to the tsunami of 2004. However, delays in responding to the crisis in Sudan's Darfur region and the influx of refugees into neighbouring Chad demonstrate that gaps remain.<sup>11</sup>

Early-warning mechanisms and contingency-planning processes provide situation-specific preparedness at the national and regional levels. The contingency-planning process envisions different scenarios on the basis of possible political developments and potential displacement patterns. These are then combined with estimates of staffing and technical need, funding requirements and a demarcation of the responsibilities of different agencies. Lines of authority and communication are specified to ensure smooth coordination. Early warning mechanisms have failed in the past because they were based upon most likely, rather than worst case, scenarios.

Though of crucial importance, the maintenance of a high level of preparedness requires the diversion of resources away from ongoing activities. This can be particularly onerous when agencies face funding shortages and no major emergencies are visible on the horizon to provide immediate justification for the diversion of resources. The dilemma of choosing whether resources should be allocated to emergency-response mechanisms or to regular functions surfaces time and again. It was seen during the Kosovo emergency, when budget cuts had a negative effect on UNHCR's emergency capacity.<sup>12</sup>

Ideally, early warning would lead to interventions that mitigate conflict and halt human rights violations. During the 1990s, alongside its humanitarian operations, UNHCR played an increasingly important role in international political negotiations and exerted leverage over states.<sup>13</sup> Since 2000, the early-warning task force of the Inter-Agency Standing Committee (IASC) has been at the forefront in keeping track of political developments that could require high-level interventions.

The government of the country affected by an emergency has the primary responsibility and authority to coordinate and direct international assistance. As was

## Box 4.1

## Presevo Valley: preventing another disaster in the Balkans

Towards the end of 2000, clashes between Yugoslav security forces and the Liberation Army of Presevo, Medvedja and Bujanovac (UCPMB) in southern Serbia forced thousands of Albanian villagers from the area to move into neighbouring Kosovo. Although at the time the number of displaced persons was relatively small and the conflict was confined to a five-kilometre-wide strip between Serbia and Kosovo, the hopes for finally achieving peace and stability in the region hung on the line. There was also a danger that the conflict erupting in southern Serbia would have serious implications for Serbs remaining in Kosovo.

In June 1999, following the cessation of NATO's bombing campaign and the return of hundreds of thousands of ethnic Albanian refugees from neighbouring countries to Kosovo, reprisals against the Serb population in the province began. Scores of Serb civilians were forced to flee their homes. Those brave enough to stay behind could not move about freely and had to be under constant guard by NATO. Around the same time, some of the Yugoslav security forces implicated in war crimes in Kosovo were redeployed in the predominantly Albanian municipalities of Presevo,

Medvedja and Bujanovac, referred to by the international community as the Presevo Valley.

An agreement between the Yugoslav security forces and NATO led to the establishment of a five-kilometre-wide buffer zone between Kosovo and southern Serbia which was meant to prevent accidental clashes between the two armies. The establishment of the Ground Safety Zone, as it was called, along with the redeployment of the Yugoslav security forces set the stage for the eventual outbreak of violence in the area.

By the fall of 2000, the reprisals in Kosovo—though far from over—had begun to decline. UNHCR was working with NATO and the UN Mission in Kosovo on 'putting in place the conditions' for Serb returns. Negotiations were underway with the Albanian political leadership to encourage them to recognize the right of the Serbs to return to their homes. There was also a new, more moderate government in Belgrade under the leadership of Yugoslav President Vojislav Kostunica.

It was in this cautious but hopeful environment that the armed struggle of the UCPMB and counter-insurgency operations by the Yugoslav security forces began in

southern Serbia. UNHCR responded immediately to the influx of Albanian villagers into Kosovo and began contingency planning for further displacement. Concerned about possible repercussions on the Serb population in Kosovo, UNHCR's special envoy to the region made a number of assessment missions to southern Serbia to explore means to defuse the conflict.

