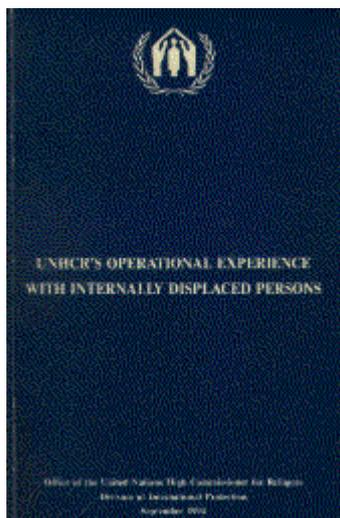


## UNHCR's Operational Experience With Internally Displaced Persons



**Office of the United Nations High Commissioner for Refugees  
Division of International Protection  
September 1994**

### **Foreword**

*They have been called "refugees in all but name". Casualties of armed conflict, targets of ethnic or religious persecution or victims of a breakdown of law and order. They have been driven out of their homes but they have not sought, or they have not succeeded in reaching, safety in another country. Millions of internally displaced persons throughout the world live scattered in the jungle, huddled in camps or hiding in the anonymity of urban slums. Their masses cover the dark side of the world refugee problem.*

*Because they have not crossed an international boundary, the internally displaced have no access to the international protection mechanisms designed for refugees, in which UNHCR – the Office of the United Nations High Commissioner for Refugees – plays a key role. This does not mean, however, that UNHCR has not been active in alleviating their plight. In its forty-three years of existence, UNHCR has been called upon to contribute its expertise and resources to the care of internally displaced populations in over forty operations on all continents. As this study will show, UNHCR's involvement with internally displaced persons, which used to be exceptional, has become*

*increasingly significant over the last decade – a reflection, in many instances, of the changing environment in which the Office has had to carry out even its more traditional activities, in particular the voluntary repatriation of refugees. Legal categories and institutional mandates retain all their relevance. But at the same time, UNHCR increasingly finds it operationally untenable – as well as morally objectionable – to consider only the more visible facet of a situation of coerced displacement. A comprehensive approach to coerced human displacement does not mean, however, that we should employ broad generalizations and undifferentiated treatment. No two humanitarian crises are ever the same, and a global approach to such complex situations requires, if anything, finer tools of analysis and a larger arsenal of flexible responses. This is why it is so crucially important that we learn lessons from the past, and that we build up our expertise and know-how on the basis of that experience.*

*This is what this survey purports to do. It is a first, modest attempt at evaluating UNHCR's involvement with internally displaced persons in a prospective way; its conclusions are still tentative, but it is hoped they will enhance our understanding of this complex problem and the related difficulties in finding solutions.*

*I trust this publication will contribute to the evolving thinking of the international community on one of the most pressing humanitarian problems of our times.*

Leonardo Franco  
Director of International Protection  
UNHCR  
Geneva, September 1994

## **I. Introduction**

1. There are tentative signs that the international community is prepared to rise to the humanitarian challenges posed by the problem of forcible internal population displacement which has now become a monumental crisis in too many parts of the world. Given the magnitude and scope of the problem and the inadequate ad hoc response thus far, there seems to be international consensus that an institutional mechanism to cope with the displacement phenomenon is urgently required.
2. UNHCR has consistently stressed the lack of an unequivocal general mandate to provide protection and assistance to internally displaced persons. At the same time, however, it has increasingly assumed limited operational responsibilities to cater to the assistance and protection needs of certain groups of internally displaced persons particularly in the context of a) promoting and implementing durable solutions to the refugee problem encompassing both preventive and remedial aspects; b) undertaking "special operations," on the basis of its humanitarian expertise, at the request of the UN Secretary-General or the General Assembly.
3. In November 1991, the Division of International Protection of UNHCR issued, for the Office's internal consumption, an analytical study of specific instances – dating back to 1971 – in which UNHCR had been called upon to concern itself with internally displaced persons. This study, which is hereby

published for the first time, was compiled by Ivor Jackson. It is accompanied by bibliographic and documentary notes which make it an invaluable tool of historical research into the work of humanitarian international organizations.

4. Two years later, UNHCR felt the need to update this study and to outline the operational and policy issues arising from the Office's actual and potential involvement with internally displaced persons in specific locations. The survey was carried out by Damtew Dessalegne and Jean-Francois Durieux, with the active collaboration of UNHCR Heads of Desk, Desk Officers, Regional Legal Advisers and Field Representatives. The findings of the review exercise are presented in three parts. Firstly, representative cases of both UNHCR's involvement and deliberate non-involvement with internally displaced persons are traced and examined. Secondly, views elicited from a round-table consultation organized from 9-10 May 1994 to address a variety of policy and operational issues relating to current or future UNHCR involvement with this group are reported. Finally, some conclusions are drawn from a comparative analysis of the selected country operations.

5. Differences in presentation between the analytical study of 1991 and the more recent survey of UNHCR operations, as well as some minor repetitions, inevitably result from the editors' desire to preserve original texts. They should not, however, affect the general understanding of this document.

## **II. The Analytical Study (1991)**

### **1. Case Description**

6. This study provides a brief description of the circumstances of and legal basis for, and activities related to UNHCR's involvement in 15 situations of internal displacement between the years 1971 and 1991. These situations have been grouped into three broad categories: programs for internally displaced persons linked to UNHCR's assistance and protection functions towards repatriating refugees, or returnees; special operations not linked to returnee programs, to which UNHCR was requested to contribute its humanitarian expertise; and regional humanitarian arrangements designed to promote comprehensive solutions for refugees, returnees and displaced persons.

#### **A. Returnee-Linked Programs**

##### ***Bangladesh (1971)***

7. By 1971, religious violence in East Pakistan had forced nearly 9,800,000 refugees to flee to India. The Indian government requested the assistance of the Secretary General, who in turn, appointed the High Commissioner to be the focal point for U.N. aid to India.

8. Because of the numbers of refugees involved, Indian government and U.N. officials were determined that a program of voluntary repatriation be instituted as soon as conditions in East Pakistan were favourable. In July the Secretary General made a finding that the presence of nearly 10 million refugees in India constituted a threat to international peace and security. (\*) (1) This finding was reported to the Security Council, with a request that the U.N. take decisive action to avoid a worsening of the situation.

9. The Pakistan government declared a general amnesty on 5 September 1971. The General Assembly, in Resolution 2790 (XXVI) of 6 December 1971, noted that voluntary repatriation was the only solution to India's refugee problem. Following the recognition of Bangladesh, repatriation began in earnest in January, 1972. By February, millions of refugees had returned home.

10. To facilitate repatriation, the Pakistani government agreed to the establishment of a UNHCR office in Dacca. This Office assisted the general emergency relief operation in Pakistan for returnees and displaced persons, which was managed under the authority of the Secretary General.

11. There is no specific mention in the files of UNHCR engaging in protection activities.

### **South Sudan (1972)**

12. The civil war in Sudan, which forced 180,000 refugees to flee the country and displaced another 500,000 persons within the southern region, officially ended with the signing of the Addis Ababa agreement on February 28, 1972.1(2) The agreement followed a conference in Khartoum, which was attended by government officials, and representatives of nongovernmental organizations, and U.N. agencies, including UNHCR. UNHCR was given specific functions in the agreement, which are discussed below.

13. The agreement established separate commissions for repatriation and resettlement.2(3) UNHCR had a representative on the Repatriation Commission. The commissions cooperated closely with each other. The "first priority" of the Special Commission on relief and Resettlement was "the resettlement of displaced persons within the Sudan.3(4) The second priority was the repatriation of returnees "from the neighbouring and other countries...4(5)

14. Preparations for the assistance effort began in March. After discussions with the Secretary General, the High Commissioner wrote a series of letters to U.N. agencies asking for their participation.5(6) The High Commissioner was officially appointed coordinator of humanitarian assistance to the southern Sudan by the Secretary General on May 2, 1972 by the Economic and Social Council in Resolution 1655 (LII) and in July in Resolution 1705 (LIII).7(7) The General Assembly complimented the High Commissioner on his relief and resettlement work on behalf of "refugees and other displaced persons" in the Sudan in Resolution 2958 (XXVII) of 12 December 1972.8(8) In Resolution 2956 (XXVII) of the same day, the General Assembly requested the High Commissioner, after an invitation from the Secretary General, to continue participation "in those humanitarian endeavours...for which his Office has particular expertise and experience. "

15. Assistance: The initial relief operation included the provision of food, transportation and communications, and the construction of health and education facilities.9(9) Projects were implemented in conjunction with UNDP, WHO, UNICEF, ITU, FAO, WFP and UNESCO.10(10) By 1974, the operation had been successfully completed, with responsibility for long-term development aid having been transferred to UNDP.

16. Protection: Under the Addis Ababa agreement, UNHCR was a member of the Joint Commission charged with supervising the cease-fire violations.12(11) UNHCR also worked to bring Army and rebel forces together by enlisting their cooperation in the assistance program.13(12) These measures were viewed as an attempt to "bring about a climate of complete confidence" among former enemies, and to gain trust.14(13)

### **The Former Portuguese Colonies (Angola, Guinea-Bissau, Mozambique – 1974).**

17. As the situation in the former Portuguese colonies began to stabilize, UNHCR prepared for the return and resettlement of thousands of refugees and internally displaced persons, as part of its regular repatriation program. The proposed repatriation operation was approved by the Executive Committee and subsequently endorsed by the General Assembly in Resolution 3271 (XXIX) of 10 December 1974. The resolution requested the High Commissioner "to facilitate the voluntary repatriation of refugees from Territories emerging from colonial rule...".15(14)

### **Guinea-Bissau**

18. The government was established in October, 1974, and requested UNHCR assistance the following month.16(15) The assistance request included aid to internally displaced persons.

19. Assistance: The program included the provision of vehicles, the purchase, transportation and distribution of food supplies, household utensils, seeds and tools, water supply equipment, medical supplies, and the construction of dispensaries.17(16) At least 30,000 internally displaced persons were beneficiaries of these activities.18

(17)20. Protection: No specific mention

21. In Mozambique and Angola assistance was provided to refugees and "displaced persons facing the same problems as refugees." 19(18) The program for Angola was delayed by continued fighting. Assistance, when finally available, was similar to that provided under the Guinea-Bissau and Sudan operations.20(19)

22. There is no evidence that UNHCR provided protection to the internally displaced in either of these two countries.

### ***Indochina (Vietnam and Laos – 1975)***

23. The war in Southeast Asia displaced hundreds of thousands. In Laos alone, 700,000 were estimated to be uprooted.21(20) UNHCR's internal documents concerning the Indochina assistance operations used the term "displaced" to refer to refugees, externally displaced and internally displaced.22(21)

24. The High Commissioner stated in his report to the General Assembly at its Thirtieth Session that the program was sanctioned under his general authority to engage in humanitarian activities, as granted his office under Resolution 2956 (XXIX).23(22) He acted following a request by the governments concerned and with the "concurrence" of the Secretary General.24(23) This activity was endorsed in General Assembly Resolution 3455 (XXX) of 9 December 1975.

25. Assistance: In Laos, between January 1 and May 1, 1975, at least 33,000 internally displaced Laotians benefited from UNHCR's resettlement program. The operation included the provision of household equipment, agricultural supplies, including seeds and tools, and medical supplies.25

(24)26. In 1975, the Secretary General requested that humanitarian assistance for South Vietnam be increased "to meet the essential needs of the civilian population..."26(25) Contributions were channelled through UNHCR and UNICEF.27(26)

27. Protection: The Office participated in various arrangements for the submission of requests for voluntary repatriation to the authorities of Vietnam and Laos. In the latter case, the Office had a monitoring role with respect to returnees. Beyond this, there was no indication of any protection activity on behalf of internally displaced persons in the region.

### ***The Horn of Africa – Ethiopia (1979)***

28. International relief for the Horn of Africa began to take shape in 1979. UNHCR, following consultations with the Secretary General and the Organization of African Unity, began to develop programs of humanitarian assistance for refugees and displaced persons in the region.29(27) The Economic and Social Council also urged the High Commissioner to intensify regional humanitarian assistance in Resolution 1978/39 (1978).

29. Unlike Djibouti and Somalia, which were faced with large-scale refugee problems, Ethiopia was faced with substantial numbers of internally displaced. In its 1979 request for UNHCR assistance, the Ethiopian government estimated that some 500,000 persons were homeless in the Ogaden region.30(28) By March of 1980, the figure had risen to 750,000.31(29)

30. Assistance: Following the Ethiopian government's initial appeal, the High Commissioner requested aid for 30,000 of the most needy internally displaced families, totalling 150,000 persons.32(30) The assistance included equipment for the reconstruction of communal facilities and housing, transport, and provision of seeds, agricultural tools, blankets, and supplementary food.33(31) Activities were coordinated with UNICEF, UNDP, WFP, FAO.34(32) Distribution was handled by the Ethiopian Relief and Rehabilitation Committee.35(33)

31. Protection: No specific mention

### ***Uganda (1979)***

32. Civil war during 1979 uprooted 265,000 Ugandans. In July, following a request from the Ugandan government, the Secretary General asked the High Commissioner to coordinate a program of Immediate Humanitarian Assistance for the displaced persons within the country and coordinate the voluntary repatriation of those outside.

33. Assistance: Food, shelter, household utensils, medicines and transportation services were all provided under the program. Throughout early 1981, the provision of food and other emergency relief continued to persons in the devastated Karamoja region. By March 1981, however, the special operation had ended with the transfer of authority to a Special Representative of the Secretary General.

34. Protection: No specific mention

### ***Zimbabwe (1980)***

35. In 1980 the High Commissioner was asked by the Secretary General and the Prime Minister of Zimbabwe to coordinate rehabilitation programs for 660,000 returning refugees and displaced persons.<sup>36(34)</sup> Of that number, 410,000 were thought to be internally displaced.<sup>37(35)</sup>

36. Assistance: The rehabilitation program included provision of seeds, fertilizers, agricultural tools, vehicles, shelter, food, domestic utensils, care for orphans and the handicapped, agricultural training, land and water development projects, and school construction .<sup>38</sup>

(36)37. Protection: No specific mention.

### ***Chad (1981)***

38. Repatriation and resettlement assistance was extended to Chadian refugees in 1981. At the request of the Chadian government and the Secretary General, 50,000 internally displaced persons were included among the beneficiaries.<sup>39(37)</sup> The High Commissioner stated in his report to the Executive Committee, "this is the most rational formula, as in practice, it would be hardly possible to differentiate between the two groups, the former refugees and the internally displaced."<sup>40(38)</sup> By March 1982, 202,000 persons had received assistance.

39. Assistance: The package of goods and services was similar to those of previous assistance programs.

40. Protection: No specific mention

### ***Nicaragua (1987)***

41. The signing of the Esquipulas II peace agreement by the governments of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua on 7 August 1987 meant that a comprehensive approach to the repatriation and rehabilitation of the region's refugees and internally displaced persons could begin to take shape.

42. One of the first rehabilitation programs, aimed at assisting 2,000 Indian returnees from the North Atlantic region, was completed in October 1987. A second more encompassing rehabilitation project was introduced in June 1988 and initiated in September to benefit 13,500 returnees and displaced persons. UNHCR was also asked to assist with the repatriation, relocation within Nicaragua, and resettlement elsewhere of some 90,000 former Contra insurgents and their families, under a plan adopted by the five Central American Presidents. The plan established an International Support and Verification Commission (CIAV) through which UNHCR operated. By 1990, 18,883 persons had been resettled in Nicaragua under this program.

43. Assistance: The basic rehabilitation program for returnees and displaced persons covered domestic

and household needs and construction materials. Tools and equipment were distributed for the building of houses, schools, health clinics and communal facilities. Seeds and agricultural implements were also provided.

44. Protection: In the context of the CIAV program for returning Contras, UNHCR's monitoring of general security and welfare conditions was viewed as confidence building among the population.

### ***Sri Lanka (1988)***

45. Following the peace treaty between India and Sri Lanka, UNHCR launched a special program of limited assistance for the reception and registration of an estimated 135,000 persons who were expected to repatriate from India.68(39) An additional 400,000 were internally displaced.69(40) In response, the government developed a Unified Assistance Scheme in which the aid provided to the returnees would conform to that given to internally displaced.70(41) In May 1988, UNHCR anticipated assisting 25,000 internally displaced persons under the program.71(42)

46. Fighting in the North resumed in June of 1990.72(43) By then, 800,000 internally displaced persons were receiving government assistance.73(44) UNHCR subsequently expanded its assistance to 50,000 returnees and displaced persons in the Mannar District of the north. Some beneficiaries were resettled in the Mannar District of the north.74(45) Some beneficiaries were resettled returnees who had been displaced by new fighting.75(46) UNHCR, in conjunction with the ICRC, established so-called Open Relief Centres (ORCs) in Mannar from which to distribute humanitarian and other assistance.

47. Assistance: Prior to the outbreak of violence, the assistance operation provided for the rebuilding of schools and housing, and the construction of small-scale irrigation projects and access roads. Also included was youth training, and a fisheries and crop production program.77(47) The ORCS currently provide food and temporary shelter and other assistance.78

(48)48. Protection: ORCS are designed to assist displaced persons. They provide a "relatively safe environment" for beneficiaries of aid.79(49) UNHCR staff at the ORCs monitor conditions in the area to "ensure that international standards are being observed."80(50) This function is analogous (if not identical) to the monitoring that UNHCR officials undertake on behalf of returnees under other organized repatriation programs, which includes constant review of the "general security situation."81(51)

49. In Sri Lanka, the presence of UNHCR officials "encouraged opposing parties to suspend operations that would disrupt the returnee program.82(52) This presence also reassured returnees. It is assumed that UNHCR's continuing operations in Sri Lanka have not ceased to provide the same kind of assurance and calm simply because returnees have become internally displaced persons.

## **B. Special Operations Not Linked to Returnee Programs**

### ***Cyprus (1974)***

50. Turkish forces invaded Cyprus on July 20, 1974.41(53) The invasion displaced more than 225,000 persons,42(54) including 20,000 Greek Cypriots in the Turk-controlled north, who "did not or could not leave..."43(55)

51. Beginning with Security Council Resolution 353 of July 20, 1974, which recalled the Council's "primary" responsibility for maintaining international peace and security under Article 24 of the U.N. Charter, the Council issued a series of resolutions condemning the invasion.44(56) Resolution 361 noted the Secretary General's appointment of the High Commissioner to coordinate U.N. relief assistance to the island.45(57) The appointment had occurred on August 20, 1974.46(58) The General Assembly requested the Secretary General to continue U.N. humanitarian assistance to "all parts of the population of Cyprus" in Resolution 3212 (XXIX) of 1 November 1974.47(59) This resolution was subsequently noted in Security Council Resolution 364 of 13 December 1974.48(60)

52. Ten years earlier, the Security Council had dispatched to Cyprus a U.N. peacekeeping force

(UNFICYP).49(61) This force would become invaluable to the High Commissioner in implementing the relief effort.50(62)

53. Both the Turkish and Cypriot governments agreed to the High Commissioner's role as coordinator, after solicitation by the Secretary General.51(63) The coordinator's offices were represented in both Turkish and Greek zones.52(64)

54. Governments were told that the High Commissioner would be acting as coordinator of humanitarian assistance, not as High Commissioner for Refugees.53(65) As the Secretary General wrote to the Turkish Ambassador to the U.N., "Considerations relating to his [the High Commissioner's] mandate' which provides as you know, the legal definition of a refugee would therefore not be applicable to the special task assigned to the High Commissioner by the Secretary General..."54(66)

55. Assistance: The initial relief effort consisted of procuring, transporting and delivering to both sectors food, water, medicine, temporary shelters, and blankets.55(67) The High Commissioner was assisted by UNICEF, WFP, and WHO, ICEM and the Red Cross.56(68)

56. Protection: At least 7,000 Greek Cypriots in the north were displaced following the invasion.57(69) They were housed in "churches, schools, hotels, or other public buildings or were isolated within their own villages.58(70) The Secretary General became increasingly concerned with this group as it included mainly elderly, invalids, women and children.59(71) On October 3, 1974, the Secretary General cabled the High Commissioner requesting that he intervene with the Turkish military on behalf of this group. In particular, the High Commissioner was asked to "discuss ways and means" of establishing contact with the people of all Greek Cypriot villages in the north and ascertaining their current needs; arranging for delivery of relief supplies to them; arranging for the tracing of individuals and re-uniting families; arranging for the transmission of messages; evacuating the sick.60(72)

57. In November, the British government approached UNHCR for an opinion regarding the legal status of the Cypriots inside the British bases. While the UNHCR official was reluctant to give an opinion, suggesting that this might not be within the scope of the High Commissioner's coordinator role, it was stated informally.61(73) The opinion was that "some persons in the Base Areas may be considered outside their country of origin for the purpose of international instruments concerning refugees."62

(74)58. Apparently, UNHCR was also asked by the Turkish government to assist in relocating Turkish Cypriots from the British bases to the north.63(75) There is no evidence that this was done.