The Albanians in the Presevo Valley feared the Yugoslav forces from Kosovo operating in the area, whom they accused of intimidation, harassment, the occupation of housing and destruction of property. There was also a history of discrimination against ethnic Albanians in the Presevo Valley which was aggravating the situation and had provoked the rise of the UCPMB. The lack of representation in the local police force—most of the Albanian police had been dismissed by the former regime—was the leading concern, though there were a number of other problems related to education, employment and the media. As the Albanians were also under-represented in the government, they asserted that they were unable to resolve their grievances through the appropriate political structures.

highlighted in the response to the Asian tsunami, the international community does not always adhere to the principle of subsidiarity—whereby larger multilateral institutions do not take on tasks that can be adequately performed by local or regional organizations—during the initial stages of the humanitarian effort.<sup>14</sup> International humanitarian organizations are expected to meet basic needs when governments cannot—or will not for political reasons.<sup>15</sup> This calls for efforts to strengthen the preparedness of regional and sub-regional organizations, which can also operate as part of an effective early warning system.<sup>16</sup>

UNHCR's special envoy drew up a list of confidence-building measures to address these grievances and defuse the situation. He presented these to President Kostunica and the Deputy Prime Minister of Serbia, Nebojsa Covic, who was designated as Belgrade's main interlocutor on the crisis. He also stressed the importance of ending hostilities as soon as possible, given the negative consequences for the Serb population in Kosovo and prospects for the return of those who had fled. The steps that would follow and eventually lead to a peace agreement were achieved through the combined efforts of a remarkable network of partners, including the United Nations, NATO, inter-governmental and regional organizations, and concerned governments.

In early 2001, the Secretary-General's Special Envoy to the Balkans, Carl Bildt, warned that the crisis was the 'most serious threat to stability in the Balkans'. Meanwhile, the High Commissioner for Refugees wrote letters to the Secretary-General of NATO, Lord Robertson, and the Secretary-General of the Council of the European Union, Javier Solana, appealing for international help to prevent the conflict from spiralling

out of control. He called on the European Union to send monitors to the region and engaged the Organization for Security and Cooperation in Europe to establish a multi-ethnic police force for southern Serbia. UNHCR also established a full-time presence in the Presevo Valley and encouraged other UN agencies and NGOs to do the same.

Back in Belgrade, Deputy Prime Minister Covic began work on a plan that would incorporate the confidence-building measures proposed by the special envoy. These included the integration of ethnic Albanians into the political, governmental and social structures in southern Serbia, and a step by step demilitarization of the Ground Safety Zone. Covic's plan also included an amnesty for the Albanian fighters. Meanwhile, NATO sent in a representative to facilitate direct talks between Covic and the UCPMB.

By the spring of 2001, a demilitarization agreement was reached by the two parties. UNHCR proposed that the demilitarization begin in Lucane, a small village in Bujanovac Municipality, which had been partially occupied by Yugoslav forces. On 17 May, UNHCR was

present alongside NATO representatives, EU monitors, Deputy Prime Minister Covic and the commander of the UCPMB to witness the disarmament of the rebel movement and the historic withdrawal of Yugoslav forces from the village. The process was repeated village by village until the entire area was demilitarized and there was a complete cessation of hostilities.

On the humanitarian side, UNHCR and other UN agencies and NGOs began to implement programmes that included repairing homes and other forms of assistance to boost the confidence of the population. The combined efforts of all of these players paved the way for the return of some 15,000 displaced persons to their homes. When fighting broke out in the neighbouring former Yugoslav Republic of Macedonia in the spring and summer of 2001, the same actors came together to resolve the conflict, averting another potential disaster in the Balkans. These experiences demonstrate that effective partnerships and preventive measures work when the international community shows the political will and mobilizes the necessary resources.

## Nature of the response

A problem often encountered in emergencies is the lack of a formal mechanism to trigger a significant and timely response by the humanitarian community. In Darfur, for instance, where people have been killed and displaced on a massive scale by violence, the humanitarian response has been criticized as deficient. The inaccessibility of Darfur, and the unwillingness of some governments to criticize the Sudanese government so as to not risk the peace process in the southern part of the country, were two of the reasons for this inadequate response. But widespread public outrage and extensive media coverage appear to have had an impact: governments have changed their stance and donors have stepped up funding to assist the internally displaced in Darfur and refugees in neighbouring Chad.

## Non-refoulement

*Non-refoulement* is a dominant principle of international law. It stipulates that states should not reject, return, or expel persons to territories where they would face persecution and violence.<sup>17</sup> Most relevant in the context of an emergency is that states allow entry to asylum seekers. In recent years, many states have become reluctant to allow asylum seekers to cross their borders. As a consequence of the hardening of asylum policies, the principle of *non-refoulement* has been undermined. For instance, in 2001 Pakistan refused to allow a new influx of Afghan refugees onto its territory. The government deemed that the international community had not provided it with sufficient assistance to deal with the millions of refugees who had poured into the country since the end of the Cold War.<sup>18</sup>

In the initial phase of an emergency response, the principal focus is on diplomatic efforts to allow free passage of refugees. In 1999, during the Kosovo emergency, humanitarian evacuation and transfer programmes transported refugees to 28 countries outside the region, thereby fairly apportioning the burden.<sup>19</sup> These programmes attempted to relieve the pressure on Macedonia and encourage it to continue admitting refugees from neighbouring Kosovo. In resolving the crisis, it helped that the media gave the Kosovo exodus a high profile, that the international community was willing to act decisively and that developed states close to the region were willing to shoulder a fair share of the refugee burden.

## Humanitarian logistics

Logistics bridges emergency preparedness and response, yet this function tends to be disregarded in high-level decision-making processes.<sup>20</sup> The swiftness of the response to an emergency is dependent on the ability to procure and transport supplies to where they are needed. Various evaluations have highlighted gaps in these procedures, putting the lives of the displaced at risk.<sup>21</sup> Disruptions in the flow of goods can be caused by a lack of funding, high levels of insecurity and limited access, and competition among agencies to obtain the same relief goods at the same time. In the response to the 2004 tsunami damaged infrastructure, customs delays and heavy demands for transportation caused congestion at airports and on roads. The donation of unsolicited items added to the load on already stretched supply lines.<sup>22</sup>

Humanitarian logistics must also see to the timely deployment of appropriate staff. The logistical effort required to bring workers to an emergency area is immense: arrangements for transport, visas, accommodation and other services must be made in good time.<sup>23</sup> Due to the complex and insecure working environment, there is often a high turnover of staff, resulting in the frequent shifting of responsibility, lengthy induction periods, limited institutional memory and fragmented coordination efforts.<sup>24</sup> Aid teams often need to be set up in remote locations where establishing basic administration and communication systems may take a long time, thereby hindering their security and efficient coordination.<sup>25</sup>



*Devastation in Banda Aceh in Indonesia following the tsunami of 26 December 2004. (UNHCR/J. Austin/2005)*

High standards of capacity and coordination are required not only for the logistics of emergency response but also for the efficient management of the onward movement of a displaced population. In some instances, displaced populations may need to be moved out of conflict zones to safe areas. For such operations to be successful a sufficient number of large vehicles and adequate supplies of fuel, food, water, sanitation and shelter are needed.<sup>26</sup> This was the case in Chad, where in 2003–2004 more than 150,000 Sudanese refugees were relocated into eight newly created camps under difficult circumstances, given the size of the population and the hostile desert environment. This relocation away from the border area guaranteed a degree of protection against incursions by militants from Darfur.<sup>27</sup>

## The protection–assistance nexus

Responses to emergencies should be driven by a clear assessment of need rather than available or anticipated levels of funding, but this is not always the case.<sup>28</sup> Whenever possible, assessments should be made and clear benchmarks set to determine priority areas of response. However, it must be noted that in many cases massive caseloads or extreme insecurity make it impossible to make reliable needs assessments. As a result, the overall quality of needs-driven assessments has been poor.<sup>29</sup>

Emergency responses tend to emphasize assistance over protection. Particularly in mass-influx situations, immediate needs such as food and health are given more attention than protection. This is partly because the former are easily identified. Sometimes, however, inexperienced protection staff are unable to identify protection needs. As a result, in some situations protection and human rights take a back seat to assistance.<sup>30</sup> Protection needs could also be left unaddressed if senior protection staff do not formulate a protection strategy in the critical early stages of an emergency.

In the 1990s, UNHCR formulated a ‘ladder of options’ to provide security to displaced populations. The first step is to be in the presence of those who have been displaced. The second is to provide medium-term alternatives such as training and support to build national law-enforcement capacity and/or the deployment of international civilian or police monitors. The top of the ladder involves international peacekeeping missions, including regional arrangements such as in Afghanistan, the Democratic Republic of Congo and Liberia. Due to personnel constraints, the second option has not received much attention. However, in Darfur staff of the African Union have been deployed to provide protection and security along the routes taken by the displaced and in their camps.<sup>31</sup>

Over time, the United Nations and NGOs have moved towards encapsulating the wide variety of assistance activities in an all-encompassing human rights framework. Socio-economic and cultural rights have been of particular importance in providing a yardstick for the quality of life of displaced persons. These include the right to adequate housing, food, health and education services. Such rights make victims of conflict ‘claimants of rights’ rather than objects of charity, and thus contribute to preserving their dignity.<sup>32</sup>

Indeed, humanitarian discourse has veered away from perceiving displaced persons as passive, aid-dependent victims and towards the view that they are in charge of their own lives. Even under the harshest personal circumstances the displaced try to help themselves.<sup>33</sup> Thus, the need for a development-oriented approach in the initial stages of the humanitarian response has received more attention. This means the involvement of displaced people in the decisions that affect their lives. Humanitarian assistance can then support their coping mechanisms, strengthen available assets and build capacity wherever necessary to promote self-reliance in the longer term.