### ***Lebanon (1982)***

59. The invasion of Lebanon by Israel in 1982 uprooted 100,000 families.64(76) At that time, UNHCR was assisting about 2,900 refugees, including Ethiopians, stateless Assyrians, Armenians, Afghans, and others.65(77) The decision to assist the displaced was made on humanitarian grounds: "In view of the large numbers of displaced persons in Lebanon, and the presence of refugees among them, UNHCR participated, in coordination with the Lebanese High Relief Committee and other national and international relief agencies, in the emergency relief program to assist the most needy and vulnerable victims."66(78) There does not appear to have been a formal request either by the government authorities, nor by the Secretary General. The General Assembly issued no resolution with respect to this activity.

60. Assistance: Funds were used mainly for the provision and transportation of emergency relief supplies such as medicines and blankets. Subsequent assistance included the reconstruction of social and medical buildings.67(79)

61. Protection: No specific mention.

### ***Iraq (1991)***

62. In the aftermath of Iraq's defeat by coalition forces in February 1991, at least one million persons were displaced when the remaining elements of Iraq's military moved against a Kurdish uprising in the

North. The suffering of the Kurds was exacerbated when they were not permitted to enter Turkey in order to seek asylum.

63. In Resolution 688 of 5 April 1991, the Security Council, acting under a series of resolutions adopted under Chapter VII of the U.N. Charter, condemned the repression of the Kurdish and other civilians by Iraq and insisted that the Iraqi government allow international humanitarian organisations to provide assistance to those in need within safe areas inside Iraqi territory. The resolution also called upon the Secretary General to pursue humanitarian efforts in Iraq using "all the resources at his disposal."

64. On 18 April 1991 a Memorandum of Understanding was completed and signed by Iraq's Minister of Foreign affairs and the Executive delegate of the Secretary General, Prince Sadruddin Aga Khan. Under the terms of the Memorandum, Iraq agreed to allow the U.N. to provide humanitarian relief to displaced persons "wherever such presence may be needed," through the establishment of U.N. Sub-offices and Humanitarian Centres. The Centres are staffed by U.N. officials, members of nongovernmental organizations detached for the purpose, and personnel from the International Red Cross and Red Crescent societies. The Memorandum calls specifically for the provision of food, medical care, agricultural rehabilitation, shelter and other humanitarian assistance. Staff of the Centres also perform a monitoring function and are charged with advising Iraqi authorities as to the scope of their cooperation in the assistance effort. A new Memorandum, extending the agreement between the U.N. and Iraq for an additional six months, was negotiated on November 24.

65. Thus far, 500,000 persons have returned to their home villages or places of origin. Another 500,000 remain internally displaced.

66. Civilians in the north continue to require physical protection. Attacks by Turkish air forces have occurred during the fall, and the threat of reprisals by Iraq remains. Kurdish leaders have suggested that if the U.N. pulls out they will relocate to the mountains.

67. Assistance: UNHCR is involved in the provision of food, domestic items, social services, water and sanitation projects, and health services, including a vaccination campaign. The winterization project was nearing completion as of November 9.

68. Protection: General security is monitored by the staff of the Humanitarian Centres. UNHCR also meets frequently with leaders of the Kurds and Iraqi officials. Physical protection is also provided by less than 500 UN Guards and a larger contingent of coalition forces.

### **C. Regional Humanitarian Arrangements for Refugees and Internally Displaced Persons**

#### ***SARRED (1988)***

69. Following the International Conference on the plight of Refugees, Returnees and Displaced Persons in Southern Africa (SARRED), held in Oslo in August 1988, a plan of action for delivering humanitarian assistance to the region's internally displaced was developed by UNHCR in conjunction with the Secretary General and the Organization of African Unity. The plan, which also provides for the basic needs of returning refugees, includes activities in the areas of protection, emergency preparedness, needs assessment, recovery and development, and the mobilization of resources.

70. The problem of internal displacement in Southern Africa is most acute in Mozambique (2 million persons), and Angola (704,000).

#### ***CIREFCA (1989)***

71. The International Conference on Central American Refugees (CIREFCA), which occurred in May 1989, resulted from the signing of the regional peace agreement in August 1987 and General Assembly resolution 43/118 of 8 December 1988. CIREFCA is a regional humanitarian and development assistance effort which is designed to rehabilitate communities devastated by war, and reintegrate refugees and displaced persons in their former towns and villages. The largest numbers of regional

internally displaced are in El Salvador (400,000), Nicaragua (354,000), Guatemala (100,000) and Honduras (22,000).

### **III. The Survey (1994)**

#### **1. Selected Cases**

72. The survey does not purport to provide a detailed account of all cases of internal displacement situations that have come to UNHCR's attention over the years. Brevity being the goal, the paper will therefore concentrate on 20 case studies taken from recent or current experience (up to May 1994) and from different regions of the world. These case examples fall along a continuum which begins, at one end, with UNHCR's operational engagement with both assistance to and protection of internally displaced persons combined with UN political and military initiatives and continues, at the other end, with situations of a careful and deliberate decision of non-involvement. In between are interventions limited to varying degrees of emergency relief assistance with little or no protection component. The following questions have been used as the general terms of reference for the review:

- (i) Who were the internally displaced persons (e.g. a particular ethnic group, returnees, etc.)?
  - What were the specific causes and consequences of their displacement?
  - Did the Government and UNHCR have differing perceptions or even definitions of internally displaced persons?
  - What was the length of their displacement?
- (ii) Who requested and/or authorized UNHCR to get involved with the internally displaced and on what basis?
- (iii) What considerations informed UNHCR's decision to get involved or not to get involved?
  - Was a working definition of "internally displaced persons" for the purposes of UNHCR's engagement one of these considerations?
- (iv) What was the nature of UNHCR's involvement?
  - Who were the role players and how effectively did they carry out their respective functions?
- (v) How did UNHCR specifically address the following protection concerns?
  - (a) humanitarian access;
  - (b) physical security of the affected population and protection against harassment, arbitrary detention, etc.;
  - (c) non-discrimination;
  - (d) protection against forcible relocation or return;
  - (e) right to return;
  - (f) family unity;
  - (g) right to seek asylum;
  - (h) safety and security of UNHCR personnel;
- (vi) To what extent did UNHCR's involvement contribute to achieving durable solutions (i.e. return to former place of residence or local integration)?
  - What was the planned/actual duration of UNHCR's involvement?
  - Were there plans for phasing-out/handing over, and if so, how were they executed?
- (vii) Did UNHCR's involvement or non-involvement have any impact in its ability to carry out effectively its statutory functions of providing international protection to refugees and seeking solutions to their problems?
- (viii) What were the major political, legal or practical constraints faced by UNHCR and how did it deal with them?

## **2. Case Description**

73. For a systematic analysis of the country situations under review, it may be useful to tentatively group them into three broad categories which reflect, on the one hand, the "conflict phase" at which UNHCR is involved with internally displaced persons and, on the other hand, the relationship of this involvement to the "refugee phase" encompassing prevention strategy, flight and emergency response, voluntary repatriation and post-repatriation rehabilitation and reintegration. See also chart presenting the following country operations in a more elaborate matrix of "conflict" and "refugee" phases.

### **Situation "A" (Conflict and Refugee Emergency)**

AFGHANISTAN  
AZERBAIJAN  
FORMER YUGOSLAVIA  
LIBERIA  
PERU  
RWANDA

### **Situation "B" (Conflict and Return of Refugees/Displaced)**

ANGOLA  
GEORGIA  
GUATEMALA  
SIERRA LEONE  
SOMALIA  
SRI LANKA  
SUDAN  
TAJIKISTAN

### **Situation "C" (Post-Conflict/Reconciliation Phase)**

CYPRUS  
EL SALVADOR  
ETHIOPIA  
IRAQ  
MOZAMBIQUE  
NICARAGUA

REMINDER: This survey was completed in May 1994. Events having occurred between that time and the date of publication could not be taken into account.

## **SITUATION "A"**

### **AFGHANISTAN**

74. *A Never-ending Warfare:* Due to the complex political, military and social barriers that have impeded local access by outside observers, measuring the true extent of population displacement in Afghanistan has been difficult. Still, many in the international community believe that, in addition to the over 4 million Afghans who had fled to Pakistan and Iran, perhaps as many as 2 million people were internally displaced at the height of the civil war and the Soviet occupation (1984-1988); the pre-war population of the city of Kabul alone grew by as much as for times. In the aftermath of the Soviet withdrawal, many of the internally displaced and refugees had returned to their villages, but only to be uprooted once again mainly due to the economic hardship created by the instability in Kabul and the major provincial centres. When in August 1992 heavy factional fighting broke out for control over Kabul, an estimated 500,000 people fled the city, Pashtuns to the eastern part of the country towards Jalalabad and Farsi-speaking

minorities to the Mazar-i-Sharif area in the north. A substantial segment of this new wave of displacement from Kabul consisted of persons who were previously displaced from the rural communities during the Soviet occupation. Once forced to leave Kabul, they therefore returned to the villages from which they originated, primarily in the provinces of Nangarhar, Baghlan, Kunduz, Parwan and Kapisa. After a brief lull, the fighting in Kabul resumed on 1 January 1994 resulting in yet another displacement, but this time almost exclusively to the eastern region of Afghanistan due to the inaccessible roads to the north during the winter season.

75. Role of UNHCR with Internally Displaced Afghans: Following the August 1992 Kabul fighting amongst rival factions and the ensuing flow of displaced persons to northern Afghanistan, UNHCR was requested by the UN Office for the Co-ordination of Humanitarian Assistance in Afghanistan (UNOCHA) to co-ordinate an inter-agency emergency operation. UNHCR assumed the lead agency role within the overall context of its ongoing voluntary repatriation programme for Afghan refugees in Pakistan and Iran. As at 31 December 1993, UNHCR was assisting some 15,000 internally displaced persons. The displaced were initially sheltered in school compounds and other public buildings. Inevitably, since this caused some disruption of government functions and school programs for the residents, those without alternative means of accommodation among their tribal kinsmen had to be moved to several newly set up camps. While attending to the basic needs of the displaced, UNHCR also undertook a return programme to assist those willing to go back to Kabul whenever the fighting showed some let-up. In the towns and villages where displaced persons took refuge among members of their ethnic group, WFP has sought to reduce the burden on the absorbing communities by subsidizing some bakery projects and providing a one-time food distribution.

76. Response to the Displacement in Jalalabad: Just within a few weeks of the battle for Kabul in January 1994, over 200,000 people had fled to Jalalabad and other locations in the eastern Afghan border areas with Pakistan. Some 17,000 people had crossed the border to Pakistan. In response to the internal displacement, the UN started an emergency relief operation co-ordinated by UNOCHA. UNHCR was requested to lend its expertise and operational experience in setting up one main camp for the displaced population in Jalalabad, Nangarhar province, helping the Afghan authorities in the day-to-day management of the camp and in the procurement and distribution of nonfood items for shelter and basic domestic needs. In addition to UNHCR, three other UN agencies were asked to co-ordinate relief activities in their respective sectoral responsibilities: UNICEF in the areas of water and sanitation as well as education, WHO in health and nutrition, and WFP in food and logistics. Several NGOs, both national and international, were also invited to actively participate in the Jalalabad operation.

77. UNHCR's intervention in Jalalabad was inevitable, and indeed necessary, in view of both the direct link of the displacement with a refugee situation and the acute humanitarian needs of the displaced. By the end of February 1994, UNHCR and its partners were assisting some 80,000 displaced persons in the main Sarshahi camp. UNHCR's involvement with the internally displaced Afghans was not, however, problem-free. At the level of principle of operation, the most serious constraint was the measure taken by Pakistan to limit the availability of asylum to Afghans fleeing the conflict by imposing strict visa requirements save for few "humanitarian cases" such as the sick and wounded. Pakistani authorities argued, on the basis of informal guarantees they secured from Afghanistan's warring factions not to extend the fighting into Jalalabad, that the creation of "safe haven" in Jalalabad through UN camps for the displaced constituted an alternative to flight to Pakistan. As a result of the border closure, large crowds of would-be refugees were stranded at the Torkham border site. Following UNHCR's intervention at the highest level and strong appeals made by other interested parties, the Government of Pakistan has recently decided to relax its earlier stringent border controls and allow entry to Afghans who could produce some kind of documentation proving their identity.

78. Concerning the operation itself, lack of security and the hazard of land mines have been a major impediment to effective relief delivery. Despite the obstacles, UNHCR has responded adequately to the demands generated by the acute emergency situation and preparations are now underway for handing-over the Sarshahi camp management responsibilities to UNOCHA. Given the "donor fatigue" over what appears to be an endless civil war, UNHCR will have serious difficulties in sustaining this camp, which has the potential of becoming semi-permanent place of residence even after the completion of the emergency phase.

## **AZERBAIJAN**

79. The Fight Over Nagorno-Karabakh: The intense fighting in recent years between ethnic Armenians (allegedly supported by the Government of Armenia) and Azeris over Nagorno-Karabakh, an enclave of Armenians within Azerbaijan, had resulted in massive displacement of civilian populations. Between 1990 and early 1994, an estimated 700,000 Azeris had abandoned their homes in Nagorno-Karabakh and surrounding areas in search of safety and assistance in some other regions within Azerbaijan. The conflict in Nagorno-Karabakh had also serious consequences on ethnic Armenians living there: in 1992 alone some 40,000 had to flee to Armenia to join the over 260,000 fellow Armenians who fled from Azerbaijan heartland during 1988-1991, the same period in which up to 195,000 ethnic Azeris were reported to have fled Armenia for Azerbaijan. Azerbaijan had also received some 51,000 Meskhetian Turks who fled Central Asia in 1988-1990 on account of ethnic violence directed against them.

80. Emergency Relief Programme: The hardship faced by persons displaced from Nagorno-Karabakh, coupled with the flow of refugees, has added an extra pressure on Azerbaijan especially at a time of rising unemployment and declining economic output. Several missions dispatched by agencies of the UN system following an appeal by the Government of Azerbaijan for urgent humanitarian assistance have confirmed the need for the immediate launching of an emergency relief programme. In early December 1992, UNHCR mobilized its Emergency Response Team (ERT) to establish operational arrangements for delivery of a six-month relief programme in Azerbaijan, as well as in Armenia. This was followed by a launching of a joint UNHCR-UNICEF appeal for both countries on 8 December 1992. The magnitude of the problem in Azerbaijan was such that UNHCR was not in a position to concern itself with the entire needy population of refugees and displaced persons. It had, therefore, to identify the most vulnerable groups among this population and about 150,000 beneficiaries were initially identified as such. By the end of 1993, the beneficiary population had risen to some 300,000 internally displaced persons out of a total of approximately 700,000. The focus of UNHCR's 1994 programme of assistance is, as in the past, amelioration of hardship of the displaced population and relieving some of the strain on the education and health sectors.

81. The Protection Situation: The Government of Azerbaijan makes no distinctions in its treatment of the refugees from Armenia and the internally displaced persons. The displaced receive the same, and sometimes even more favourable, treatment from the Government and enjoy the same rights and obligations as non-displaced citizens. All displaced persons are issued with identification cards which, *inter alia*, serve as the basis for benefiting from humanitarian assistance. In order to avoid adverse consequences of heavy concentration of the displaced persons in the major cities including the capital Baku, the Government regulates their place of residence while generally respecting freedom of movement. The majority of them are provided with temporary housing in public buildings such as schools and, as a result, education programs have been seriously disrupted. There are no reported cases of forcible return of internally displaced persons. UNHCR has unhindered and full access to all the displaced population throughout the country.

82. Prospects for a Solution: The preferred solution earnestly sought by the displaced, as well as by the Government of Azerbaijan, is for them to be able to return to their places of former habitual residence in safety and dignity. This, of course, is ruled out as long as the territories in question remain under what the Azeris claim to be "the military occupation by Armenia." Thus, unless a satisfactory political solution is worked out between Azerbaijan and Armenia, there can be no real prospects in sight for the return of Azerbaijan's refugees and internally displaced persons. The return process is also complicated by the fact that their original homes have been occupied by the local residents. The Government of Azerbaijan has requested UNHCR to provide advice on the issue of compensation. As far as the solution of local integration is concerned, the Government has been consistently reluctant to develop any kind of plans for resettling somewhere else the Azeris displaced from Nagorno-Karabakh. Under the circumstances, UNHCR may have to run an open-ended relief programme for the internally displaced persons in Azerbaijan.

## **FORMER YUGOSLAVIA**

83. The Break-up of the Old Yugoslav Federation: In June 1991, both Slovenia and Croatia declared their

independence and nine months later, Bosnia-Herzegovina followed suit. Unlike Croatia and Bosnia-Herzegovina, Slovenia neither witnessed a major buildup of tension in the wake of independence nor was the post-independence conflict there a protracted one.

84. In Croatia, long-suppressed nationalist sentiments among ethnic Croats and Serbs started to come to the surface during the April 1990 Presidential campaign, which was won by Mr. Tudjman. "A greater Croatia within its 'natural borders'" was one of the main slogans of Mr. Tudjman, presumably referring to not only the Serb-dominated Krajina region of Croatia but also part of Bosnia-Herzegovina inhabited by Croats. During the last months of 1990, the Government of Croatia continued to take practical steps to immediately move towards independence from the Yugoslav Federation. This was equally matched by insistent demands for secession on the part of the Serb minority who expressed apprehension of ethnic discrimination. In April 1991, these developments culminated in the outbreak of an open armed conflict between the Croatian army and the self-proclaimed "Republic of Serbian Krajina," which was supported by the Federal Yugoslav Army initially deployed to the disputed territories for a peace-keeping function. When the year 1991 ended, the independence of Croatia (and Slovenia, for that matter) was not accorded international recognition, the Serb minority was in control of approximately 28% of the Croatian territory and as many as 600,000 persons were displaced within Croatia and in different parts of the former Yugoslavia of whom nearly 250,000 were Croats displaced from the Serb-controlled areas.

85. Although the danger of a three-way ethnic conflict breaking out in Bosnia-Herzegovina had been anticipated in the event that independence were to be declared without consensus among Bosnian Muslims, Serbs and Croats, what has actually unfolded surpassed all predictions. No sooner had Bosnia-Herzegovina declared its independence in March 1992 following a referendum that was held over the objection of Bosnian Serbs, than the Republic broke apart. Almost overnight, barricades and checkpoints sprung up in Sarajevo and fighting erupted throughout the country. With the declaration of an independent Serbian Republic of Bosnia-Herzegovina, there set in motion the process of "ethnic cleansing." Around October 1992, the earlier alliance between Bosnian Muslims and Croats had disintegrated thereby forcing the former to fight on two fronts. By the end of 1992, the conflict in Bosnia-Herzegovina had produced an estimated 1.7 million refugees, displaced persons and other victims trapped in besieged communities. Of this total, the number of people displaced within Bosnia-Herzegovina itself amounted to about 740,000 while the count of those who fled to the Federal Republic of Yugoslavia (i.e. Serbia and Montenegro), Croatia, Slovenia, and Macedonia stood at around 800,000.

86. The Basis for UNHCR's Involvement: On 14 November 1991, UNHCR received a mandate from the UN Secretary-General to act as lead UN agency to provide protection and assistance to needy internally displaced persons affected by the ongoing conflict in the former Yugoslavia. UNHCR's protection role was implicit in the Secretary-General's letter, which, *inter alia*, noted that the involvement of the Office "...may also have a welcome preventive impact in helping to avoid the further displacement of populations, as well as contributing to the creation of conditions that would ultimately permit refugees and displaced persons to return to their places of origin." It needs mentioning that prior to receiving this mandate, UNHCR was requested by the Yugoslav Federal Government to assist in bringing relief to those persons displaced as a result of the hostilities.

87. When in November 1991 UNHCR was requested by the Secretary-General to lend its humanitarian expertise and experience in this endeavour, the international community had not yet recognized the independence of Slovenia and Croatia. It was only in January 1992 that the European Community formally recognized Slovenia and Croatia as independent sovereign States, followed by similar recognition of Bosnia-Herzegovina in April 1992. Thus, persons who were forcibly displaced from one Republic of former Yugoslavia to another and on behalf of whom UNHCR was mandated to act were not, legally speaking, refugees but internally displaced persons. Subsequent international recognition of the independence of the Republics concerned has, as a matter of course, brought with it a change in the status of these persons who, no longer falling within the category of "internally displaced," may be considered *prima facie* refugees.