## Gender and age

In emergency situations, pre-existing inequalities tend to be exacerbated and vulnerable groups tend to be more at risk. The main threats that women face during an emergency include sexual and gender-based violence, trafficking and increased exposure to HIV/AIDS. The rights and needs of displaced women have been receiving increased attention since the 1990s, and sensitivity to gender and age issues has been incorporated into mainstream emergency-response guidelines and programmes. This includes providing displaced women with individual identification or registration cards to facilitate their freedom of independent movement.

Gender mainstreaming has even been applied to food distribution; supplies are distributed to women instead of men so as to ensure more even allocation within families. Gender concerns also come to the fore when considering camp design and layout. If a camp has no light at night in those areas used by women, or if there is a lack of material to close entrance ways, the risks of being attacked at night might increase. Strong efforts are made to involve women in the decision-making process, and to prevent and respond to gender-based violence.

A growing number of agencies mainstream gender throughout their programmes, but responses continue to be fragmented. While progress has been made in sensitizing humanitarian staff to gender issues, it can be difficult to hire enough women, particularly at the national level. Moreover, the prevention of, and response to, gender-based violence is often considered to be a culturally sensitive issue as it deals in part with violations occurring in the private sphere.<sup>34</sup> This explains the hesitation or refusal of some host governments to address gender issues.

In emergency settings children, particularly those who are unaccompanied, have special protection needs. Displaced minors are often at an increased risk of malnutrition, disease, physical danger, emotional trauma, trafficking, exploitation and abuse.<sup>35</sup> Significant progress has been made in this field, particularly during the 1990s, and since 1998 children's issues have increasingly been put on the international peace and security agenda.<sup>36</sup> However, significant gaps in child protection remain, partly due to a lack of awareness among humanitarian workers of the threats facing children and their protection needs.<sup>37</sup> The roles and responsibilities of agencies working with children are not always clearly defined, and there are sometimes gaps and/or overlaps in their activities. The needs of children have not been given enough priority, particularly when funds are short or new arrivals overwhelm existing assistance capacities.

## Recent developments

Changes in the humanitarian sector in the 1990s, such as the bilateralization of aid, uneven funding, an increase in operations in conflict areas and a proliferation of actors have had a significant impact on the nature of humanitarian response. While

## Box 4.2

## Democratic Republic of Congo: a forgotten crisis

The Democratic Republic of Congo (DRC) presents an example of a protracted and complex crisis. It is characterized by a collapsed state, high levels of violence and human rights abuse, many international aid actors, limited funding and lack of the political will to alter the situation. A proliferation of arms, pervasive banditry and crime have further aggravated the situation, in particular in the eastern part of this vast and ethnically diverse country. The humanitarian crisis in the DRC has been described as one of the worst in the world, and is regularly referred to as 'forgotten'.

Ethnic demands and economic interests, especially in those areas rich in natural resources, have provoked an inter-ethnic conflict that also involves international players. In 1997, President Mobutu Sese Seko was overthrown by Laurent Kabila, with the military aid of Rwanda and Uganda. Kabila was subsequently opposed by the rebels who took control of about a third of the country in the east. Kabila was supported by Angolan and Zimbabwean troops, while the rebels were backed by Burundi, Rwanda and Uganda. A 1999 ceasefire signed in Lusaka allowed the United Nations to establish a peacekeeping mission (MONUC) in the country. But the ceasefire was repeatedly violated by all signatories, and violence continued, particularly in the north and east.

Laurent Kabila was assassinated in January 2001, and succeeded by his son, Joseph Kabila. The young Kabila's leadership ushered in a period of hope for peace and stability, as he was willing to implement the provisions contained in the 1999 Lusaka Peace Accords. He adopted a series of bold economic measures and withdrew troops from the front. In 2002, peace agreements were signed by the warring groups in the DRC and between the governments of the DRC, Rwanda and Uganda. The 2002 Sun City Agreement led to

the establishment in July 2003 of an all-inclusive transitional government, which officially reunified the country.

In 2003, power vacuums created by the withdrawal of troops in North and South Kivu and in the mineral-rich Ituri district led to renewed violence. In Ituri, much of the fighting has an ethnic dimension, namely between the Hema pastoralists and the Lendu agriculturalists. Both have, at different times, been backed by Uganda. The violence only ended when French troops intervened. Tens of thousands of people have died and more than 500,000 have been displaced since 1999 as a result of fighting in Ituri.

The endless years of strife and conflict have had dramatic consequences for the civilian population. Poverty, accentuated by the conflict, has increased peoples' vulnerability on a massive scale. The crumbling state infrastructure in health and other sectors, inflation and high levels of unemployment have further exacerbated the negative effects of the conflict. The fighting has led to appalling levels of hunger, disease and death, and to countless abuses of human rights. Many thousands of women and men, girls and boys have become victims of sexual and gender-based violence, compounding the human impact of a conflict that has resulted in the death of more than 3.8 million civilians since 1998. In 2005, there were more than 1.5 million internally displaced people and over 400,000 refugees in the country, multiplying the strains on available resources.

For several years the international community paid only minor attention to the DRC. Funding for the crisis remained low, compared to that for higher-profile cases such as Afghanistan and Iraq. In 2001, with the hope that Joseph Kabila's leadership would usher in an era of peace-building, international confidence increased. Thus, while

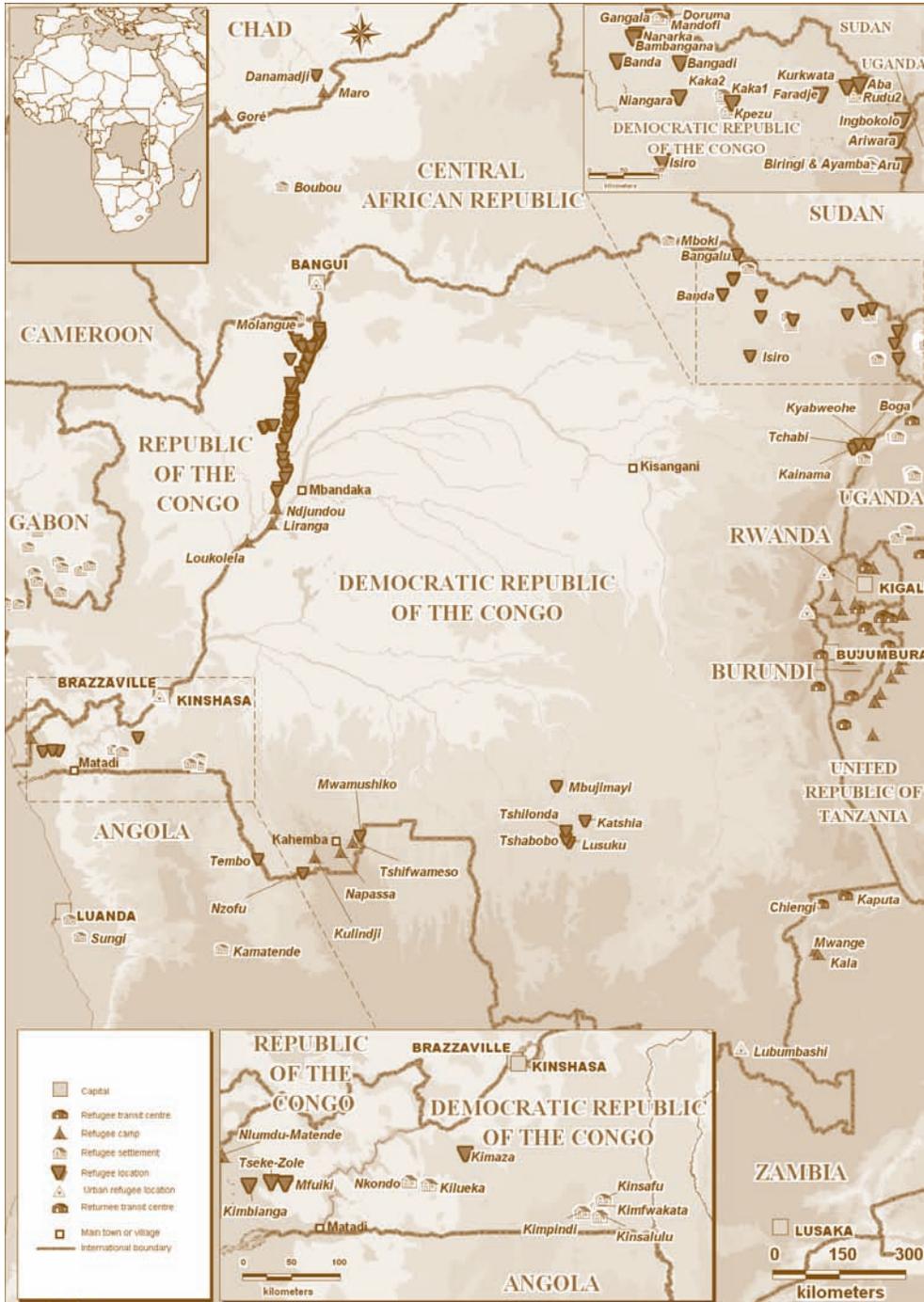
the Consolidated Appeal was only funded 32 per cent in 2000, it increased in the following years, going from 67 per cent in 2001 to more than 72 per cent in 2004. But the international community has not made consistent efforts to help the country address its political challenges.