88. General Overview of UNHCR's Role: As noted above, UNHCR was requested to implement, in a situation of open armed conflict, a humanitarian programme of assistance to and protection of internally displaced persons in the former Yugoslavia by undertaking activities in three broad areas: a) bringing

material relief to the victims of the conflict; b) preventing further displacement of population; and c) facilitating the return of displaced persons to their places of origin in safety and dignity. The successes and limitations of UNHCR's work in all of these areas should be seen first and foremost against the exceptionally distressing reality of the Yugoslav conflict, i.e. forcible and violent displacement of civilian population was, and in the case of Bosnia-Herzegovina still is, the principal objective of the conflict itself and not its immediate consequence.

89. Secondly, at the time when UNHCR was mandated to assume this role, the general belief was that, on the one hand, the war in Croatia had come close to an end and, on the other, the feuding parties in Bosnia-Herzegovina would soon come to their senses and settle their differences through negotiation and compromise for sake of the common good of all nationalities; that the conflict would escalate to an all-out brutal war and would continue with increasing vigour to this very day leaving such death toll, destruction, persecution, despair and misery in its path was beyond anyone's imagination. Thirdly, the whole planning context behind UNHCR's Yugoslav operation assumed that its humanitarian programme would dovetail with UN peace-keeping and peace-building initiatives. Indeed, a peace-keeping force – UNPROFOR – was deployed but there has been no peace to be kept in Bosnia-Herzegovina and it had no mandate to enforce peace, at least until the very recent "Sarajevo formula." Under the circumstances and despite UNPROFOR's incessant efforts, "ethnic cleansing" had worked its way into the homes of over 60% of the non-Serb population of Bosnia-Herzegovina as early as October 1992.

90. Against the above background, two general observations are in order regarding the scope and impact of UNHCR's intervention in either Croatia and Bosnia-Herzegovina. In the former case, where massive displacement was by and large a *fait accompli* by the time UNHCR was requested to intervene, UNHCR's efforts have concentrated on preventing involuntary return of the internally displaced to their places of former habitual residence. In the latter, although UNHCR has been present from the start of the conflict, it has been just as powerless as the victims themselves to prevent the causes of forcible displacement. However, UNHCR has made strenuous and careful efforts to prevent starvation and it has done so by managing life-saving relief pipelines into towns and villages over which 155 mm artillery shells come crashing down with uncompromising constancy. Further, UNHCR's presence and exposure of human rights abuses and military attacks against civilian population may well have lowered the intensity and scope of ethnic persecution in a number of areas within Bosnia-Herzegovina.

91. Main Protection Activities in Croatia: UNHCR was requested by the UN Secretary-General, on the basis of the Vance Peace Plan for Croatia, to design and implement a scheme for the voluntary return of internally displaced persons to the United Nations Protected Areas (UNPAs) in Croatia. However, due to the political and military situation prevailing in the potential areas of return, it has not been possible to undertake any such return programme except for some very limited activities relating to confidence-building measures and minimal rehabilitation work particularly in UNPA West. While waiting for the return movement, UNHCR has been undertaking a number of protection activities such as monitoring the treatment of remaining minority groups in the UNPAs, facilitating necessary evacuations and arranging family reunification.

92. By the end of 1993, some 340,000 internally displaced persons were being assisted by UNHCR. They are predominantly ethnic Croats expelled from towns and villages controlled by Serb forces. About 80% of them are accommodated in private houses and the rest in collective centres, mainly hotels. Any displaced person who fulfils the criteria to be recognized as such is entitled to Government assistance in, *inter alia*, accommodation, food, education, health care and psychological support provided through the Office for Displaced Persons and Refugees (ODPR). The Government defines a displaced person as someone who has left his or her place of residence in war-stricken areas of the territory of Croatia to escape imminent danger to his or her physical security resulting from aggression or armed conflict. The determination as to which parts of the country are to be considered "war-stricken areas" rests exclusively within the prerogative of the Croatian Government. The Government has also the authority to apply a sort of "cessation clause" whereby a displaced person ceases to be such if a) the municipality of the person's former place of residence decides that the person can return thereto as a result of evidence that the reasons which originally caused the person's displacement have ceased to exist; b) the person decides, of his or her own free will, to return to his or her former place of residence; or c) the person does not accept accommodation or other forms of assistance organized by the Government.

93. The question of return of Croatia's internally displaced population has been a tremendously emotional issue and one which both the Croatian and Serb leaders have been manipulating in order to achieve their respective political or territorial objectives. The displaced are in effect held hostage to a peaceful settlement that is little more than distant hope and over which UNHCR has no real influence. It is not only that there are no guarantees for their physical safety or access to the authorities should they return to their places of origin where they would constitute a minority in a substantially changed and hostile environment. As well, they are being denied, through systemic discrimination in employment, acquisition of property and the like, the opportunity to reintegrate themselves into the socio-economic fabric of the communities to which they have been displaced. The Government's overriding objective seems to be ensuring their eventual return so that the disputed territories are repopulated with as many Croatians as possible. UNHCR has been closely monitoring the situation and has received no reports of the Government physically forcing the displaced to return, only political pressure.

94. Main Protection Activities in Bosnia-Herzegovina: UNHCR's protection work in Bosnia-Herzegovina must be seen against the paradox that has been confronting it from day one: the ability of staff to be present at areas posing serious risk of displacement or to have access to routes and places of displacement has been severely limited by lack of security, but maintaining such presence and access has been all the more imperative precisely because of the increasingly worsening security situation. Even if it has often been impossible for UNHCR to effectively protect the right of people not to be displaced, various preventive and remedial activities have been carried out at two levels.

95. At the field level, UNHCR has managed to provide relief assistance to nearly 1.3 million displaced persons and another 1.4 million persons directly affected by the conflict (figures as of end of 1993). It has undertaken a number of protection activities at various levels including the following: monitoring, through continuous field visits, the level of displacement pressures and the treatment of displaced persons while en route to and in the receiving areas; direct intervention with the local or central authorities and exposing the ill-treatment of the displaced or the predicament of populations in cities and towns "under the gun"; ensuring, through contacts with the parties concerned and UNPROFOR, safe passage of persons compelled to flee by crossing frontlines; working with ICRC in making necessary arrangements for tracing and family reunification in certain exceptional cases such as family members of ex-detainees; facilitating evacuations in acute life threatening situations; and intervention to prevent involuntary return of displaced persons.

96. At the international level, sustained attention has been given to galvanize public opinion and mobilize concerted action to put political pressure on the Bosnian warring parties while at the same time coming to the rescue of the non-combatant civilian population that requires immediate attention for its assistance and protection needs. By providing timely and extensive reports on the deterioration of the situation of specific groups of displaced population as well as on the plight of persons at risk of displacement, UNHCR has been able to bring in the necessary intervention by relevant organs of the UN and other international bodies and actors, including the peace mediators. Emphasizing, however, the limited effects of its humanitarian activities, UNHCR has also consistently urged governments not to use humanitarian assistance within Bosnia-Herzegovina as grounds for denying shell-shocked Bosnians the right to seek asylum.

## **LIBERIA**

97. Causes and Magnitude of Displacement: Since armed conflict broke out in Liberia in late 1989, it has been observed that almost the entire population of the country has been displaced at one time or another and in one way or another. The conflict in Liberia can be divided into three phases with different impact and consequences on the pattern and magnitude of displacement. The first phase occurred during December 1989-August 1990 when fighting among various factions degenerated into anarchy resulting in the exodus of 700,000 refugees to neighbouring countries and the internal displacement of some 400,000 persons who fled the conflict zones for safety in Monrovia and its environs controlled by the Interim Government. The conflict also forced all UN agencies to leave Liberia. Following the intervention of the West African Economic Community Military Monitoring Group (ECOMOG) in August 1990, the scale of the fighting was somewhat reduced thereby enabling some of the international

organizations to re-establish their presence (UNHCR was not one of them).

98. In August 1992, with the entry into the arena of a new fighting group – the United Liberation Movement for Democracy in Liberia (ULIMO) – the second phase of the conflict started. Since then, constant and intense clashes between ULIMO forces and the National Patriotic Front of Liberia (NPFL) had led to further internal displacement including that of some 10,000 Sierra Leonean refugees living in Cape Mount and Bomi. By June 1993, the displaced population in Monrovia had increased by another 100,000 persons thus bringing the total to 500,000, while areas controlled by NPFL (in southwest) and ULIMO (in Upper Lofa region) each had 200,000 displaced persons and an additional 100,000 in the ECOMOG-controlled Lower Marghibi county. Despite the June 1993 cease-fire and the subsequent signing of the Cotonou Peace Agreement, the Liberian conflict has continued to drag on in its third phase.

99. In this third phase of the conflict, two new factions have emerged, the Liberia Peace Council fighting against NPFL in the south-east of the country and the Lofa Defence Force against ULIMO in Upper Lofa. In the former case, the fighting has pushed up to 100,000 displaced persons to ECOMOG-controlled areas around the port of Buchanan in Grand Bassa County, but the magnitude of displacement within the war affected areas themselves is unknown. In the latter, movements of persons from Upper Lofa to the central counties of Bong and Marghibi have been reported although exact numbers are not available. Since April 1994, yet another round of violence has erupted, this time within the ranks of ULIMO fighters engaged in a power struggle based on ethnic lines. This latest ethnic confrontation between the Mandingoes and the Krahnns had already forced some 10,000 persons to flee Monrovia. It should be noted that unlike the first phase, the second and third phases of the conflict did not result into massive exodus of refugees to neighbouring countries owing to a number of reasons, including the fact that civilians were not the primary targets of the warring factions, that the relief community maintained its presence in Liberia and continued to provide assistance to the civilian population and ECOMOG offered protection to civilians and rescued thousands from the war fronts.

100. UNHCR's Involvement and Inter-Agency Coordination: As noted above, all UN agencies left Liberia when war broke out in December 1989. Although some of them returned during the last months of 1990, it took UNHCR nearly one more year to effectively re-establish its presence there. From November 1990 to June 1993, relief activities in Liberia were co-ordinated by a UNDP Special Emergency Co-ordinator (a UNDP Country Representative was appointed only in July 1993). Due to the tense security situation in Liberia throughout the period, relief work was restricted to the Monrovia area and even there the Special Emergency Co-ordinator's Office was constrained by funding limitations to be able to make meaningful humanitarian intervention.

101. UNHCR's involvement with the internally displaced persons in Liberia has been inadvertent, but unavoidable in implementing the emergency programs for Sierra Leonean refugees. As a result of the turmoil in Sierra Leone since 1990, some 120,000 Sierra Leonean refugees fled to war-torn Liberia. The refugees and Liberia's own internally displaced population live together, face similar deprivation and sometimes end up being displaced together again from one part of the country to another. When UNHCR reached Upper Lofa in July 1993, a month after that region was finally taken by ULIMO following protracted fighting with the NPFL, there were 75,000 Sierra Leonean refugees and nearly 100,000 displaced persons. Under the circumstances, it was operationally difficult, morally unacceptable and a security risk to the refugees if UNHCR was to direct its assistance only to the refugee population. In deciding to assume a de facto lead role in the programme of assistance for this mixed population, UNHCR also took account of the fact that there was considerable exodus from Upper Lofa to neighbouring countries. Unfortunately, UNHCR was forced to leave Upper Lofa in December 1993 when the Vahun base camp was ransacked and looted by ULIMO elements. The Office plans to return to Upper Lofa at the earliest opportunity.

102. The situation is more or less the same in Cape Mount and Bomi counties, where Sierra Leonean refugees constituting about a quarter of the total population of the two counties live in dwellings adjacent to local and internally displaced populations. UNHCR assistance to the internally displaced in the area is an extension of refugee assistance. It is essentially community based, shared with other relief agencies. Access to the area is now hampered by the internal fighting within ULIMO. In Monrovia and its environs, assistance to the internally displaced is selective. Out of 10 centres where displaced and

refugees are sheltered in Monrovia, only 2 of them have a mixed population of these groups of which one centre accommodating 22,000 internally displaced and 4,000 refugees and the other 1,500 internally displaced and a similar number of refugees. While UNHCR's assistance in the two centres (primarily in the sectors of shelter, food, health, water and basic household goods) is extended to both groups without discrimination, the other centres where there are no refugees do not receive as much attention.

103. The high visibility created by the urban setting of UNHCR's operations has generated increased public and political interest to such an extent that the Office cannot entirely overlook the other centres which are exclusively occupied by the internally displaced although geographically close to the two centres. UNHCR is, therefore, obliged to provide measured response in an ad hoc manner. However, this kind of action overstretches the limited available resources which are budgeted for refugees only. Refugees complain of inadequate attention while the internally displaced resent any perceived preferential treatment for refugees and the Government, on its part, keeps on urging UNHCR to take more responsibility for the internally displaced through a coordinated UN response beyond emergencies. Likewise, several UN agencies and NGOs look to UNHCR to complement and supplement their programs for the internally displaced to meet needs such as plastic sheeting and household goods. Under such circumstances, a judicious and flexible balance has to be maintained and given the potential for a large-scale return of Liberian refugees from neighbouring countries in the foreseeable future UNHCR is working closely with other agencies to develop an interagency and a cross-mandate community assistance strategy. Particularly, UNHCR is actively participating in the initiative being undertaken by the UNDP and the Office of the Special Representative of the UN Secretary General to develop a framework for coordinating rehabilitation activities in areas of return for ex-combatants, internally displaced persons and eventually Liberian refugees the overwhelming majority of whom want to repatriate once peace is restored.

104. Protection Issues: In a country largely controlled by non-governmental entities without international recognition, UNHCR has found it difficult to exercise credible protection functions for the Sierra Leonean refugees let alone to extend similar functions to the internally displaced Liberian nationals. Yet, for both groups the needs for protection ranging from physical security and access to basic amenities to respect for their basic human rights are enormous. Some semblance of protection has been extended to the refugees and the internally displaced through guarded intervention and quite dialogue with factional leaders and semi-autonomous ground commanders with whom UNHCR has developed good working relations. Also, UNHCR has been working with the "Institution of Community Elders," a body which has been useful and instrumental in resolving local disputes and putting in place practical arrangements to enhance the security of the community. However, all these are mainly ad hoc measures often with unpredictable results.

105. Despite the above limitations on UNHCR's protection role, there have been some significant achievements in a number of areas. For example, UNHCR has succeeded in asking the former Government to pass an Act which provides the legal basis for the protection of refugees and returnees. Many of the provisions of the Act can be applied to promote protection measures for internally displaced persons. The new National Transitional Government has in principle endorsed the Act and has invited UNHCR and the National Refugee, Repatriation and Resettlement Commission (NRRRC) to work on the practical modalities of implementing the Act. Needless to say, the Transitional Government has been faced with a monumental task of recreating legal institutions and law enforcement agencies to enable the Act to be implemented with some success.

106. UNHCR has also taken appropriate steps to bring to the attention of human rights groups and the media its protection concerns on behalf of refugees and the internally displaced in particular and the wide-scale atrocities and gross human rights violations that have characterized the Liberian civil war in general. The situation appears to be changing now as there is more public and international attention on Liberia. All warring factions seem to be sensitive to exposure and anxious to improve their image and past human rights records. The establishment of a Human Rights Monitor in the Office of the Secretary General's Special Representative in Liberia is a positive step to address these issues and UNHCR is working closely with the Special Representative.

## PERU

107. Causes of Displacement: The main cause of internal displacement in Peru has been bi-polar confrontation and violence between the insurgent forces (represented by the Shining Path and to a lesser degree the Revolutionary Tupac Amaru Movement) and the nation's military. Massive displacement first occurred during the period from 1980 to 1985 and reached its peak in the years 1986-1989. It continued until 1992, although at a reduced pace. The Andean Commission of Jurists estimated that there were some 400,000 internally displaced persons in Peru in 1992. A 1993 UNDP document suggested a figure of 570,000. The displaced population originates from, and is mainly dispersed within, the conflict zones in the central region of the country, i.e. Ayacucho, Junin, Huancavelica, Apurimac, Ancash, Huanuco, etc. Lima, Ica and Huancayo are by far the three most important cities that have attracted the displaced.

108. Humanitarian Needs and Responses: In a country where poverty affects more than 50% of the population and the economy cannot absorb any additional work force, it is to be expected that the displaced are worse off whether in terms of their ability to cope with day-to-day needs or their constant struggle either to insert themselves in the new communities they have been displaced to or to return to their original places and pick up the pieces to reconstruct a productive life. They are also worse off because of the psycho-social problems and trauma they have experienced during and following their forcible displacement. The situation of the displaced is, therefore, one of double victimization. Already dispossessed and marginalized, they suffer from the consequences thereof, including discrimination by the residents, lack of documentation and difficulties of access to the justice system.

109. In recent years, there has been, both at the national and international levels, an increased attention to and recognition of the magnitude and complexity of this humanitarian problem. The Government of Peru has taken some measures, although minimal, both in providing emergency food aid with contribution from WFP and promoting the return home of the displaced. A growing number of church groups and NGOs have been implementing modest emergency programs for the most vulnerable segments of the displaced population. Likewise, UNDP and UNICEF have reportedly provided some limited assistance towards the return of a small group of displaced persons to their villages. In the light of the enormity of the problem, however, all these efforts have proved to be a drop in the ocean. As a result, the Government of Peru decided to submit a formal request to the UN Secretary-General for "the preparation and implementation of a humanitarian assistance programme for the internally displaced persons" in Peru under the overall coordination of UNHCR. In his reply of January 1994, the Secretary-General advised the Government that the responsibility for any such programme should remain with the UNDP Resident Representative with an eventual participation of UNHCR and other agencies.

110. UNHCR's Approach to the Problem: In order to determine the scope of its potential role with the internally displaced in Peru, UNHCR invited the Andean Commission of Jurists to conduct an analytical survey of the situation and propose viable areas of intervention which would make the most significant contribution. In its final report submitted in March 1993, the Commission recommended that UNHCR's possible involvement could likely take shape in three complementary activities: a) emergency assistance supplementary to Government programs and directed at those persons whose post-displacement situation is particularly grave; b) planning and implementing a programme for the voluntary return of the displaced; and c) initiating prevention activities which could limit or avoid the continuation of displacement resulting from armed conflict.

111. After a thorough analysis of the above-mentioned study and its recommendations in the framework of the parameters set out in IOM-FOM/33/93, it was established that the criteria for UNHCR involvement were not met in that firstly, the situation did not present a link with mandated activities and secondly, there was no clear indication of humanitarian efforts by other UN agencies to which UNHCR's activities could be supplementary. Nonetheless, three specific areas of protection and solution-oriented activities were recommended by the Bureau for any possible UNHCR involvement in an inter-agency programme: a) legal documentation project for those lacking identification documents; b) counselling services to prepare the displaced for their eventual return to their communities; and c) public awareness initiatives aimed at mobilizing international funding support. To date, however, there has not been any noticeable

signal coming out of New York as far as designing and co-ordinating a general humanitarian strategy to respond to the assistance and protection needs of Peru's displaced population is concerned.

112. Thus, Peru's internally displaced persons could not, despite their unique vulnerabilities and protection needs, call for UNHCR's direct intervention since they do not happen to be in the middle of a refugee crisis. In the absence of a clear demonstration that there has been, or there is a serious risk of, cross-border spilling of their internal displacement, the "prevention" strategy has been considered inapplicable. Be this as it may, it needs to be emphasized that the displaced, being located in areas situated significant distances from Peru's borders, are already prevented by physical barriers from seeking refuge in neighbouring States. Their only alternative is to remain entrapped in the conflict zones or in adjacent areas not prepared, both economically and socially, to accommodate them. It may well be that other UN agencies will accept an increasing role in providing relief assistance, but without performing specific protection functions. When this materializes, UNHCR may also find meaningful ways to support these organizations at the field level by sharing its experience of international protection in situations of conflict.

## **RWANDA**

113. Causes of Displacement: For several decades now, the twin peoples of Rwanda, the Hutu (who comprise about 85 % of Rwanda's population) and the Tutsi, have shown their inability to live together in peace and amity. As far back as 1959, three years before Rwanda's independence from Belgium, desperate fighting between the two ethnic groups had led to internal displacement and a large exodus of Rwandese refugees, mainly Tutsis. Between 1959 and 1962, some 60,000 Rwandese refugees sought asylum in Zaire and another 35,000 in Uganda. In 1963, there were insurrections incited by the refugees, followed by new reprisals and new flights. Again in October 1970, the refugees waged an armed invasion of Rwanda in support of the Tutsi-dominated Rwandese Patriotic Front and as a direct consequence of the ensuing fighting between Government forces and the insurgents an estimated 500,000 people were internally displaced mainly in the north of the country. A repeat of this pattern of spiral ethnic violence is currently ongoing.

114. Efforts to Resolve the Crisis: Since mid-1992, national, regional and international efforts have been underway to find a peaceful solution to the conflict in Rwanda. The peace efforts continued to suffer dramatic setbacks until early March 1993, when the Government of Rwanda and the Rwandese Patriotic Front finally agreed to end all military hostilities in their country and intensify political negotiations for the establishment of a broad-based transitional government of national reconciliation. As an immediate measure, the two parties committed themselves to providing adequate security and protection to the internally displaced persons by creating corridors of tranquillity in the conflict zones so as to facilitate the transportation and distribution of relief supplies. This was followed by another round of negotiations in June 1993 regarding the return and resettlement of Rwandese refugees and internally displaced persons. Instead of the much hoped-for reconciliation and repatriation, the spring of 1994 has brought mayhem and anarchy which has also led to a new odyssey of refugees and an internal displacement of unprecedented proportions. It is estimated that as many as 100,000 people may have been killed and 2 million made homeless since violence erupted on 6 April 1994.

115. Earlier Involvement by UN and UNHCR: In early January 1993, the Government of Rwanda submitted to the UN Secretary-General a request for relief and rehabilitation assistance to the country's displaced population of 500,000. During the months of February and March 1993, inter-agency meetings were organized by DHA New York to share information, review operational coordination arrangements and develop a plan of action for consolidated appeal. At the political front, the Secretary-General sent a "good will" mission to Rwanda to support the peace process and ensure access to the affected areas for delivery of humanitarian relief (in addition to UNDP, ICRC and UNICEF have had active presence). This was later followed by a dispatch of some 2,500 UN peace-keeping forces, who are now in the process of pulling out. 36

116. Since the start of peace talks in mid-1992, UNHCR has shown a legitimate interest in contributing to an overall search for lasting political settlement to the Rwandese crisis in the light of the direct effect such settlement would have on the ability of Rwandese refugees to return to their country, as well as on

the safety and well-being of refugees from Burundi hosted by Rwanda. Throughout 1993, the Office had actively participated in a number of high level meetings and conferences organized in Arusha, Tanzania, to find a durable solution to the refugee problem by addressing its underlying cause. With regard to the 1993 emergency situation of internally displaced persons in Rwanda, UNHCR responded to the Government's request by making available through the ICRC a contribution of US\$ 300,000 for the purchase of blankets and plastic sheeting. The contribution was made in the context of what the High Commissioner referred to as her Office's "supplementary humanitarian role" within the UN inter-agency plan of action. It was also stipulated that UNHCR's assistance would benefit the affected civilian population whether located in Government-controlled areas or territory held by the Rwandese Patriotic Front. Concerning the renewed crisis that has just emerged, UNHCR is currently participating in the United Nations Advance Humanitarian Team which is attempting to assess the number of affected persons and the assistance required

## **SITUATION "B"**

### **ANGOLA**

117. Causes and Magnitude of Displacement: The current problem of population displacement in Angola goes back to the long and bitter fifteen year armed struggle for Angola's independence from Portugal. During that period, close to one million Angolans were forced to abandon their places of habitual residence in search of refuge mainly in Zaire and Zambia. Tens of thousands more were internally displaced. Just at a time when Angola's realization of self-determination was in sight, the problem of displacement was seriously aggravated by the internal armed conflict between the MPLA and UNITA which broke out in the country in 1975 and continues to this day. By the end of the 1980s, the number of internally displaced was estimated to exceed 1 million people, with large numbers of civilians fleeing from their home villages into the more secure UNITA-held territory or government-controlled urban centres. The villages from which the displaced had originated are littered with land mines, thus clouding the prospects for return even if peace comes to Angola, which in itself is likely to take a long wait.

118. Basis for UNHCR's Involvement: UNHCR's limited involvement with internally displaced persons in Angola is directly linked to its returnee programme. By the end of 1988, many Angolan refugees mainly in the Shaba Province of Zaire expressed their desire to return home. Notwithstanding that the reasons for the refugees' original flight still persisted, UNHCR yielded to their demands and initiated a programme to facilitate their return. The operation lasted for only seven months (September 1989 to March 1990), during which just over 6,000 Angolans were repatriated. Although UNHCR's operation was brought to a halt because of the deteriorating security situation in Angola, many refugees continued to effect their self-return. By the time of the national elections in September 1992, some 112,000 refugees had returned to Angola on their own.

119. Shortly after the elections, a fresh round of fighting broke out between the central Government and UNITA. As a result, it became practically impossible for UNHCR to provide the returnees with the required rehabilitation and initial reintegration assistance. Many of the returnees were victimized by the civil war and forced into internal displacement in the same way and under the same circumstances as their fellow compatriots who had never left the country. In view of this humanitarian tragedy affecting indiscriminately the entire population, the High Commissioner approved in March 1993 the proposal made by the Regional Bureau for Africa that UNHCR's returnee programme be extended to benefit also persons affected by the war, including some 88,000 internally displaced persons, in the five provinces of returnee concentration and where the Office has established its presence – the northern provinces of Zaire, Uige, Bengo and the eastern provinces of Moxico and Luanda Sul.

120. Type of UNHCR's Assistance: Since its inception, UNHCR's community-based programme has been limited to emergency assistance in the vital sectors of food, health, water, household support and agricultural production. Non-governmental organizations, most notably the Lutheran World Federation, Médecins sans Frontières (France) and Save the Children Fund (UK), have been instrumental in the delivery of this assistance. In order to enhance UNHCR's capacity to continue throughout 1994 the assistance programme for the existing beneficiaries (i.e. a total population of 200,000 almost equally

divided between returnees and non-returnees), UNHCR is participating in the UN consolidated appeal for Angola. For its 1994 programme UNHCR is envisaging some Quick Impact Projects (QIPs).

121. Protection Issues: Most of UNHCR's geographical areas of operation have been under the control of UNITA forces for some time now. Under the circumstances, UNHCR has had to perform a very limited and pragmatic protection function mainly through low-key dialogue with UNITA officials at the local level. Even that limited role was further constrained when UNHCR had to evacuate its international field staff in December 1992. There are now plans to re-establish field presence given that humanitarian access by UN agencies and NGOs has become possible again particularly since September 1993, when the two parties agreed to a cease-fire which led to an improvement in the security conditions. It would seem that the UN, through the Secretary-General's Special Envoy, and non-governmental relief agencies have established a non-written general code of conduct with both parties to the conflict. Yet, when it comes to certain UNITA practices giving rise to special protection concerns, UNHCR has found it difficult to become involved without jeopardizing its emergency assistance programme. Such has been the case with, for example, reported instances of forcible recruitment of young men among the beneficiaries being assisted by UNHCR.

122. Impact of UNHCR's Involvement: Beyond catering to the immediate humanitarian needs of the target population, there is no indication of any UNHCR activity geared towards attaining a lasting solution in the sense of the affected population's resumption of a normal, peaceful life. Obviously, the re-establishment of durable peace in Angola is a pre-condition to any such solution. It is however supposed that at least in the short-term, the impact of UNHCR's assistance, limited as it is, lies in addressing the dire relief needs and by doing so attempt to contain the apparent instability which may eventually lead to external flight amongst the returnee community and the internally displaced alike. As far as the duration of UNHCR's involvement is concerned, the Office is considering a phasing-out of the current assistance programme at the earliest possible although no definitive plans and procedures are yet in place. To a certain extent, any such consideration may have to take into account the broader UN efforts at peace-making and creating conditions conducive to conflict resolution in Angola.

## **GEORGIA**

123. Displacement Resulting from Ethnic Conflict in Two Fronts: Developments since the late 1980s in what used to be the Soviet Union have been paralleled by growing political tensions and ethnically-motivated military confrontations in Georgia, particularly in the two regions of Abkhazia and South Ossetia. In Abkhazia, an autonomous republic within the Republic of Georgia since 1931, armed conflict between the ethnically distinct Abkhazian minority (accounting for only 17-18% of Abkhazia's population as compared to 46% Georgians) and the Government of Georgia erupted in August 1992.

124. As a consequence of the armed conflict in Abkhazia, which has gone through many different phases, and the massive human rights violations that have taken place in the context thereof (including extrajudicial executions, torture, rape and forced deportations or "ethnic cleansing"), large numbers of people of all ethnic groups have been displaced several times. During the early stages of the conflict when Georgian Government forces were on the offensive, the victims of forcible internal displacement were mainly ethnic Abkhazians. Conversely, entire villages and towns have been deserted by almost all of their Georgian population since the Abkhazian forces had assumed full control over the territory between late September and early October 1993 and engaged a process of "ethnic cleansing." Concurrent with this new wave of displacement of Georgians involving up to 300,000 persons, displaced ethnic Abkhazians were returning to their former places of habitual residence.

125. In South Ossetia, the rise of nationalist feeling and the quest for unification with the neighbouring North Ossetian region of the Russian Federation culminated in the outbreak of an armed conflict in early 1991. The fighting has led to a mass exodus of Georgians out of South Ossetia into other parts of Georgia. Also, many South Ossetians, mainly of non-Georgian ethnic origin, have sought refuge in North Ossetia. Although some among this latter group have since gone back to South Ossetia, Government sources indicate that as many as 70,000-80,000 refugees are still in North Ossetia awaiting the opportunity to return home.

126. UNHCR's Involvement: In January 1993, UNHCR participated in a UN interagency mission to

Georgia which was followed by a DHA-led joint appeal. Having formally established its presence in Georgia in July 1993, and on the basis of its role within the UN integrated office, UNHCR started a programme of relief assistance for 40,000 of the most vulnerable amongst the population displaced from Abkhazia and South Ossetia. While the assistance package mainly involved distribution of basic nonfood relief items such as blankets, stoves, detergents and other household essentials, a small shelter rehabilitation programme was also initiated. To date, there is no UNHCR presence in either Abkhazia or South Ossetia.

127. Probably the most significant aspect of UNHCR's involvement with the displaced in Georgia concerns assistance to the Georgian and Abkhazian authorities to ensure the right of the displaced persons to return to Abkhazia in safety and dignity. UNHCR has taken a number of measures in this regard, including the opening-up of a channel of communication and confidence-building among the two parties and promotion of human rights and humanitarian law principles particularly as they relate to the rights and fundamental freedoms of persons forcibly displaced by the armed conflict. After lengthy quadripartite negotiations involving the two parties, the Russian Federation and UNHCR, an agreement setting out the terms and modalities for implementation of a return programme under UNHCR auspices was signed on 4 April 1994. The Georgian and Abkhazian sides have undertaken to cooperate with each other and with UNHCR to achieve full observance of the principles and safeguards governing the voluntary return of the displaced civilians to their original places of residence in all regions of Abkhazia. They have also agreed to ensure continued assistance to and protection of those who choose not to return to Abkhazia until such time as acceptable alternative solutions are found. To discharge effectively the return co-ordination and monitoring responsibilities entrusted to it under the Quadripartite Agreement, UNHCR is, *inter alia*, guaranteed:

- direct and unhindered access to all displaced persons from Abkhazia both prior to and following their return;
- unimpeded transit of humanitarian supplies through the territory of the Russian Federation;
- establishment of local offices at locations deemed appropriate for facilitating the return, rehabilitation and reintegration of the displaced;
- security and protection of staff and property of UNHCR and its implementing partners;

## **GUATEMALA**

128. Causes of Displacement: The problem of population displacement in Guatemala, like the rest of Central America, is rooted in internal conflict and violence arising mainly from undemocratic governance. With the emergence in the 1970s of a guerrilla movement in rural Guatemala, towns and villages in the northern highlands became the scenes of violent counter-insurgency campaigns. During the period 1978-1984, hundreds of thousands of civilians were victimized by the Guatemalan military scorched earth strategy aimed at weakening any potential base of support for the insurgent movement. Others were affected by guerrilla tactics in the conflict areas and many others more fled in fear of being caught in the cross-fire of both sides.

129. Some reports indicate that by the mid-1980s, as many as one million people, mainly Mayas from the Departments of Quiche, Huehuetenango, Alta Verapaz, Quezaltenango and San Marcos, were forced into internal displacement of one sort or another to escape the indiscriminate army attacks. Sizeable numbers have since returned to their original communities or have taken up residence in other alternative settlement sites. Estimations of displaced populations still in conflict areas reach some 26,000 persons while up to 200,000-300,000 others live in the capital city and other large towns or in the southern coastal area fearful of safely returning to their communities of origin. This latter group of internally displaced persons is mostly unorganized and unidentifiable suffering from problems related to lack of proper documentation, as well as from a precarious economic situation in general.

130. Lack of Institutional Attention: Until very recently, neither the successive Governments of Guatemala nor national or international non-governmental organizations have paid any serious attention to the humanitarian needs of the country's internally displaced population. For both the victims and

victimizers, the whole issue of internal displacement in Guatemala has indeed been a highly politicized and ideological one. On the one hand, the Government has always treated the internally displaced persons as if they were either combatants or active supporters of the armed insurgency. To counter this labelling, the displaced have, on the other hand, gone as far as rejecting to identify themselves as "displaced persons." Dispersed in different urban centres, the majority of these persons have had to rely on their anonymous existence as their best protection mechanism. It should be noted, however, that one of the chief areas covered since 1990 by the Development Programme for Refugees, Repatriates and Displaced (PRODERE), a UN initiative under the auspices of UNDP and within the CIREFCA framework is the so-called Ixil region (in the department of El Quiché) where efforts have concentrated in communities composed mostly of recently returned internally displaced persons.

131. One particular group, known as the Comunidades de Población en Resistencia (CPR) or Communities of Population in Resistance, has lived an even more unique experience for at least the last 10-12 years. Holed up in the mountain areas of Ixil and the lowland jungles of Ixcán, these people, numbering between 16,000-26,000, have virtually cut off themselves from the Guatemalan society and humanitarian organizations although not from frequent military raids. The CPRs essentially base their action on their constitutional right to "resist" as provided for in Article 45 of the Guatemalan Constitution which stipulates that "the resistance of the population is legitimate for the protection and defense of the rights and guarantees provided by the Constitution." In the last several months, the CPRs in Ixcán have received increased national and international attention and are now in the process of establishing more open and accessible communities close to areas to which Guatemalan refugees are returning from Mexico.

132. UNHCR's Response: UNHCR has not, at the practical level, been directly involved with internally displaced persons in Guatemala as such, although some groups of returned displaced are covered under Quick Impact community-based returnee programs. From the protection point of view, unquestionably the CPRs have been the most vulnerable groups requiring attention. Indeed, this group has shown great reserve in soliciting assistance from the Government, unless this is offered in concert with recognition of their status as non-combatant civilians. Likewise, they have made acceptance of aid from national non-governmental organizations and international institutions conditional on support towards their main demands involving physical security and access to land, demands which are along the same lines as those put forward by Guatemalan refugees in Mexico and which UNHCR has generally supported.

133. UNHCR is currently studying, together with other UN agencies, an appropriate future role to more directly support the CPRs and other displaced persons in Guatemala. To the extent possible, programs already directed at repatriating refugees will increasingly seek to accommodate the internally displaced or returned displaced, especially in the Ixcán region where the CPRs and returnees are co-owners of the same lands. As the issue of forcible displacement is addressed by peace talks currently underway between the Guatemalan Government and the opposition with a UN mediator, other measures on behalf of internally displaced could be developed by UNHCR and other UN agencies. In addition, the Guatemalan Government has recently invited the Permanent Consultative Group on Displaced in the Americas, a regional forum in which UNHCR participates as an observer, to field a mission to the country to assess the situation of internally displaced persons.

## **SIERRA LEONE**

134. Nature of the Problem and Government Response: Since 1990, the southeastern provinces of Sierra Leone have been plagued by armed conflict, which was in some degree an offshoot of the civil war in Liberia that started in late 1989. As a direct consequence of the conflict, some 275,000 Sierra Leoneans were forced to seek refuge in Guinea and Liberia while over 300,000 were internally displaced. Even those who remained in their communities have had to sustain themselves in a harsh economic and social environment resulting from the breakdown of administrative and social structure, damage to physical infrastructure in virtually all sectors and excessive military expenditures. To make matters worse, the deteriorating security conditions in Guinea in the wake of the December 1993 national elections and the ongoing conflict in Liberia had forced some of the refugees who fled to those countries to return prematurely to Sierra Leone and, inevitably, join the ranks of the internally displaced since they

were unable to return to their own districts.

135. In November 1991, the Government of Sierra Leone established the National Rehabilitation Committee (NARECOM) as the main body in charge of coordinating relief and rehabilitation assistance for internally displaced persons. In June 1993, NARECOM, with the support of a UN task force set up locally, developed a six-month "Quick Action Plan" for the provision of emergency relief assistance to the internally displaced and launched an appeal to the international community.

136. Response of UNHCR and its Impact: In October 1992, the Government of Sierra Leone formally requested the High Commissioner for assistance with specific reference to her intervention in alleviating the plight of the Sierra Leonean returnees who were in urgent need of shelter, food and other amenities. In response to the request made by the Sierra Leonean Government, UNHCR allocated US\$500,000 to support the general relief effort being made by the Government, the UN system, bilateral donors and nongovernmental organizations. UNHCR's contribution is mainly aimed at assistance towards the relief and rehabilitation of about 50,000 returning refugees. Since many of the returnees are hosted in the same camps sheltering internally displaced persons, some among the latter group do benefit, directly or indirectly, from UNHCR's assistance.

137. Two general comments may be made about the timing and impact of UNHCR's response to the emergency situation in Sierra Leone. Firstly, UNHCR's intervention could have come earlier, probably at the beginning of the escalation of the crisis. Since many Sierra Leoneans fled the country apparently more for want of material relief than security needs, UNHCR's timely intervention through assistance measures might have contained to some extent the massive refugee influx into Liberia and Guinea. Secondly, it would seem unlikely that the financial contribution made by UNHCR could have a significant impact in the long-term unless it is complemented by measures which help address underlying tensions and reconcile those who have fought each other over the last four years. Furthermore, the humanitarian crisis in Sierra Leone calls for a regional approach given the general belief that an essential precondition for the restoration of peace in Sierra Leone is the resolution of the crisis in Liberia, which now seems to have gained some momentum.

138. As far as protection work in Sierra Leone is concerned, security problems have not allowed UNHCR to play any visible role concerning the returnees or the internally displaced. UNHCR has no field presence in the affected areas and whatever monitoring activity is carried out by protection staff in Freetown, it is minimal. The Government of Sierra Leone claims to provide protection in the camps where the returnees and internally displaced persons live; yet, there are reports suggesting the inadequacy of such protection as indicated, for example, by incidents of forcible recruitment by the insurgent forces. It should also be mentioned that freedom of movement is restricted in the sense that the Government decides if and when people can leave the camps and return to their areas of origin. This restriction may apply even more vigorously to those refugees who have returned from Liberia and whom the Government suspects as supporters or sympathizers of the insurgency.

## **SOMALIA**

139. Causes and Magnitude of Displacement: Two decades of widely reported abuses committed against the Somali people by the regime of former President Siad Barre, who was overthrown in January 1991, have been followed by an upsurge in intra- and interclan fighting which has plunged large and small communities throughout Somalia into a nightmare of bloodshed, violence and displacement. The crisis forced UN organizations, including UNHCR, and almost all of the NGOs to pull out of Somalia. For the ICRC and few remaining NGOs, the absence of a functioning government and the disruption of the country's infrastructure, combined with the complete breakdown of law and order, posed a major impediment to the delivery of emergency relief assistance to millions of Somalis whose lives were at most immediate risk. By end of 1991, over 700,000 displaced persons and other vulnerable groups in Mogadishu were reported threatened by lack of access to food and lifesaving services; some 300,000 displaced persons were in makeshift shelters scattered throughout the town of Kismayo in Southeast Somalia; in the Southwest, some 350,000 Somalis were forced to cross the border into Kenya as refugees leaving behind over 200,000 people displaced along the border areas; the number of displaced persons in the Northwest was estimated at 250,000 and in Central Somalia at 120,000. [The statistics

are from the UN Consolidated Inter-agency Plan of Action]

140. Political Response of the United Nations: The magnitude of the man-made humanitarian crisis in Somalia and its threat to regional stability caused the international community to face a paradox: access to people in dire need of relief assistance is severely constrained in the absence of security, but the lack of such access is likely to make the prospects for security even more precarious. This reality persuaded the Security Council to take the decision to establish a United Nations Operation in Somalia (UNOSOM) and make available peace-keeping troops to not only monitor the cease-fire, which the two main rival factions agreed to in February 1992, but also to create a secure environment of operation for UN personnel and relief staff of NGOs engaged in Somalia. In a further development of particular significance as far as UNHCR's work is concerned, the Security Council amended the mandate of UNOSOM II to include, *inter alia*, "helping with the repatriation and resettlement of refugees and displaced persons."