Under the leadership of Joseph Kabila, the country has opened up towards the humanitarian community. By September 2005, MONUC was fielding over 16,000 police and military personnel with the authority to use force. However, despite the increase in security due to the MONUC deployment, humanitarian access has remained fragmented because of continued violence. This has frequently led to the evacuation of humanitarian workers and the suspension of aid programmes. In addition, the sheer size of the country and the poorly developed—sometimes nonexistent—infrastructure continue to pose operational and logistical challenges.

In 2005, the UN Security Council adopted Resolution 1592, which extended MONUC's mandate and explicitly stated that its main objective is peace enforcement. Some progress has been made towards disarming the various militias and implementation of the Sun City Agreement. Yet, in 2005, continued insecurity in the East remains closely linked to the political impasse in Kinshasa. The government still appears to be a conglomerate of different factions rather than a coherent entity. Elections set for the summer of 2005 were postponed, and the creation of integrated national-security services and the promulgation of a constitution and a new electoral law remain pending. Besides the continued support of the international community, a long-term solution for the DRC will require stability in neighbouring countries and throughout the region.

Map 4.1

Democratic Republic of Congo, June 2005



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations. Geographical data sources: UNHCR, Global Insight digital mapping - © 1998 Europa Technologies Ltd.

the overlap between humanitarian and political agendas has always shaped relief responses, a shift towards greater unilateral interventionism in some countries has led to greater synchronization of their political, military and humanitarian objectives.<sup>38</sup> In some cases decisions concerning emergency responses have been driven by media attention and public opinion.

## Funding

The post-Cold War era witnessed a major restructuring of aid budgets among principal donors, partly due to demands for more transparency regarding public expenditures. Generally, international emergency response has remained the preserve of large Western agencies and the United Nations. In some Western countries attempts at greater coherence between political and humanitarian action has led to significant changes in humanitarian policy.<sup>39</sup> Indeed, in some cases humanitarian assistance has been used as a tool of state policy rather than to support conflict prevention and resolution.<sup>40</sup>

As a result of the linking of states' political and humanitarian agendas, total aid budgets have increased since the beginning of the 1990s—but the proportion available to multilateral agencies has gone down. The demands for increased accountability and the conflation of political and humanitarian agendas have prompted some donors to use aid funds to promote their own visibility, especially at the field level. Indeed, the tendency of many donors to work outside the UN system in the Kosovo crisis is widely believed to have had a negative impact on multilateral humanitarian institutions.<sup>41</sup>

Meanwhile, disparities in funding seriously question international impartiality. Aid budgets have multiplied where states' strategic and humanitarian interests overlap, such as in Afghanistan and Iraq, while they have been squeezed in other crisis areas. For instance, in the Kosovo emergency of 1999 the quality and quantity of aid delivered far outstripped that provided to refugees in many African countries.<sup>42</sup> The impact of state interests on humanitarian response was also illustrated by the case of Iraq, for which a funding appeal was launched at a time when other equally—if not more—urgent crises were under-funded.<sup>43</sup>