141. UNHCR's Cross-border Operation: When Somali refugees first entered Kenya *en masse* towards the end of 1991, UNHCR initiated a care and maintenance programme at the Liboi camp. Further to a second influx caused by the intense fighting in Gedo during April-May 1992, transit centres were set up in the northeastern Kenyan border sites of Mandera and El-Wak (it may be worth mentioning that these transit centres became permanent for lack of alternative camp sites which should have been allocated by the Government of Kenya). The alarmingly bad conditions of the arrivals and the desperate plight of those who remained internally displaced along Somalia's border with Kenya, coupled with security problems in and around refugee sites in Kenya, called for an innovative approach to address issues of emergency relief and rehabilitation in war-torn Somalia. Thus came about the conceptualization of a "cross-border operation" by which UNHCR would, parallel to its programme in Kenya and in concert with other UN agencies and NGOs, initiate assistance activities in certain operational zones within Somalia where UN peace-keeping forces are made available to protect humanitarian work and workers.

142. UNHCR's Somalia cross-border operation from Kenya was conceived as a joint exercise by a consortium of various UN organizations and NGOs, many of which were expected to assume their responsibilities as specialized agencies to ensure the transition from relief to mid-term reconstruction by integrating UNHCR's Quick Impact Projects (QIP) into their sectoral development strategies. From UNHCR's perspective, the cross-border operation was to pursue the attainment of both material assistance and protection objectives in a holistic manner, by:

- (i) stabilizing affected populations in the Somali border areas where relief and rehabilitation activities would be carried out;
- (ii) minimizing the imperative for people to cross the border into Kenya; and
- (iii) creating conditions conducive to the voluntary repatriation of those already in Kenya.

143. Implementation of the cross-border operation started in September 1992 to coincide with the increased number of Somali refugees initiating their self-repatriation. It was planned to reach a total of some 650,000 beneficiaries (i.e. 350,000 returnees and 300,000 internally displaced persons) in the Gedo and Juba regions of southwestern Somalia. Initially, the operation was carried out from UNHCR bases in Kenya which served as the focal centres for the distribution of essential relief supplies to the repatriating refugees and internally displaced persons, as well as for the identification and organization of QIPs. At the time, there was little support coming from the other agencies of the UN system which were generally operating out of Mogadishu under the constraints posed by the apparent mismatch between humanitarian obligations and military objectives as pursued by the Security Council. Subsequent to the relative improvement in the situation in the cross-border zones, UNHCR has established a number of operational bases in Somalia. With the re-establishment of its presence in the capital Mogadishu in December 1993, furthermore, UNHCR has been able to strengthen coordination of its activities with UNOSOM II and other UN agencies.

144. Impact of the Cross-border Operation: As far as the delivery of relief and rehabilitation assistance (the latter through some 386 QIPs) is concerned, the impact of the Somalia cross-border operation is all too well recognized to need further elaboration here. However, the material well-being of the affected

populations was not the sole ground on which UNHCR's decision to mobilize assistance through the cross-border approach was based. It was mainly premised on the Office's conviction regarding the need for international protection and solution. Somalis who were compelled to cross the border into Kenya did so because there was no functioning national government to which they could have either access for relief assistance or recourse for their protection and safety. Once UNHCR assistance and protection were brought closer to the causes of flight, hundreds of thousands of refugees have chosen to return to their areas of former habitual residence. Likewise, flight into Kenya became no longer an absolute necessity for many internally displaced persons who were probably just contemplating that course of action in the weeks and months preceding the start of the cross-border operation.

145. UNHCR's involvement in Somalia, particularly as it relates to its protection role in favour of returnees and internally displaced persons, differs significantly from the Office's traditional approach of relying on national authorities for the provision of such protection. UNHCR has had to work under the protective cover of the UN peace-keeping forces. It is true that UNHCR has acquired valuable experience from this kind of arrangement involving a close bond between the humanitarian endeavours and the UN military in, for example, Namibia, Cambodia, Iraq and former Yugoslavia. However, the question of how the UN itself has been perceived regarding its role and involvement in Somalia's civil conflict makes the situation somewhat unique. To the extent that the impartiality of the UN is doubted and its writ not respected by the warring factions, UNHCR's efforts to discharge its protection functions can be too easily hampered.

## **SRI LANKA**

146. Long-standing Internecine Ethnic Conflict: Hostilities and military confrontations between the Government of Sri Lanka and Tamil insurgents determined to establish by force an independent state of Tamil Eelam in North-East Sri Lanka have been going on since 1983. Caught in the middle of this never-ending saga of Sri Lanka, a large number of Tamils have been forced into a nomadic existence, dividing their time mainly between refuge in India and internal displacement within Sri Lanka. This rather unpleasant situation has been cause for a serious dilemma to UNHCR: on the one hand, it cannot refuse to facilitate the repatriation of those refugees who choose voluntarily to return home from India despite continuing security problems in Sri Lanka. On the other hand, UNHCR knows all too well that the returning refugees will, for the most part, be confined to camps or holding centres in Sri Lanka thereby joining the ranks of the over 600,000 internally displaced. Where some of the returnees attempt to resettle in their communities, they are once again thrown back into the turmoil of conflict and renewed flight to India is likely to follow.

147. Government Response to the Internals Displaced: There is a general agreement that the Government of Sri Lanka has shown a determined commitment to address, within the limits of its abilities, the humanitarian problems presented by the chronic situation of internal displacement. Of the 600,000 persons displaced mainly from North East Sri Lanka, approximately 250,000 are sheltered in some 473 Government-sponsored holding centres or camps spread around the country; the remaining 350,000 are registered as staying with friends and relatives. Both groups benefit from Government food rations, which cost the national treasury nearly US\$ 5 million per month. Due to the Government's budgetary constraints and its inability to attract adequate donor funding, whether bilateral or through the UN system, the facilities in the camps/holding centres are believed to fall short of internationally acceptable standards.

148. Since 1992, the Government of Sri Lanka has been actively promoting its resettlement programme initiated in 1988 and known as "Unified Assistance Scheme." Under the programme, the Government is first to "clear" and bring under its control an area and then resettle the displaced there on a voluntary basis and with monetary grants, three-month food rations and some help in rehabilitating the infrastructure, as well as guarantees for their security and protection. It is only very recently that the Government has allowed people to resettle in LTTE-controlled areas if they so wish, and even then without extending the full assistance package of the programme. In view of the fact that the programme takes place amidst continuing conflict, it is fair to assume that the Government's resettlement policy is geared more towards military and political objectives than humanitarian imperatives.

149. UNHCR's Open Relief Centres (ORC): Having responded favourably to a request made by the Government of Sri Lanka for support towards a programme of limited assistance to returnees and displaced persons in the North-East of the country, UNHCR formally established its presence in Colombo in November 1987 to monitor implementation of the programme. The following year, UNHCR field offices were opened in almost all principal districts of refugee return, i.e. Mannar, Jaffna, Trincomalee and Vavuniya. In June 1990, just as security and socio-economic life in the affected areas were beginning to improve reasonably enough as to persuade UNHCR to start phasing out its assistance programme, fighting between Government forces and the LTTE abruptly resumed and UNHCR found itself in the midst of a mass exodus of asylum-seekers including a sizeable number of former refugees who had repatriated from India. In response to this suddenly changed situation, UNHCR came up with the concept of Open Relief Centres (ORCs) – an in-country "safety-net" system which vulnerable persons could avail themselves of as a possible alternative to flight to India.

150. Mannar District was naturally the most appropriate focal point for the operation of the ORCs. Firstly, Mannar was the home area of the largest number of returnees (over 22,000 by June 1990). Secondly, it received a massive influx of people displaced from other districts as a result of the June 1990 events. Most people fled to Mannar District either to seek sanctuary in the Catholic shrine in Madhu or to use it as a "stepping stone" to India across the Palk Strait off Mannar Island. Thus, two ORCs were established in Mannar District: one on the mainland at Madhu shrine in an area largely dominated by LTTE forces and the other at Pesalai, a fishing village on the northern coast of Mannar Island and under the control of the Sri Lankan armed forces. Attached to each of these two principal relief centres are decentralized sub-centres, four in mainland Mannar and two in Pesalai. By channelling relief delivery at the community level through the six sub-centres, destitute people who would otherwise feel compelled to move all the way to either one of the two ORCs or to displace themselves in some other localities in search of assistance could remain in their home areas.

151. UN Authorization and Consent of the Parties: At the time of the launching of the ORCs programme in November 1990, UNHCR's primary concern was the safety and welfare of the returnee population subjected to, or threatened by, forcible displacement as a result of the June 1990 events. Obviously, the programme was not, and could not have been, intended to place the returnees on a different footing from other similarly situated persons particularly the internally displaced. It would, nonetheless, seem unnecessary for UNHCR to seek prior authorization of the UN Secretary-General in order to implement the ORCs programme which, although having significant importance and immediate value for internally displaced persons, was aimed principally at persons falling within the Office's general mandate. In any event, the Secretary-General requested UNHCR on 5 September 1991 to continue the programme (retrospective authorization?).

152. The establishment of the ORCs was based on an informal acceptance by the parties that humanitarian assistance to and physical safety of the population in the Centres would be respected. Once the ORCs became operational, however, their neutrality has been frequently challenged especially by LTTE cadres, who beginning in September 1992 took measures amounting to the militarization of the Madhu ORC as well as preventing residents of the Centre who wanted to move to and resettle in Government-controlled areas from doing so. In October 1993, the LTTE instigated beneficiaries of the Madhu ORC to wage a violent demonstration against UNHCR staff. There have been problems with the Government also, particularly since the end of July 1993 when it cut off food rations to displaced persons at Madhu ORC who originated from the LTTE-controlled Vavuniya District. This in spite of the provisions of the Memorandum of Understanding signed between the Government and UNHCR in February 1993. While mainly concerning itself with voluntary repatriation of refugees, the Memorandum expressly acknowledges that "the principles established for assistance and protection of returnees will apply also to displaced persons wherever they live together with returnees." The cumulative actions of the LTTE and the Government led UNHCR to temporarily suspend its operations in November 1993 and to advise the UN Secretary-General accordingly. At the time, some 30,000 people were benefiting from the ORCs programme, which had gone beyond relief assistance to include a number of community-based micro-projects.

153. Impact of UNHCR's Involvement: Certainly, UNHCR has been the most active UN agency in the conflict zones of North-East Sri Lanka. Within the framework of "humanitarian diplomacy," it has been

engaged in constructive dialogue with both the Government and the LTTE on operational issues pertaining to returnee assistance and protection and programs for the material and physical well-being of internally displaced persons, as well as on the humanitarian needs of besieged communities of the Jaffna Peninsula. Concerning this last issue which remains to be resolved, UNHCR has been involved since December 1992 as a mediator between the two parties with a view to exploring the possibility of opening of a "safe passage" in and out of Jaffna, an LTTE stronghold which was encircled by Government forces. Had an agreement been reached, such a passage would have provided relief for as many as 800,000 affected civilians.

154. The ORCs should not be judged for what they initially purported to achieve in terms of prevention and solution, but should be taken simply for what they actually and successfully accomplished in a situation of open conflict: the provision of humanitarian assistance in a relatively safe environment to the most vulnerable populations who were caught in the middle of an armed conflict but who either could not avail themselves of the protection and assistance of their Government (or the established de facto authority) or were unable, practically, to have recourse to flight as refugees. The ORCs did not, contrary to the original assumptions, serve as "alternatives" to flight to India owing to the fact that shortly after their establishment, Indian Naval Forces blockaded the Palk Strait thereby effectively preventing would-be refugees from entering that country

## **SUDAN**

155. Causes and Circumstances of Displacement: Protracted civil war is the most prevalent root cause of internal displacement in Sudan. The conflict between the Islamic North and partly Christian, partly animist South has been a fact of Sudanese life since the aftermath of Sudan's independence from British rule in 1956 with the merging of two distinct societies in terms of religion, ethnic background, culture and tradition. The current escalation in the civil war dates back to 1983 when the then Government of President Nimeiri instituted Islamic law over the objection of the Christian population of the South. As a result, the Sudan People's Liberation Army (SPLA) was formed and open conflict started.

156. The decade-long fighting between the SPLA and Government forces and the resulting destruction of infrastructure, compounded by successive years of severe drought in the South as well as in the central and western parts of Sudan, have generated hundreds of thousands of refugees and the greatest number of the world's internally displaced population. According to World Refugee Survey 1993, the number of the displaced in Sudan hovered around 5 million as of end of 1992. In Khartoum, displaced persons are believed to constitute approximately 40% of the city's present population.

157. The situation of persons displaced as a direct result of the conflict in the South has been particularly worse than those affected by the drought. Subjected to appalling living conditions in camps and shanty towns around the country, used as pawns by both parties to the conflict for which denial of humanitarian assistance has become a political and military tool, unprotected against the harassment and discrimination emanating from the local population and forced to endure a coercive policy of relocation, the majority of the internally displaced Southerners have found themselves in an extremely vulnerable situation. Given the constant changing of the front lines of the conflict in the South, it is difficult to ascertain the exact distribution of the displaced population between areas under Government control and those held by the SPLA.

158. Response of the Government: There seems to be no clear definition of who is a "displaced" person in Sudan, although the Government has drawn some distinctions between "squatters" and "displaced persons" principally for the purpose of determining their treatment upon relocation from the Khartoum area. Squatters, who by Government definition must fulfil such criteria as supporting a family and having gainful employment, are entitled to a plot of land on which to construct a permanent or at least a semipermanent site in one of the "Peace Villages" (or Dar Es Salaam). Displaced persons, having no such entitlement extended to them, are relegated to illegal settlements which the Government demolishes at will.

159. By design or neglect, both the Sudanese Government and the SPLA have consistently frustrated humanitarian intervention by withholding information about the suffering of the internally displaced and other civilians caught on both sides of the conflict, and by denying access to international media and

humanitarian assistance institutions. Even in those few instances where the ICRC and some NGOs were allowed to operate, their relief planes, trucks and personnel were attacked by both parties. Recent media reports have depicted the extent to which the Government of Sudan has even gone further and engaged in conducting bombing raids of displaced persons' shelters.

160. Operation Lifeline Sudan (OLS): When the Government of Sudan finally requested the UN for assistance to its displaced population in early 1989, Operation Lifeline Sudan (OLS) emerged for a coordinated relief effort between UN agencies (including UNICEF, WFP, UNDP), ICRC and international NGOs. For the millions of Southern Sudanese displaced in the midst of a bitter civil war, OLS came none too soon. With the agreement of the Sudanese Government and the SPLA to allow humanitarian assistance in their respective areas of control and guarantee safe passages in specific "corridors of tranquillity," OLS mounted a large-scale relief operation delivering food and non-food items to over 1.5 million people between March 1989 and December 1990. Equally important, OLS finally put the "silent crisis" in Sudan on the map of international public attention and scrutiny.

161. By negotiating agreements with the Government and the SPLA to allow assistance and actively involving both parties in the delivery of relief, OLS did prove that humanitarian assistance can contribute to a peace process. International presence in the conflict areas served as a deterrent to attacks on helpless civilians. That having been said, however, OLS efforts to respond to the emergency relief needs of the affected populations were not augmented by a parallel political initiative to resolve the conflict which gave rise to those needs. The experience of OLS in Sudan, like that of UNHCR in many conflict situations where it has operated, has shown that so long as no serious efforts are underway to deal with the root causes of displacement in order to achieve peace over the longer-term, the belligerents would continue fighting while the international community cares for their civilian population.

162. One of the critical protection issues not adequately addressed by OLS concerns the problem of forcible relocation of the internally displaced in and around Khartoum by demolishing their houses or shelters without compensation. In 1990, the Government of Sudan initiated a programme for the "voluntary" return of displaced persons from Khartoum to their places of origin or at least to the transitional areas between the North and South of the country. It should be highlighted that over 50% of displaced Southern Sudanese in the Khartoum area are children who most likely have never seen their "places of origin." Presumably in response to the reluctance of most of the displaced persons to volunteer for the return programme, the Government then decided to forcibly relocate them to settlements where access to agricultural means of support was said to be available. According to many outside observers, however, hostility from the local population and the lack of adequate agricultural supplies for land cultivation made the relocation scheme unviable. Some of the relocation sites were reportedly established in areas considered as "buffer zones" between the SPLA and Government forces.

163. UNHCR's Non-involvement: The protection needs of the displaced population in Sudan are evident. Also evident is the fact that the OLS has not been well positioned to provide them the needed protection, notwithstanding the efforts of ICRC. Apart from the protection problems of the internally displaced, one major event should have triggered UNHCR's legitimate interest for insisting on unhindered access to the conflict areas; that is, the return of some 225,000 Southern Sudanese refugees whom UNHCR had been assisting for some time in the Gambella region of Ethiopia until they were forced out by the uncontrollable ethnic violence that erupted in the region in mid-1991. Although this group, which had been under UNHCR's care, was forcibly repatriated and was living in a clearly refugee like situation in the Nasir and Kapoeta areas in the Sobat river basin, UNHCR decided not to get directly involved in providing assistance or protection. The need to avoid any possible negative reaction from the Sudanese Government was one of the major considerations in deciding against active UNHCR role in Southern Sudan.

164. Under the circumstances, UNHCR requested OLS to add the returnee population to its assistance programme for internally displaced persons. To increase OLS's operational coverage to include the Nasir area where the returnees were located, UNHCR provided a logistics Officer, a protection Officer and a Nutritionist. A Liaison Officer was also seconded to the OLS office in Nairobi to help implement, in co-ordination with ICRC, family reunification programs for the returnees. In addition, UNHCR had channelled relief assistance through OLS. Despite all the efforts of OLS on behalf of the returnee population, the final result was that some 50,000 returnees were forced once again to seek refuge in

Ethiopia, another 20,000 walked to Kenya and the remainder either remained displaced in Nasir and Kapoeta or went back to their villages of origin.

## **TAJIKISTAN**

165. Political, Ethnic, Religious and Socio-economic Factors: The 1992 civil war in Tajikistan was political and regional, with strong ethnic and religious overtones. In October 1991, the Islamic Renaissance Party (IRP), which was formed clandestinely in the late 1970s to pursue the goal of making Tajikistan a purely Islamic state, was granted official recognition as a legally constituted political party. In November 1991, the newly independent republic of Tajikistan elected its first President, Nabiev, who was the top local Communist Party leader from 1982 to 1985. In January 1992, the Communist Party, which was banned only a few months earlier, was legally re-instated. Following a gradual build-up of popular challenge to the Nabiev Government, civil war broke out in May 1992 between an unholy alliance of liberal democrats and Islamic fundamentalists (mainly Pamiries and Garmies), on one side of the battle line, and neo-communists (Kulyabies and Uzbeks) enjoying the support of former "comrades" in Russia and Uzbekistan, on the other. The civil war reached peak in September 1992, when Nabiev was forced to resign. In November 1992, Rakhmonov was put in charge to head the hard-line Communist Government which had gained the upper hand over the democratic Islamic alliance; soon thereafter, Russian troops already present in Tajikistan were strengthened by battalions from neighbouring States and turned into a 20,000 men-strong CIS peace-keeping force. To support the peace-keeping efforts, a United Nations Mission of Observers in Tajikistan (UNMOT) arrived in Dushanbe on 21 January 1993, the same date as the establishment of a UNHCR presence in Tajikistan.

166. Thus, the civil war in Tajikistan was triggered by a combination of closely inter twined factors: the country's difficult transition from a political system imposed by Moscow for over 70 years to a radically different system; historical tension, albeit at a low level, between the country's two dominant ethnic groups (i.e. Tajiks comprising 62% and Uzbeks 23%) and deep-rooted feelings of regionalism (for example, between the Pamiries in the eastern region and the Kulyabies in the west); power struggle between forces behind Islamic revivalism and the Soviet era political elites who are loath to give away the power and influence they had acquired in "the good old days"; and a "north south" polarization resulting from Moscow's exclusive concentration of industrial base in the Kojent region of the north.

167. Population Displacement and Humanitarian Response: One of the unfortunate and all too familiar immediate consequences of the political/tribal fighting in Tajikistan was the forcible displacement of an estimated 500,000 people in the Dushanbe, Kulyab, Kurgan-Tyube and Leninabad regions; of these, about 80% were able to find some shelter with relatives or in public buildings. Further, in addition to the over 60,000 people who fled across the border into Afghanistan, up to 140,000 displaced persons were stranded along the Afghanistan border without shelter, food, medicines or adequate clothing to withstand the harsh winter of 1992.

168. UNHCR's Role: Prevention or Post-flow Intervention?: In late 1992, a UN good offices mission, within which UNHCR represented the humanitarian component, was sent to Tajikistan and neighbouring countries including the Russian Federation. The main purpose of the mission was to support and encourage regional efforts towards a lasting solution to the political and humanitarian situation in Tajikistan. During the mission, authorities in the countries visited agreed that humanitarian initiatives coming from the region or the UN system could only be effective if they were reinforced by peace-making and peace-keeping activities. Subsequently, on 11 January 1993, an urgent preliminary appeal for Emergency Humanitarian Assistance to Tajikistan was launched by DHA with a substantial UNHCR component.

169. UNHCR's involvement in Tajikistan has been frequently described as a "model prevention operation." A number of factual elements, especially the timing of the operation, the conceptual framework within which the course of action was decided and the nature of activities undertaken, make it rather difficult to label UNHCR's engagement as one of pure "prevention" work, although significant "preventive diplomacy" was evident. Before UNHCR's intervention could reduce the impetus to flight from Tajikistan, as many as 60,000 Tajik refugees had already made the hard choice of seeking refuge in an increasingly hostile environment in Northern Afghanistan. 140,000 displaced persons who remained

amassed along the Tajik-Afghan border as of the beginning of December 1992 benefited essentially from ICRC's presence until UNHCR was able to intervene directly, some three months later.

170. In defining its scope for action, UNHCR had emphasized at the outset the need for an "integrated UN approach" to addressing the root causes of displacement. Following the outflow of refugees into Northern Afghanistan, the Office's first priority became to urgently respond to the pressing humanitarian needs of these refugees who were considering an eventual return to Tajikistan. In line with UNHCR's general practice, the potential returnees were to be assisted together with the local population in the areas of anticipated return, which in turn needed to be stabilized through a mix of diplomatic, peace-keeping and humanitarian action. UNHCR's specific role with the displaced persons along the Afghan borders must be seen in this context. In the absence of a formal request from the Secretary-General, UNHCR's involvement with internally displaced persons was explicitly stated in the joint UN appeal of 11 January 1993

171. Measures to prevent forcible and violent displacement were a bit too late for Tajikistan generally since the conflict and the associated human rights and humanitarian law violations had already occurred thereby giving rise to a displacement crisis of dramatic proportions long before the involvement of UNHCR and the UN machinery as a whole. By March 1993, 70% of the internally displaced had in fact returned to their villages without UNHCR's assistance. It may therefore be more appropriate to go along with one Field Officer who persuasively described UNHCR's intervention in Tajikistan as "an experiment" in the former Soviet Union – and a successful experiment it indeed was. The intervention was successful not because it prevented forcible mass displacement, but because it brought a solution to those displaced, whether externally or internally, by actively engaging in quiet diplomacy aimed at encouraging the Tajik Government to adopt necessary measures that would facilitate the voluntary return, rehabilitation and reintegration of the refugees and internally displaced persons.

172. As noted above, UNHCR's presence in Dushanbe was established in January 1993. From January to March 1993, UNHCR's activities in Tajikistan focused on tough negotiations with the authorities to be granted full access to the areas of potential return of Tajik refugees and to agree on the assistance measures to these areas. Likewise, UNHCR worked hard to influence the authorities to adopt measures that would ease the tensions between Tajikistan's various communities. Negotiations were also going on with the Government of Uzbekistan to secure an agreement for effecting the repatriation of Tajik refugees in Northern Afghanistan via Uzbek territory. The repatriation of Tajik refugees from Northern Afghanistan started in earnest sometime around April-May 1993, by which time the war was almost over and the return of the internally displaced persons to their original places of residence was more or less completed. The repatriation movement was organized in two fronts: on Afghan-Uzbek-Tajik route on board Uzbek train for the refugees in the Sakhi camp in Balkh district, and on direct Afghan-Tajik border trucking for those in the Shirkan-Bandar camp in Kunduz.

173. From the start of the repatriation operation, UNHCR has been actively monitoring the consequences of return and intervening with the authorities in Dushanbe and at the local levels on, *inter alia*, documented cases of extrajudicial killings, disappearances, harassments or unlawful occupation of returnees' homes by local residents. These protection activities have also benefited the internally displaced population, in addition to some interventions made specifically on behalf of this group. One such intervention was a joint UNHCR/ICRC protest to the Government of Tajikistan following the forcible relocation in March 1993 of some 15,000 displaced persons from the Dushanbe area to their places of origin in Kabodian. Once dumped in their villages, these people had nowhere to go; their houses were either destroyed or, if they remained intact, they were taken over by those on the winning side of the war, i.e. Kulyabies and Uzbeks. UNHCR came to their rescue by launching an immediate emergency airlift of tents from Peshawar, Pakistan. For this particular group and the returning displaced population in general, as well as for the repatriating refugees, reconstruction of houses has been the priority area of UNHCR's material assistance. The Government of Tajikistan is severely constrained by the collapse of the country's economic and social structures, but so is UNHCR faced with shortage of funding and lack of interest on the part of development agencies to support rehabilitation and reintegration efforts.

## **SITUATION "C"**

## CYPRUS

174. Causes of Displacement: The eruption in 1963 of ethnic conflict between the majority Greek Cypriots and the minority Turkish Cypriots led the Security Council to dispatch to the island a United Nations Force in Cyprus (UNFICYP) under Resolution 186 (1964) of 4 March 1964. Ten years later, two distressing events followed each other within a span of a few days: the overthrow of the legitimate Government of the Republic of Cyprus in a military *coup d'Etat* of 15 July 1974 and the invasion of the northern part of Cyprus by Turkish forces on 20 July 1974. The invading Turkish army occupied about 37% of the nation's territory. The immediate result was the displacement of some 265,000 people, of whom 200,000 were Greek Cypriots who had to leave the Turkish-controlled north for safety in the south and 65,000 were Turkish Cypriots who faced similar fate on the other side. Unlike the relocation of the Greek Cypriots which occurred during the early days of the invasion, that of the Turkish Cypriots was a rather gradual process. Once the forcible population transfer was more or less completed, the Republic of Cyprus was de facto partitioned into two distinct ethnic communities physically separated by a green line and a buffer zone manned by UNFICYP. The de facto partition was followed by a unilateral proclamation of independence by the Turkish Cypriots in 1983, a move condemned universally with the exception of Turkey.

175. UNHCR's Involvement: On 20 August 1974, the Secretary-General appointed UNHCR to co-ordinate humanitarian assistance in Cyprus aimed at helping the displaced Greek and Turkish Cypriots reintegrate in their respective communities. The appointment was noted in Security Council Resolution 361 of 30 August 1974. The Governments of Turkey and Greece agreed to UNHCR's role as co-ordinator. UNHCR set up a main office in the UN neutral zone (protected area) and maintained its presence in both communities until late 1970, when the office on the Greek Cypriot side was closed; in July 1992, the office on the Turkish Cypriot side was integrated into the main office. Since it started in 1974, UNHCR's humanitarian assistance to displaced Cypriots has gradually evolved from emergency assistance to meet basic needs, to strengthening of institutions and infrastructure which were overstretched by population movements (e.g. schools, hospitals), and eventually to bi-communal projects meant to serve as a bridge of communication and dialogue with a view to improving mutual trust and confidence among the two communities. As of 1992, the annual US\$ 10 million grant, which the United States Government has been providing to UNHCR since 1981 as the sole donor to the Cyprus humanitarian programme, has been used exclusively to finance bi-communal projects. It should be mentioned that the annual grant from the United States Government includes an additional US\$ 5 million for scholarships administered by the Fulbright Commission in Cyprus.

176. Protection Issues: UNHCR has not encountered any serious protection problems as far as the displaced Cypriots are concerned. Two protection-related activities deserve mentioning, however, although they do not specifically fall within the domain of UNHCR work. The first is the continuing movements of Greek Cypriots from the north to the south and Turkish Cypriots from the south to the north either for "permanent transfer" on a voluntary basis or for family reunion visits. According to UN documents, the number of Greek Cypriots living in the northern part of the island stood at 544 by the end of 1993; no figures were given for Turkish Cypriots living in the south. UNFICYP is responsible for the processing of applications for voluntary transfer, as well as for arranging temporary visits. The second issue concerns the remaining cases of "missing persons" on both sides of the Cypriotic community; this has been handled by the Committee on Missing Persons in Cyprus (CMP).

177. The Issue of UNHCR's Continuing Role: Ever since UNHCR's involvement in Cyprus had shifted from emergency assistance to an almost if not completely development-oriented programme, questions have been raised at various levels and circles as to whether the Office should relinquish its role as co-ordinator of the UN humanitarian assistance to displaced persons in Cyprus. Some have suggested that the increased developmental nature of UNHCR's programme is reason sufficient enough for a handover to UNDP so that the Office could use the staff for more pressing refugee problems in other parts of the world. However, in the views of many observers, both within and outside of the Office, such a move would run the risk of disrupting a successful humanitarian operation the ultimate objective of which has always been to contribute towards a political solution to the Cyprus problem.

178. A number of political as well as technical considerations seem to have weighed in favour of

maintaining the status quo. Most fundamental of all is the recognition that any change to the existing arrangements concerning UNHCR's co-ordinating role could only be effected by the Secretary-General. Secondly, so long as the US Government continues to fund UNHCR's programme for the displaced persons in Cyprus (and it is unlikely that the US Government would let UNHCR use these funds for other operations), there is no real pressure on UNHCR to consider phasing-out. Thirdly, neither of the two Cypriot communities is prepared, though for different reasons, to see an end to UNHCR operation. On the one hand, the Greek Cypriots do not consider UNHCR's programme as a "development" activity which can be taken care of by some other relevant UN agency, but rather as a humanitarian undertaking aimed at promoting international awareness of the ongoing political division of Cyprus (whether DHA should discharge this responsibility is a question that has not been given serious thought). For the Turkish Cypriots, on the other hand, a take-over by UNDP would prejudice implementation of the programme in their community since normal UNDP procedures require that its programs must be vetted by the internationally-recognized Government of Cyprus.

## **EL SALVADOR**

179. Causes of Displacement: Armed conflict in El Salvador, which grew out of the long polarization of the Salvadoran population principally on the issue of the country's highly inequitable distribution of wealth that was created by the land tenure system, reached peak intensity during the early months of 1981. Caught between the two conflicting parties, i.e. the Farabundo Marti Liberation Front (FMLN) and the Salvadoran military, and often specifically targeted for persecution, forcible military recruitment and sustained harassment and intimidation, Salvadorans from every part of the country and every social sector had to abandon their homes in droves in search of safety and protection in Honduras, Nicaragua, Mexico and the United States. At least 500,000 people, the majority of whom were of rural origin, became displaced persons within El Salvador. All in all, it was estimated that as much as one fifth of the Salvadoran population was affected by the extended civil war and were forced into some form of displacement.

180. From Displacement to "Repopulation": The political opening following the election of President Duarte in 1984 permitted church groups to undertake negotiations with the Government and the FMLN to establish neutral zones to which former residents could return in safety. Starting with a pilot resettlement project in Tenancingo, in the Department of San Salvador, several local "popular" organizations then launched an ambitious repopulation plan in 1987 to help the displaced return *en masse* to their places of origin which were by and large in the midst of contested territory. As the repopulation movement gained momentum and attracted more and more displaced persons, opposition started to grow from the Government side on claims that the scheme was part of FMLN political and military strategy to re-establish logistical and support centres in areas previously cleared by Government forces. However, the confrontation, rather than slowing down the movement, actually served to strengthen the determination of the local organizations involved and the willingness of international solidarity groups to help facilitate the return of the displaced.

181. The repopulation efforts, combined with the *de facto* integration of most internally displaced in urban centres, had brought down the number of persons still considered as displaced in El Salvador to about 154,000 by end of 1992, according to World Refugee Survey, 1993. The modest success of the repopulation movement was in part owing to the close co-ordination of efforts between the groups supporting the resettlement of internally displaced persons and other such groups behind the 1987-1989 mass repatriation of Salvadoran refugees from Honduras. Thus, the "political space" opened by the enduring negotiations for the resettlement of the internally displaced through the repopulation scheme was supplemented by the "humanitarian space" created through the UNHCR-sponsored voluntary repatriation of the refugees.

182. Once the return movements were completed and the conflict in El Salvador came to a close with the signing of the Chapultepec Accords in January 1992, an immediate concern for both groups was the lack of personal identification documents which would allow them to exercise their full rights and duties as subjects of law. For UNHCR, the mixed nature of settlements hosting both returning refugees and internally displaced persons meant that it could no longer concentrate exclusively on the assistance and

protection needs of the former category.

183. Documentation: UNHCR's Major Contribution: The obstacles faced by the repatriants and formerly displaced persons in their settlement and reintegration efforts were enormous. So were the national, regional and international initiatives to help remove the obstacles, especially through the Esquipulas Agreement and the Chapultepec Accords as supported by ONUSAL and CIREFCA. To lend support to these efforts, UNHCR decided to initiate as a matter of priority a large-scale documentation project on behalf of some one million Salvadorans whose civil registry data were lost with the destruction of municipal archives during the fighting. To provide a legal foundation for the implementation of this project, the Government of El Salvador promulgated two decrees in early 1992. In addition to the actual documentation of the target population, UNHCR has also undertaken a project aimed at the restoration of municipal archives by reprocessing data available at the country's Supreme Electoral Council. Although UNHCR's documentation programme was initially planned to wind down at the end of April 1994, both the Government of El Salvador and donor countries would like to see an extension.

184. UNHCR's experience with the internally displaced population in El Salvador clearly shows that the nature of protection activities to be performed within, of course, the basic parameters of the Office's mandate and the terms of the consent of national authorities, depends on the exigencies of any one situation and the action they necessitate. For the Salvadorans, documentation was not the only critical protection issue requiring UNHCR's immediate intervention although it was certainly the least controversial one in the context of the political situation prevailing in El Salvador at the time. Other serious protection problems had existed throughout the communities to which the internally displaced and the refugees had returned. Nonetheless, the documentation initiative was a good starting point since enabling the individuals concerned to have in their possession identity documents further served as a basis for checking specific complaints and bringing them to the attention of the military and civilian authorities at both the local and national levels. Likewise, the achievements of UNHCR's documentation project have allowed many of the beneficiaries to exercise their democratic rights and participate in their country's national elections of March/April 1994.

## **ETHIOPIA**

185. Causes and Circumstances of Displacement: Population displacement in Ethiopia, resulting from a combination of civil war, human rights abuses and famine, has been going on for several decades. For the purpose of this review, however, it is appropriate to focus on the situation in eastern and southeastern Ethiopia in the aftermath of the war which ended in 1991. Early that year, hundreds of thousands of Somali refugees and Ethiopian returnees suddenly poured into the Hararghe and Ogaden regions fleeing the civil war in Somalia. At the same time, these regions witnessed substantial influxes of former soldiers of the Ethiopian army including some who repatriated from the Sudan. Both the Hararghe and Ogaden regions, which, like many other parts of Ethiopia, had been severely hit by successive droughts and accompanying famine, were already host to large groups of destitute people with no or very little means of survival.

186. UNHCR's Response to Multiple Vulnerable Groups: The range and complexity of the problems associated with multiple displacements in Hararghe and the Ogaden was such that targeting discrete humanitarian programs to discrete groups was untenable. Having assessed the situation on the ground during her July 1991 visit to Ethiopia, the High Commissioner therefore approved a policy that the Office's assistance measures would extend beyond the refugee and returnee communities to include the internally displaced and other vulnerable populations as well. Aside from the humanitarian perspective, there were practical considerations for paying attention to the needs of the broader population. Not only was there evidence that assistance within refugee camps was attracting needy Ethiopian nationals, but, also, UNHCR's access to the camps was becoming increasingly difficult due to the pressure exerted by the local communities through which relief convoys had to pass. The situation was more or less the same with the returnees. Once in Ethiopia, they did not disperse to their home villages but rather chose to settle in camp-like situations in or near urban centres. Establishing an assistance programme within these shelters would inhibit the returnees from dispersal and perpetuate dependency on humanitarian aid. It would, moreover, increase displacement by encouraging further migration of people from rural

areas.

187. In view of the above, the only reasonable option available to UNHCR was to bring relief assistance to the rural areas in order to encourage the returnees and the internally displaced to go back to their places of origin and, at the same time, to make it easier for those who were potentially on-the-move to stay in their villages. Since the prospects of stability depended on what rehabilitation and initial reintegration assistance could be provided once the emergency phase was over, UNHCR initiated some community-based programs (i.e. water facilities, basic health, schools, etc.). However, reaching out to all affected communities proved to be a formidable task which UNHCR could not tackle alone without the participation of other relevant UN agencies.

188. The Emergence of the Cross-mandate Concept: There emerged, towards the end of 1991, a "humanitarian consensus" to approach relief and rehabilitation assistance on a regional basis whereby priority needs would be identified in a holistic manner and the Ethiopian Government, relevant organizations of the UN-system and NGOs present in the region would all pull their resources together so as to collectively provide community-based assistance to all the needy populations in the region temporarily setting aside their narrowly defined core mandates. By subscribing to this multi-partite and multi-disciplinary strategy, UN agencies (including UNDP, UNHCR, UNICEF, WFP, WHO and FAO) reached an agreement to undertake together with the Ethiopian Government what became known as a "cross-mandate" operation. UNDP, as the coordinating body for the cross-mandate operation on behalf of the UN agencies involved, signed a Memorandum of Understanding on 6 November 1992 with the Relief and Rehabilitation Commission (RRC) of Ethiopia.

189. The cross-mandate concept, which was thought to lend itself well to situations where no major protection problems exist, was supposed to specifically work in favour of the internally displaced persons and, consequently, lessen the operational responsibilities of UNHCR particularly at a time when the Office was stretched more than enough. The concept has not yet translated well into practice, unfortunately, which means that UNHCR has had to take it upon itself to continue assuming a leading role vis a-vis a cross-section of vulnerable populations (estimated at 150,000) while waiting for most of the other international actors to step in more visibly.

190. Protection Issues: Since Ethiopia was no longer in a situation of open conflict at the time of launching the operation, the only major protection problem encountered related to insecurity created by armed banditry. This was particularly serious during the early stages of the operation when, as a result of the change in government, there was disruption of public security institutions. Once the Government deployed its troops to the regions, the situation improved. At a more general level, there were potential dangers of conflict and violence between the refugees and returnees, on the one hand, and the internally displaced population (including the demobilized soldiers), on the other, if assistance were to be provided only to the former group and not to the latter.

191. Long-term Impact of UNHCR's Involvement: Overall, UNHCR's intervention could be seen as post-conflict stabilization of population movements. UNHCR has facilitated the return of internally displaced persons to their former places of habitual residence by implementing community-based assistance programs in those areas. The distribution of food in the rural villages could have, in addition to bringing relief to those in urgent need, an important role to play in stabilizing food prices for others not benefiting from the distribution. UNHCR's plans for phasing out are necessarily linked to achievement of a durable solution to the refugee problem in Ethiopia and Somalia.

## **IRAQ**

192. The Aftermath of the Gulf War: The conclusion of the Gulf War in February 1991 was immediately followed by a fierce military confrontation in northern Iraq between Government forces and Kurdish opposition groups. By mid-April, there was a dramatic influx of some 1.4 million Iraqi Kurds into the Islamic Republic of Iran and along its border with Iraq. Another 300,000 Iraqi Kurds sought refuge in Turkey and tens of thousands more remained stranded at inaccessible higher elevations along the Turkey-Iraq border. The suffering of this latter group was more heightened due to the refusal of the Turkish authorities to allow them entry and entertain their claim to asylum.

193. With the elation of victory for the coalition forces suddenly and dramatically overtaken by spine-chilling images of Iraqi Kurds dying by the thousands in the freezing mountains and inhospitable terrain of northern Iraq, the international community had to act – and it had to act very quickly since the situation had also posed a serious threat to international peace and security in the region. Thus, proceeding from UN Security Council Resolution 688 of 5 April 1991 which, *inter alia*, called upon the Secretary-General to "address urgently the critical needs of the refugees and displaced Iraqi population....," the Secretary-General requested UNHCR on 10 April 1991 to launch an emergency programme of assistance.