In addition to contingency planning, preparedness and joint needs assessments, the principal mechanism for achieving a multilateral coordinated response is the UN Consolidated Appeal Process (CAP). Consolidated appeals are consistently under-funded, even though donors declare their commitment to the process. In 2004, only 60 per cent of humanitarian assistance requested by the CAP was actually received.<sup>44</sup> Moreover, the high degree of earmarking of funds by donors precludes the allocation of resources in proportion to need. This forces UNHCR and other UN agencies to constantly reprioritize their proposed activities at the cost of adherence to their respective mandates, and on occasion introduces or increases competition between agencies.<sup>45</sup>

For their part, donors have important concerns about the effectiveness of responses and the lack of institutional learning, leading to demands for greater accountability. This has resulted in more evaluation studies, as well as numerous manuals and guidelines on good practice.<sup>46</sup> Some of these evaluations have adopted a participatory approach, including consultations with refugees and humanitarian workers at different stages of the process.<sup>47</sup> Ultimately, however, the accountability agenda must be driven by humanitarian principles and the needs of displaced persons rather than donor interests.<sup>48</sup>

## The role of the military

The increased role of military forces in humanitarian emergencies has been received as a mixed blessing. In many emergencies such forces have turned out to be crucial in getting help to insecure and difficult-to-access areas. Military forces tend to be highly skilled, organized and well equipped. During the Kosovo crisis, they took on the critical task of constructing shelters for the large number of refugees. In the aftermath of the 2004 tsunami, local and international military forces were hailed for their assistance in helping get aid to those affected by the disaster.

Authoritative coordination by military commands can facilitate a rapid response, then gradually make way to a consensual one driven by the host government and humanitarian actors. Partnerships with military actors can be of crucial importance to ensure security and direct access to affected populations, as well as to separate militants and other elements that pose a security threat. Increasingly, such operations are conducted in failed (or failing) states which are experiencing high levels of insecurity.

But the linking of humanitarian agencies with military forces has resulted in a dilution of the former's neutrality in insecure and politically charged environments. Humanitarian workers have been facing more violence and intimidation. Between July 2003 and July 2004 at least 100 civilian United Nations and NGO personnel were killed.<sup>49</sup> Such violence often triggers the suspension of operations and evacuation of humanitarian workers, halting the critical flow of aid. Since the presence of humanitarian agencies often affords civilians a degree of security, attacks against aid workers have consequently reduced this basic level of protection.<sup>50</sup>

## Challenges ahead

Even though each emergency is unique and poses a new set of challenges, a strong emergency-preparedness capacity can facilitate a rapid and effective response that saves lives. Allocating responsibility for specific sectors to particular lead agencies is one way to ensure a more effective approach. Moreover, support functions such as

## Box 4.3

## A host-country perspective: the case of Tanzania

At the end of 2004, Tanzania was host to more than 400,000 refugees spread over 11 refugee camps in western Tanzania and an estimated 200,000 in refugee settlements in the areas of Mishamo, Ulyankulu and Katumba. The majority of the refugees in Tanzania are Burundians and Congolese. As Africa's leading refugee-hosting country, Tanzania is a key actor in the global refugee regime. Since independence, it has received refugees from more than nine countries and was widely praised for its hospitality to refugees who, until the emergencies of the 1990s were hosted under a rural-settlement approach that served as a model across the continent. However, under the political and material pressures arising from these emergencies, the settlement approach was replaced by a camp-centred and repatriation-focused model that continues today. More than a decade later, the political, economic and operational/organizational legacies of this period continue to weigh heavily on all aspects of refugee policy in Tanzania.

Instability in the programmes recurs despite the absence of large-scale and rapid refugee inflows. Continued movement of refugees both in and out of the country combines with a

highly fluctuating capacity and/or willingness of both the host country and international actors to respond to the simultaneous challenges of new arrivals and the longer term presence of refugees. The Government of Tanzania believes that concerted efforts to find a solution to the refugee problem should focus on addressing the reasons that have led to displacement. To this end, it is supporting peace efforts in the Democratic Republic of Congo (DRC) and Burundi. These efforts culminated in the signing of the Arusha Peace Accord of 2002; this formed the basis of the Transition Government in Burundi and paved the way for the repatriation of Burundian refugees, albeit on a limited scale. Political changes within Tanzania, most notably decentralization and greater liberalization, add to a situation in which political, humanitarian and economic imperatives are frequently seen as conflicting.

### Security policies and improved regional relations

Increasing tension between Burundi and Tanzania in the early years of the decade was significantly eased by a number of diplomatic initiatives, including a mission by

the UN Executive Committee on Humanitarian Affairs to Tanzania and the establishment in 1999 of the so-called 'security package'. This programme funds special Tanzanian police and up to three UN field safety advisers to strengthen law and order, improve the safety of refugees and local communities and maintain the civilian and humanitarian character of the camps. Independently, the Tanzanian military increased its presence along the border. Another innovation, based upon experience in Latin America, sought to involve refugee representatives in the Burundi peace negotiations, but this met with limited success.

While the most pressing concerns related to international security could therefore be tempered, new issues emerged. These included difficulties arising from a growing 'securitization' of refugee issues in Tanzania, where policy is perceived almost exclusively through the lens of crime and law enforcement. The government's reaction to security incidents has been to tighten restrictions on the movement and economic activity of refugees. The programme has also struggled with the issues of sexual exploitation and sexual and gender-based violence. The security package is ultimately a temporary

logistics, administration and telecommunications have demonstrated their core value on many occasions, and should therefore be provided with sufficient funding.

Humanitarian space can be widened by adopting concrete measures to better protect staff. Partnerships with UN peacekeeping and civilian missions, as well as with regional organizations, could facilitate a regional response to the protection of displaced persons. Meanwhile, the implications of using military personnel must be assessed on a case-by-case basis to better gauge their impact on humanitarian neutrality.

Working in partnership with potentially affected states goes beyond inter-agency coordination and memorandums of understanding. The United Nations, NGOs and donors have a role when states fail, or are unable, to take on a central humanitarian role. At a minimum, this would see international aid bodies working closely together to

measure that cannot replace the important role of the police, judiciary and immigration authorities in ensuring the security and effective protection of refugees at the district level.

#### **Basic needs and minimum standards**

In the past, the long-standing nature of the refugee programme in Tanzania made it a place in which new, innovative methods could be explored. More recently, however, continued budget cuts and repeated breaks in the supply of food have fostered a sense of instability. Although refugees continue to have a fair level of access to primary education, healthcare, water and sanitation, there has been a shortage of food and some non-food items. This, coupled with restrictions on refugee movement, lack of sufficient farmland and employment opportunities has meant that basic operational challenges persist and very little movement away from the immediate post-emergency phase has been possible. Within the framework of the Strengthening Protection Capacity Project, of which Tanzania is one of the four pilot countries, the government has agreed to consultations on the feasibility of introducing share-cropping and/or agro-forestry to increase refugee self-reliance.

To help deal with this situation, donor coordination has been re-energized. Donors now participate in the annual WFP–UNHCR joint assessment mission. Similarly, a grouping of national and local NGOs has strengthened its efforts to achieve mutually beneficial solutions for both the refugee and local populations as well as meet the concerns of the government. Recently, the group funded and publicized a study of the refugee impact on the country.

#### **Policy change and continuity**

Although Tanzania is a supporter of the Agenda for Protection, it has also campaigned for a revision of the 1951 UN Refugee Convention, whereby 'safe havens' in the countries of origin can replace the need for asylum. In 2003, the government issued its first-ever national refugee policy. This provides for asylum seekers to be admitted to the country for one year, within which time arrangements should be made to take them back to established safe zones in the countries of origin. The policy makes local integration very difficult.

Tanzania's legislative and policy framework concerning refugees is not fully consistent with the

provisions of the 1951 Refugee Convention. They provide only for temporary asylum, restrict refugee movement and do not allow for judicial review when asylum applications are rejected. The government has indicated that it is in the process of reviewing the policies. In a bid to improve refugee reception and status-determination procedures and avoid *refoulement*, in 2005 the government established ad hoc committees to interview new arrivals from Burundi and the DRC. Rejected cases were to be referred to the National Eligibility Committee, which conducts refugee-status determination. But implementation varies from district to district, and concerns have arisen about the continuing validity of *prima facie* refugee status in the country.

Refugees are often portrayed as a burden to Tanzania. The government frequently says there has been no tangible benefit from hosting them, only a drain of its limited resources. In the government's view the differences in the quality of refugee protection in the country are provoked by a failure of global burden sharing and insufficient efforts to address the root causes of displacement.

provide funding, technical assistance and, when requested, leadership to states that are affected by conflict-induced displacement.

Finally, with hostility towards migrants and refugees on the rise, the containment approach remains attractive to many governments. Continuous efforts will therefore be needed to remind states of their responsibilities under the 1951 UN Refugee Convention to ensure that borders are not sealed off.

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