194. For the overall co-ordination of international response to the situation in northern Iraq, the Secretary-General appointed an Executive Delegate for the UN Humanitarian Programme for Iraq, Kuwait and the Iraq-Turkey and Iraq-Iran Border Areas. The Executive Delegate succeeded in getting the Government of Iraq to sign a Memorandum of Understanding on 18 April 1991. The Memorandum stipulated that the UN and the Government of Iraq would promote the voluntary return of Iraqi displaced persons and take humanitarian measures to avert new flows of refugees and displaced persons. The Government further agreed to facilitate UN humanitarian presence in Iraq, wherever such presence might be needed, through the establishment of UN Sub-offices and Humanitarian Centres (UNHUCs).

195. Encouraged by the developments which allowed international humanitarian organizations to provide assistance within safe areas inside the territory of Iraq, large numbers of Iraqi Kurds displaced along the border areas started to return to the Dohuk "safe haven" at the end of April 1991. By May, over 250,000 had returned to northern Iraq from Iran and Turkey and in September, 90% of the entire caseload of Iraqi Kurds had returned to Iraq but not necessarily to their places of origin. On the one hand, continuous attacks by Government forces against Kurdish positions in areas outside of Government control had prevented people from returning to those areas, not to mention the new massive displacements and "backflows" resulting therefrom. On the other hand, the active presence of the Iraqi military in Government-controlled areas, including many of the cities in the governorates of Dohuk, Erbil and Suleimaniya, had discouraged the displaced to return to their places of origin. The primary effect of this state of affairs was that as of March 1992, when UNHCR began handing over its operations in Iraq to other UN agencies (principally UNICEF), an estimated 400,000-500,000 persons were still internally displaced in northern Iraq. That most, if not all, of this population remain displaced to this date either unable, or fearing, to return to their homes is conformed by the recent Report (E/CN.4/1994/58) on the situation of human rights in Iraq issued on 25 February 1994 by the Special Rapporteur of the Commission on Human Rights.

196. The Nature and Impact of UNHCR's Assistance: The humanitarian assistance programme undertaken by UNHCR from April 1991 to June 1992 was tailored to respond to three categories of needs. The first was a set of emergency interventions directed at improving conditions in the places where repatriating refugees and internally displaced persons had come to live temporarily pending their return to their original places of residence; UNHCR distributed food, tents, blankets, domestic items and made available clean water and adequate health care. The second input involved the rehabilitation of villages through the "winterization" project and other shelter programs, as well as health, water and sanitation activities, and was intended for those internally displaced who went back to their permanent residences. The third element of UNHCR's intervention was the establishment in situ of a contingency stock of food and medicine enough to support 500,000 persons for a period of two weeks in case of forced population movement resulting from major military confrontation.

197. As of end of June 1992, UNHCR had completed its share of the emergency relief assistance programme, as requested by the Secretary-General, enabling the target refugee population in Iran and Turkey to return to northern Iraq and gradually move forward to the rehabilitation, resettlement and reconstruction phase. As noted above, many among X the repatriated refugees and the internally displaced had not been able to return to their communities of origin. The relevant UN agencies had taken over to advance UNHCR's relief and initial rehabilitation efforts into a more development-oriented phase with the continued co-operation of the Government of Iraq, which had signed the second extension of the Memorandum of Understanding in October 1992 (the first extension was signed in November 1991). Despite the general consensus that continuation of the UN humanitarian assistance programme is critical both from the perspective of helping the beneficiaries achieve material self-sufficiency and in order

to alleviate any fear of security they may have in the face of ongoing confrontation between the Iraqi Government and the Kurdish resistance, the programme does not appear to have made any leap forward from where UNHCR had left it over a year ago. 64

## MOZAMBIQUE

198. Causes and Magnitude of Displacement: When the Government of Mozambique and RENAMO signed a General Peace Accord in October 1992, the country had one of the world's largest population of internally displaced - an estimated 3.5 million, according to World Refugee Survey 1993. This in addition to the over 1.5 million who have sought refuge in neighbouring countries. The major cause of population displacement in Mozambique, as elsewhere in Africa, was protracted civil war. A massive displacement of Mozambicans occurred during the period between 1986 and 1992, when the armed conflict between the Government and RENAMO was at its height and the country was devastated by successive droughts. Reports from the International Organization for Migration (IOM) indicate that between October 1992 and February 1994, about 75% of the internally displaced population have returned to and resettled in their area of origin or in some other places. At present, therefore, some 900,000 persons remain displaced mainly in the provinces of Sofala, Gaza, Inhambane, Maputo, Zambezia and Niassa.

199. Response of the Government of Mozambique: Over the last ten years or so, the Government of Mozambique has been managing, in cooperation with several UN agencies (especially WFP, UNDP, UNICEF and UNDRO) and NGOs, an international relief and rehabilitation programme for many of the country's internally displaced persons. The Department for the Prevention and Combat of Natural Calamities (DPCCN) has been the primary operational Government agency in charge of coordinating this programme at the national, provincial and district levels. Since the General Peace Accord was signed, increased stability has gradually come to that country and the Government appears to have placed assistance »t internally displaced persons high on its national agenda. It is important to note that the internally displaced are not the sole beneficiaries of relief and rehabilitation assistance. In fact, the Government has identified four categories of needy people who are eligible for such assistance:

- (i) "Deslocados" (internally displaced): persons compelled to abandon their homes for reasons beyond their control, and who have not yet been able to resume any productive activity to earn their livelihood.
- (ii) "Afectados" (affected persons): persons residing in an area particularly affected by war or natural disaster, and who have no capacity to produce or buy their basic necessities.
- (iii) "Recuperados" (liberated): people from areas re-taken by the Government from RENAMO control.
- (iv) "Regressados" (returning refugees).

200. Basis for UNHCR's Involvement: As noted above, the same causes had produced both the internal displacement and refugee flow of Mozambicans. Similarly, many of the internally displaced have returned to or remain displaced in the same areas from which the refugees had fled. Thus, when UNHCR developed in April 1993 a three-year plan of operation for the voluntary repatriation and reintegration of the more than 1.5 million Mozambican refugees, one of its basic planning assumptions was that it would be impossible to embark on a large-scale repatriation operation without simultaneously addressing the resettlement needs of the internally displaced persons in returnee areas. UNHCR's commencement of the repatriation operation was predicated on continued peace and stability in Mozambique, while peace and stability depended to a large extent on a successful reintegration into society of both the returnees and internally displaced persons. To this end, UNHCR sought to co-ordinate its repatriation and reintegration programme with the nation-wide assistance delivery mechanism that has been developed by the United Nations Office of Humanitarian Assistance Coordination (UNOHAC) – the humanitarian component of the United Nations Operation in Mozambique (UNOMOZ).

201. The Scope of UNHCR's Assistance: UNHCR's role with internally displaced persons in Mozambique is to fill the gaps. Since all internally displaced persons are supposed to receive food ration under the ongoing international relief assistance channelled through the Mozambican Government, UNHCR's contribution focuses on the provision of agricultural kits and domestic utensils as part of

UNOHAC's national distribution programme for needy groups. The internally displaced also benefit from UNHCR's community-based programs for the rehabilitation of basic services (water, access roads, health and education) in major areas of refugees' return. These programs are being implemented within the framework of Mozambique's National Reconstruction Plan.

202. Protection Issues: UNHCR does not play any specific protection role with regard to internally displaced persons in Mozambique. This function is generally exercised by UNOMOZ, which has an explicit mandate under the General Peace Accord to monitor and verify the cease-fire, the separation and concentration of contending forces and their demobilization. In view of the fact that very few incidents of cease-fire violations have occurred since the signing of the agreement, the situation of internally displaced persons has not been a major cause of protection concern for UNHCR.

203. Prospects for Lasting Solution: At present, UNHCR's limited assistance to the internally displaced in returnee areas is aimed at helping them reach self-sufficiency in their food production; this normally requires a period of one year. Those who wish to go back to their former places of habitual residence but are unable to do so on their own are being assisted by IOM. Given the commencement of demobilization of Government and Renamo forces, it is expected that most of the remaining displaced persons will want to return by the end of this year when national elections are due to be held.

## NICARAGUA

204. Causes and Circumstances of Displacement: Information on the scale and magnitude of internal displacement at the height of the civil war in Nicaragua (1982-1987) has always been fragmentary. In spite of the impediments to accurate data, there is a rough guess that nearly 80% of the Miskito and Sumu indigenous populations had been displaced either internally or as refugees in neighbouring countries. However, it is almost impossible to distinguish those forcibly displaced due to the conflict from the great numbers of Miskitos and Sumus who, as a matter of traditional practice, periodically shift their place of residence often by crossing back and forth international borders.

205. Another form of displacement had also been caused by the Nicaraguan Government's resettlement programme of the early 1980s. Following the intensification of the war, the Government, as part of its military tactics, relocated thousands of campesinos to settlements far away from their traditional habitat. The Government justified the resettlement programme on grounds that it had to move people into areas where the army could provide them effective protection. Being as it was an involuntary relocation, however, the resettlement scheme served both as a form of displacement in itself and as a root cause to yet another displacement whereby many of those opposed to the programme sought refuge in Costa Rica and Honduras.

206. Peace and the Return of the Displaced: A number of policy changes undertaken by the Government of Nicaragua since the mid-1980s had encouraged the return of internally displaced persons to their original communities. These included the 1987 Autonomy Law for the indigenous groups, the 1988 Amnesty Law for the Miskitos and the 1989 National Dialogue between the Sandinistas and the Contras which culminated in the national elections of February 1990.

207. Although many internally displaced persons had returned to their areas of origin prior to the national elections, there were no adequate assistance programs in place at the time. During the same period, about 15,000 Nicaraguan refugees had also repatriated voluntarily from Honduras and Costa Rica under UNHCR auspices. However, it was only following the mass voluntary repatriation of some 70,000 refugees in the postelection period that UNHCR developed a full-fledged post-return rehabilitation and initial reintegration programme. The programme had to centre on a community-based approach given the convergence in the return areas of various groups (i.e. repatriating refugees, former internally displaced persons and demobilized Government soldiers and Contra combatants) all of which had been part of the same phenomenon and requiring more or less the same attention in their efforts to reconstruct their livelihoods and become self-supporting members of the society.

208. Promoting Reconciliation through Assistance: For the populations returning to their original communities, whether from refuge abroad or from internal displacement, material security had been the most preoccupying concern. The areas to which they had returned to re-establish themselves were the

most directly affected by the decade-long war. The scarcity of resources and services were added to the unpleasant experiences of the war itself to keep social tensions high among the diverse groups with different interests and allegiances. UNHCR sought, therefore, to identify assistance measures that would a) have an immediate short-term impact in helping the populations to normalize their living conditions; b) act as a promotional factor in the reconciliation of divided communities; and c) serve as a preventive measure against renewed dislocation by way of either cross-border or rural-urban migration due to obstacles for successful resettlement. Through Quick Impact Projects (QIPs) undertaken to satisfy these goals in sectors ranging from revitalization of public facilities and rehabilitation of infrastructure, to income-generating activities and institution building, UNHCR has reached more than 300,000 beneficiaries (of whom the repatriating refugee population represented no more than 100,000 persons at most) in virtually every region of Nicaragua.

#### **IV. Round Table Consultation**

209. As part of the review exercise, a round-table consultation on UNHCR's operational experience with internally displaced persons was held in Geneva on 9 and 10 May 1994. Twenty-three UNHCR staff and one UNHCR consultant who has done extensive research and field work on the issue of internal displacement participated. The aim of the round table was not to arrive at conclusions, but rather to elicit views, particularly from a field perspective, on a variety of policy and programme questions relating to UNHCR's work with internally displaced persons. To facilitate the discussion, two case studies were presented (Liberia and El Salvador). While the debate was wide-ranging and revealed clearly the diversity of opinions as well as experiences among staff, this report will follow, to the extent possible, the structure of the questions put forward to the group.

##### **1. Issues of Definition, Identification and Decision-making for UNHCR's Involvement**

210. Definition: The key issue raised here, and throughout the two-day discussion, was whether internally displaced persons are a discrete category and whether displacement is the relevant factor at all as far as UNHCR's activities are concerned. It was argued that, particularly in light of the growing emphasis on a comprehensive or integral approach, where UNHCR is dealing with mixed populations in a conflict or post-conflict situation, distinctions between categories of persons in their own countries is becoming increasingly irrelevant.

211. The question was raised whether the lack of national protection should be the defining characteristic of persons of UNHCR's concern. In this regard, it was said that some governments do not distinguish between UNHCR's work with refugees and with internally displaced persons, that the Office's humanitarian vocation demands that it works with both in any given situation, and that its limitations are largely self-imposed. Therefore, while some agreed with a definition consistent with the IOM-FOM/33/93, (\*) (80) such as "displaced persons in a refugee-like situation" or "internal refugees" or : OAU/Cartagena situations minus the requirement of crossing a border, others suggested simply "affected populations" or "vulnerable persons." A few would adopt the definition found in the Secretary-General's analytical report on internally displaced persons which includes victims of natural disasters. Another comment on terminology was that there is no equivalent to "returnee" for a former internally displaced person.

212. An operational approach was also suggested, that would focus on a geographical area or a particular situation, instead of on a category of persons. This begs the question of criteria for involvement to some extent, but the geographical area could be, for example, one in which refugees and/or returnees are found. Finally, it was argued that, as a practical matter, UNHCR needs a clear definition with a protection element. This would serve as a point of reference, *inter alia*, for greater predictability in decisions on involvement (see next section), for defining the respective responsibilities of the Office and of other actors, for promoting realistic expectations on the part of States and beneficiaries and for planning phasing-out procedures and time-table.

213. Identification: Many participants seemed to agree that UNHCR should know more about the internally displaced persons with whom it works. How, for example, can UNHCR know that it is assisting

the most vulnerable? It was noted that, unlike refugees, who may be grouped in a camp or settlement, many internally displaced persons are dispersed, either in parts of a country to which UNHCR has no access, and/or in small numbers staying with relatives. In any event, the source of UNHCR's information on internally displaced persons is often the government. In this regard, it was pointed out that many governments and others define this group very broadly, perhaps in part because it is now an attractive category for funding purposes. It was queried, however, whether labelling internally displaced persons as such is advantageous or disadvantageous to them. Some observed that in many situations the Office is helping everyone (refugees, returnees, internally displaced persons, local residents) so that identification is not a major issue. However, the question of identification of internally displaced persons is also relevant to durable solutions, whether by way of local integration in the areas of displacement or voluntary return to places of origin.

214. Decision for Involvement: A variety of issues were mentioned: on the one hand, UNHCR reacting to the CNN factor, or to political concerns such as the security and stability of neighbouring States, with resulting government pressure brought to bear on the Office; on the other hand, UNHCR seeking an entry to certain countries or regions (e.g., Central Asia and the Caucasus). Objective humanitarian needs were not felt to always be the deciding factor. Regarding protection, it was argued that there is usually a strong link to the Office's mandated activities. It was also pointed out that at least one decision not to become involved (Kenya) was due to concerns for refugee protection. Some participants said we needed to articulate criteria for involvement, while others urged that any criteria be flexible, and that decisions be taken on a case-by-case basis. However, at many points of the discussion, a strong plea was made for greater consistency in UNHCR's approach in order to maximize predictability. 70

215. Legal and Practical Tools Available to UNHCR: There was agreement on nearly all of the points raised under this question.

- (i) Presence: It was said that if persons are of UNHCR's concern, we must be there. We must have access, to which all sides must agree. Building trust is an important element, as is UNHCR being part of a process with a political content. The refugees' resourcefulness in dispute resolution was noted as an often over-looked tool. Informal advocacy, through sharing information with other actors, and mobilizing shame were mentioned. Physical protection (peace-keepers) and the provision of safe areas were also named. Finally, the importance of improvisation, e.g., in dealing with non-governmental entities, was stressed.
- (ii) Law: National legislation should protect internally displaced persons, but in many situations where UNHCR is working, the rule of law has broken down. International and regional human rights law and international humanitarian law provide standards and impose obligations on the concerned State. The need for "new" law specifically on internally displaced persons was doubted, but much interest was expressed in having staff trained in the relevant provisions of human rights and humanitarian law, along with guidance on the extent to which it is appropriate for UNHCR to use it.
- (iii) Assistance: It was agreed that assistance is integral to protection, and that assistance should be targeted towards communities on the basis of need, not the (prior) status of individuals as refugees or displaced. In this regard, it was suggested that we need a new kind of field officer, who can work effectively with community structures.

## **2. Intervention During Conflict**

216. A number of discrete points were made. Internally displaced persons must be helped, as a humanitarian imperative and as an operational necessity. UNHCR often operates "without" any law, and must negotiate with local militias and communities; the Office's strength is based on assistance. Staff security is a major problem, and UN rules are predicated on evacuation from, not working in, a difficult security situation. There is a need to adapt our recruitment and training of field officers.

217. The importance of neutrality was stressed, but the UN is sometimes perceived as a party to the conflict. With respect to other actors in the field, UNHCR's generally good relationship and excellent

cooperation was noted; we should continue to learn from each other. The main problem relating to UNHCR's programme of assistance to internally displaced persons is phasing-out (see below).

218. Concerning protection activities, family reunification was mentioned. Of greater relevance to the specific issue of evacuation of vulnerable internally displaced persons, there was some discussion of whether UNHCR's work can be construed as contributing to forcible relocation. It was suggested that one criterion for evacuation, as it is for voluntary repatriation of refugees, be the wish of the people.

### ***3. Return of Refugees/Internally Displaced Persons***

219. It was emphasized that UNHCR should not differentiate among categories of persons, and should adopt a comprehensive approach to promote solution. The Office should be looking at a regional perspective, not just one country at a time. However, some of the tensions inherent in a comprehensive approach were noted, such as the problem of refugees returning to homes now occupied by internally displaced persons (e.g., Bosnia, Guatemala, Tajikistan). The question of facilitating versus promoting voluntary repatriation of refugees was also raised, along with its connection to the return of internally displaced persons.

220. It was noted that UNHCR should also try to use its experience with returnees for the benefit of internally displaced persons who are returning to their places of origin. However, whether return is always the only durable solution for internally displaced persons was also discussed. While the objective for refugees is to return at least to their country, internally displaced persons are already there. In certain situations, return of internally displaced persons to their homes may not be feasible or desirable, e.g., when they have integrated locally.

### ***4. Post-conflict/Post-return Intervention***

221. The main issues discussed under this heading were inter-agency cooperation and phase-out, both of protection and of assistance. It was said that "solutions" go beyond physical return, that UNHCR has to be involved in active protection, defined by one participant as intervening to ensure that the government implements its own laws protecting the population. In one view, there is no "protection" after displacement has ended. The question is rather one of human rights monitoring, and who will do it. It should be the national government, but international presence is often necessary. Few potential actors in or out of the UN besides UNHCR have field experience, however. Another related view is that protection in this context consists of rebuilding the linkages between people and their government. It was noted that we are not necessarily experts in national institution-building. In El Salvador, an aggressive protection policy was accompanied by material assistance.

222. Concerning assistance, one observation was that self-sustaining development is generally not underway when UNHCR leaves a given situation, so that conditions deteriorate after our departure. The biggest problem is that the agencies that should take over have implementation limitations, e.g., longer planning and funding cycles, requirements that programs be included in National Plans of Action, etc. One response would be to involve these agencies sooner in the phasing-out process.

### ***5. Guidelines***

223. It was agreed that IOM-FOM/33/93(\*) (81) is a good start in setting out certain baseline criteria for UNHCR's involvement with internally displaced persons. On the question of whether further guidelines are needed, the issue of whether internally displaced persons are the relevant category was revisited. It was suggested that any such guidelines should not be on a group of persons, but on a typology of situations calling for UNHCR's intervention, such as "in-country protection" and "a community-based approach."

224. Whether "guidelines" is the appropriate word, and whether it should consist of a policy statement or an operational strategy was also discussed. It was said that UNHCR is not far enough along yet to have practical guidelines for use in the field, and that our thinking is still evolving. However, it was also said

that field staff do need directives, e.g., regarding decisions on involvement, and that, in any event, staff should be trained in human rights and humanitarian law.

## V. Analysis and Conclusions

225. The one self-evident fact emerging from the case studies is that no two internal displacement situations are ever the same, although some general categories, such as displacement resulting from civil war or other form of armed conflict, may be available. Needless to say, when masses of people are suddenly forced to leave their homes and communities for reasons beyond their control, a humanitarian crisis sets irrespective of the cause or location of the displacement. However, an effective response to such crisis requires that the displaced population should not be treated as an undifferentiated mass.

226. The types and levels of assistance and/or protection required vary as a function of the particular circumstances of displacement including, *inter alia*, the patterns of displacement, the absorbing capacities of the alternative communities to which people have fled, the willingness and ability of "authorities" there to provide at least minimum protection against attack or abuse, the duration of displacement, the demographic composition of the group of displaced and the extent of their particular vulnerabilities. Thus, just as there is no typical situation of internal displacement, nor is there a typical international approach to addressing the needs of the displaced.

227. UNHCR's practice, as reviewed by this survey, has certainly confirmed the above proposition. The fact that UNHCR has "caught up" with the internally displaced at different stages, or phases, of conflict and displacement is an additional argument against notional generalizations. It would certainly be misleading to try and compare protection and/or assistance activities carried out in the midst of armed conflict and during flight with those unfolding in an environment of post-conflict/post-return consolidation only on account of the assertion that internally displaced persons are beneficiaries of both. What is slightly more disturbing are the wide-ranging variations in terms of UNHCR's role in assisting and protecting internally displaced persons within comparable phases of conflict and displacement. These include, for example, variations from a one-time relief assistance package in Rwanda to around-the-clock engagement in Bosnia-Herzegovina; or from direct involvement with mixed populations of returnees and internally displaced in Sri Lanka to only very indirect involvement in a similar situation in Sierra Leone or in the Sudan.

228. Comparative analysis and the search for common parameters are complicated by the fact that, with very few exceptions (such as Cyprus or Azerbaijan), UNHCR is not involved in any programme strictly designed for internally displaced persons. As a matter of fact, if any rule is emerging from UNHCR's operations in countries of origin, it must be a product of the so-called "mix-factor." Thus in the context of voluntary repatriation, the cross-category approach to assistance where UNHCR has often widened the pool of its beneficiaries by deliberately avoiding distinctions between categories of vulnerable or needy populations has been gaining much ground. There are, nonetheless, many variations on this theme. In Sri Lanka, returnees got mixed with internally displaced persons in flight as a result of resurging conflict. In Angola, similar circumstances resulted in returnees getting mixed with internally displaced more or less "settled" in the areas of return. In Ethiopia, returnees came to an area also populated by refugees and by internally displaced populations unable to return mainly because of disastrous economic conditions in their communities of origin. In Mozambique and Tajikistan, returnees are getting mixed with returning displaced.

229. These and other disparities in UNHCR's approach to, and handling of, situations of internal displacement are not, however, irrational. They stem from the fact that, with very few exceptions, UNHCR's concern in respect of those situations has been ancillary to its primary concern for refugees and/or returnees. The "link" criterion set out in IOM-FOM/33/93(\*) (82) is evident in UNHCR's past and current practice world-wide. In any voluntary repatriation operation, the overriding concern will be to remove obstacles which may hamper a smooth reintegration, or the delivery of assistance to returnees. One such obstacle may be the presence of internally displaced persons (or former displaced) in, or along the way to, the areas of return of the refugees. It comes, therefore, as no surprise that UNHCR often has only a limited grasp of the reality of internal displacement in a particular country. In many of these situations, the operational focus is not on a group of persons, but rather on a geographical area

within which the beneficiary group may be plural or "mixed".

230. This overall tendency to treat assistance to and/or protection of internally displaced persons as subordinate to "refugee" concerns is, of course, fully legitimate on the part of a refugee agency. Furthermore, a number of operations have demonstrated that UNHCR's use of its mandate as a "stepping stone" for an incremental approach to the broader issue of coerced population displacement may be tactically sound. It is fair to say, however, that there is no unanimity within the Office as to the desirability of such an incremental approach.

231. A review of those situations of internal displacement in which UNHCR made a deliberate decision of non-involvement is particularly revealing of the difficult dilemmas facing the Office's self-perception. There are indeed a few atypical situations in which a link with mandated activities is too tenuous to be considered (e.g., among the above presented case studies, Peru). In the vast majority of cases, however, absence of "link" will not be the determining factor, as the prevention or solution of a refugee problem will usually require a comprehensive treatment also addressing the phenomenon of internal displacement and its causes. The reasons most frequently invoked against UNHCR getting involved - or involving itself more - in such cases are as follows:

- (a) Donor interest: availability of funds for a particular operation is, obviously, a preponderant factor in any responsible decision for or against involvement. Proved or putative lack of donor interest is often cited as a major constraint to extending UNHCR's programs in favour of the internally displaced. In some situations, donors may send out a clear signal emphasizing that UNHCR has "its hands full" with the refugee/returnee programme and that it cannot cope with more. In others, UNHCR itself may feel inhibited from appealing to donors by expressing the position that "refugees need to be served first; other groups, time and [additional] resources permitting." With all its logic, this line of reasoning is certainly representative of a conservative (i.e., partial) approach to the "refugee problem";
- (b) Operational constraints: working in countries of origin obviously carries particular constraints and difficulties. These may relate to the absence of a political settlement, problems of access to the beneficiaries, lack of security for staff and/or equipment, etc. It can be argued, however, that the same constraints would not necessarily be regarded as prohibitive in a refugee or returnee context.
- (c) Others are doing the job: where adequate coverage of needs is provided by other agencies, there is no overriding justification for UNHCR to insist on a primary role, even in the presence of a strong link with a refugee situation (e.g., Mozambique). This argument is, of course, fully in line with the inter-agency complementarity requirements of UNHCR Executive Committee and UN General Assembly texts. It is interesting to note that even in this type of situations, UNHCR at times finds it difficult to give due credit to the "dominant" institutional players.
- (d) Institutional image: this is a complex argument, the cement of which is UNHCR's responsibility vis-a-vis its original mandate. One facet of this argument is reflected in the "principle of operation" outlined in IOM-FOM/33/93(\*) (83) and according to which UNHCR's involvement should not be perceived as an obstacle to asylum (we shall discuss this in paragraph 238 below). Another factor invoked against visible UNHCR involvement (as was the case in the Sudan, for example) is the risk that this might lead to confrontation with the Government of a country hosting refugees, and consequently undermine the protection of those refugees.

232. It may be useful, at this juncture, to group some tentative conclusions under five headings, namely, definition; criteria for involvement; protection; assistance; and solutions.

### **Definition and UNHCR's "concern"**

233. The survey was conducted on the basis of an implicit "working definition" of an internally displaced person as a person who, had he/she managed to cross an international boundary, would have fallen within the definition of a refugee of concern to UNHCR. This assumption is not challenged by the survey's findings. It is important to point out, however, that this definition cannot serve, in and by itself, to

prescribe UNHCR's competence in the same way as the "refugee" definition does. UNHCR undertakes certain activities on behalf of internally displaced and other non-refugees because such activities are integral components of the Office's overall strategy of prevention, protection and solutions. Independent researchers, and indeed many UNHCR staff, are increasingly questioning the usefulness of the "internally displaced" label as a discrete legal, operational or social category for UNHCR's purposes. In the same vein, they are also concerned that UNHCR's statistics on "internally displaced" do not reflect the operational reality in the field.

234. It follows from the above that the Office should, at the organizational level, focus on operational criteria and not preoccupy itself with developing further definitional elements. Any attempt at defining an "internally displaced person of concern to UNHCR" would fail, as the focus of UNHCR's involvement in countries of origin has been on situations rather than on categories of persons. There is, furthermore, a risk in formulating a UNHCR definition of a group of beneficiaries, as this may imply that all persons coming within the ambit of such a definition could consider themselves as having acquired an international status which automatically qualifies them for UNHCR's assistance and protection.

235. Another observation is that the term "internally displaced person" has been used in recent UNHCR literature in a rather loose way. In order for UNHCR to better address in each particular operation the needs of populations benefitting from its programs, the use of terms should be made more precise. At a minimum, it should reflect the phase of displacement involved. Thus, former internally displaced, i.e. persons whose displacement have come to an end either through return to the place of former habitual residence or through settlement in another location, should be clearly distinguished from those still in a state of displacement. While the issue of settlement of the internally displaced as a durable solution still lacks clear parameters, UNHCR's experience in, for example, El Salvador suggests that something similar to a "cessation" of internal displacement may be achieved through the official documentation of residence in one of the country's municipalities. As far as former refugees who become displaced subsequent to their repatriation are concerned (as is the case in, for example, Sierra Leone), we would strongly advise against use of the term "internally displaced persons" to denote such groups. It is misleading to refer to these persons as anything but what they truly are, i.e. former refugees who have not yet achieved a durable solution. UNHCR's responsibility towards these "displaced" is inescapable – a matter of mandate, not of choice.

36. Having thus observed that "internally displaced" will seldom be a useful operational category, there is no doubt that the concept has a continuing relevance at the political (i.e. advocacy) level. At the international level, therefore, UNHCR can continue to help address the plight of internally displaced persons within the definition that has already gained general acceptance. This can be done by stressing that the same causes which produce refugees also entail internal displacement in the vast majority of cases. While this statement may still project an incomplete image of the underlying human rights problem, it serves to highlight the need for comprehensive approaches to solutions.

### ***Criteria for Involvement***

237. The criteria for involvement as set out in IOM-FOM/33/93(\*) (84) revolve around the existence of a "link" with activities which UNHCR undertakes in fulfilment of its mandate. These criteria are generally perceived by UNHCR staff as necessary and sufficient. They are necessary for the predictability of UNHCR action. By developing positive criteria for involvement, UNHCR has started to delineate its field of competence concerning situations involving internal displacement in such a way that other players (the U.N., States, international organizations, NGOs, beneficiaries) can relate to our role with a degree of certainty, and define their own roles and responsibilities accordingly. They are sufficient because UNHCR has at its disposal flexible enough instruments to measure the usefulness – hence the appropriateness – of its involvement. The challenge is for UNHCR to apply these criteria in a consistent manner, which, *inter alia*, requires a continuing exercise of lesson-learning as modestly initiated by the present survey.

238. The observation has already been made that the "internally displaced" language is self-limiting. The real question, where and when conflict erupts and mass displacement follows, may therefore be at what stage UNHCR must intervene. This requires a comprehensive view of the problem and of the available

options for response and solution, including the availability of asylum. It is becoming abundantly clear to UNHCR and others that political borders cannot have the same compelling character in the context of comprehensive approaches as they do where the focus is on asylum alone. Some of the operations surveyed in this report suggest that, under certain circumstances, a lucid assessment of options and safety conditions on both sides of a border may lead to a decision to concentrate efforts on the "inner" side of that border. Examples of this approach include the "preventive zone" concept used in the cross-border operation from Kenya into Somalia, as well as the emphasis on prevention – including preventive diplomacy – in Tajikistan resulting from an assessment of the unavailability of safe refuge in Afghanistan. Those situations in which asylum is denied or severely curtailed, such as Iraq, Bosnia or Afghanistan (Jalalabad) may warrant a finer analysis, including in the light of the principle according to which UNHCR's involvement with internally displaced should not be an obstacle to asylum.

### **Protection**

239. In the case of refugees, the need for international protection in the sense of a temporary substitute for national protection is inherent in the definition, owing to the fact that refugees find themselves on the territory, hence under the jurisdiction, of a foreign State. In the case of internally displaced persons, however, it is not so clear what type of protection is required to be exercised by the international community.

240. The most recurrent cause of coerced population displacement being armed conflict or generalized violence, it can be argued that a "first level" of protection would be the provision of shelter from attack against one's life or physical integrity. Which "authority" is able and willing to provide this elementary measure of safety, and whom UNHCR will have to deal with and for what specific purposes, will largely determine the contents of protection as a possible UNHCR activity.

241. Some researchers have proposed a basic diagram to explain that where sympathizers of the Government find refuge in areas controlled by the Government, or conversely supporters of the insurgent forces in areas controlled by these entities, the needs of the displaced are mainly in the assistance area; whereas protection needs arise in the alternate scenarios. Admittedly, protection needs will be lesser where a positive chemistry is at work between the "authority" and the population under its de facto jurisdiction. Some protection issues are likely to appear, nonetheless.

242. Among such issues, probably the most difficult is the characterization of the displaced population as "civilian". Whereas refugee camps and settlements can be "neutralized" through international pressure on the host State – and the Executive Committee has developed well-balanced principles in this respect<sup>(\*)</sup>(85), displaced populations within conflict areas are susceptible of being actively involved, not necessarily against their will, in military activities. In the absence of a "humanitarian status" for the displaced, there is actually no legal ground arising from the fact of displacement alone for exempting them from serving in the armed forces of the "protecting" authority. There is hardly a need to emphasize, however, the delicate issues involved for humanitarian organizations performing in such a context.

243. UNHCR can usefully provide its expertise in all areas of protection having a relation with the movement, and freedom of movement, of the internally displaced – not excluding, of course, similar activities on behalf of other sectors of the population. These activities may range from the facilitation of family reunification to the evacuation of especially vulnerable individuals. They may also include the prevention of forced relocation, the prevention of premature return to unsafe areas and the facilitation of access to safety.

244. The nature and scope of UNHCR's involvement with internally displaced persons does not seem to call for operational protection guidelines on this particular group. Rather, appropriate guidance on specific issues relating to the delivery of protection in areas of conflict should be incorporated into existing guidelines or handbooks dealing with UNHCR's humanitarian action. For example, the Handbook for Emergencies may be revised to reflect on the decision-making process and management of emergency operations in countries affected by armed conflict. Similarly, the draft Protection Guidelines on the Voluntary Repatriation of Refugees may be elaborated further to address return and reintegration aspects in situations of "mixed" external and internal displacement.

245. Some aspects of protection in conflict, such as those mentioned in paragraph 243, are clearly related to UNHCR's expertise. Other are closer to the expertise of the International Committee of the Red Cross, which has over time developed detailed guidelines and operational principles. Originating with the Statute and practices of the ICRC, the principles of neutrality, independence and impartiality may also be applied to describe "the necessary attributes of [all] humanitarian bodies". Dr. C. Palley, whose presentation to the recent UNHCR/Graduate Institute of Humanitarian Studies colloquium we are quoting (\*)<sup>(86)</sup>, submits that such attributes "are not matters of legality but are prudential matters, i.e. wise practice promoting the bodies' images of legitimacy and their effectiveness in exercising their functions in difficult environments". She goes on to observe that when UNHCR is authorized to conduct a particular operation, it may well not be "impartial" – citing the case of Cambodia, where "greater help was to be given" to returnees than to internally displaced persons. This debate, as well as the ongoing one on the neutrality of humanitarian action in the framework of complex UN operations, clearly goes beyond the scope of this survey. The issues require, nonetheless, the sustained attention of UNHCR and continuing dialogue with the Office's partners in protection and humanitarian relief.

### **Assistance**

246. Related to the very nature of UNHCR's operations in the midst of conflict and insecurity is the problem of access. In many situations, it has been impossible for UNHCR to bring its assistance, let alone protection, to the actual source of displacement. For example, sites in Abkhazia (Georgia) or Nagorno-Karabakh (Azerbaijan) have been out of UNHCR's reach because of security problems. In some other cases, e.g., Sierra Leone, UNHCR has had no visible field presence at places where internally displaced persons are sheltered and assisted. Without such presence or regular on-site visits, UNHCR can hardly exercise its monitoring function, whether it is in the area of assistance or in that of protection. Similarly, presence is essential to identifying the demographic composition of the beneficiary population so that specific programs could be designed for specific groups (e.g., unaccompanied minors, women-headed households, demobilized soldiers, etc.). As a general rule, therefore, UNHCR should, when requested to provide assistance to internally displaced persons, carefully assess its capacity and ability to monitor the delivery of that assistance.

247. The cross-mandate, cross-category methodology is evidently gaining ground, in spite of its difficulties, in the practice of UNHCR and other UN organizations. Central to this methodology is the "community approach" to assistance. It has been suggested that a corollary of this approach is the exclusion of any procedure that might contribute to singling out one "category" of persons from among the larger beneficiary population through such means as camps, ration cards or "labels". This statement needs, obviously, to be nuanced according to the phase of displacement. During flight, some form of temporary shelter may be inevitable, whether it is a "classic" camp (e.g., Jalalabad) or an open relief centre (Sri Lanka).

### **Solutions**

248. UNHCR's involvement with internally displaced persons has been almost exclusively in situations where a country has already engulfed itself into open armed conflict, or where some fragile peace has started to trickle back. This goes to show that the idea of preventing persons from being displaced from their communities still has much ground to gain in UNHCR's work in countries of origin. In several situations, nonetheless (e.g., Ethiopia, Nicaragua, Somalia, Tajikistan and the former Yugoslavia), UNHCR's stated objective has been the prevention of further displacement which could either aggravate the refugee crisis or hinder return prospects, or both.

249. A related, though much broader, issue concerns the definition of UNHCR's role within the UN effort of "humanitarian diplomacy". In Latin America, following a decade of UNHCR restraint vis-a-vis the issue of internal displacement, the positive experience of CIREFCA is opening avenues for a greater UNHCR role in an inter-agency context in such countries as Guatemala and, perhaps, Peru. Likewise, in the newly independent States of the former Soviet Union, UNHCR enjoys a high level of credibility emanating both from its operational capacity in the field and from the prestige attached to the UN as a whole. Capitalizing on this encouraging development, UNHCR has been present and active in difficult political

and diplomatic negotiations, ensuring that the issue of displacement is adequately represented in the discussions.

250. UNHCR has not been involved thus far in organizing the return of internally displaced to their communities of former habitual residence – a role assumed by IOM, e.g., within the Mozambique operation. However, UNHCR's intervention (through the cross-mandate programme in Ethiopia, for instance) has often contributed to creating conditions conducive to the return and reintegration of the displaced. In the near future, Georgia may be a challenging test case of a more active involvement in the return operation itself.

251. If anything, UNHCR's involvement with the internally displaced has revealed, in very concrete terms, the tremendous complexity of solutions to the problem of violence-induced displacement. It has also manifested the limits and relative adequacy of "refugee" landmarks in the search for global solutions. Clearly, the concepts of voluntary return and local settlement cannot have the same scope in respect of internal displacement as they do with regard to refugees. They may not provide an appropriate reference for dealing with relocation imposed by Government on security or other grounds, or with the longer-term consequences of "ethnic cleansing" or de facto exchanges of populations. The demographic disruptions and re-distribution of population following protracted armed conflict are phenomena which the international community is groping with and is ill-equipped to address. UNHCR, for one, may need to venture outside traditional mental categories in order to size up the challenge and decide whether it wishes to retain a lead in an increasingly complex search for solutions to the "refugee problem" in its broadest sense.

## **VI. Annexes**

### ***Annex I: IOM-FOM/33/93 of 28 April 1993 on "UNHCR's Role with Internally Displaced Persons"***

UNHCR/IOM/33/93  
UNHCR/FOM/33/93

## **OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES**

### **GENEVA**

#### **Inter-Office Memorandum No. 33/93**

#### **Field-Office Memorandum No. 33/93**

To: All UNHCR Representatives, Chargés de Mission in the Field  
All Substantive Officers at Headquarters

From: The High Commissioner at Headquarters

Ref: 609.1

Date: 28 April 1993

Subject: UNHCR's Role with Internally Displaced Persons

1. UNHCR's activities in countries of origin of refugees, particularly in relation to the preparation and implementation of voluntary repatriation operations and monitoring the situation of returnees, are increasingly placing the Office in contact with the plight of internally displaced persons. Field Offices are

regularly seeking the guidance of Headquarters, or taking initiatives, with regard to a possible role for UNHCR in providing assistance and/or protection to groups of internally displaced persons who often live alongside returnees and/or refugees under the care of UNHCR. This memorandum is issued in recognition of the legitimate concern of UNHCR for the plight of internally displaced persons, which I myself have voiced in a number of international fora.

2. The Senior Management Committee seized itself of this issue in March 1993. It adopted a set of criteria, prepared by the Division of International Protection, which help situate UNHCR within the complex environment surrounding the issue of internal displacement. These criteria are presented in paragraphs 5 to 10, below.

3. Your attention is drawn to the nature of this memorandum. As it sets out both the legal and practical parameters of UNHCR's involvement with internally displaced persons, it may assist you in analyzing particular situations with which you are confronted and evaluating the Office's position vis-à-vis these situations. It is important to recall, however, that UNHCR does not have a general competence for internally displaced persons. Furthermore, this is a dynamic and rapidly evolving issue, on which we may have to revert in coming months.

4. You are, therefore, requested to submit to Headquarters for approval any request or recommendation for UNHCR's involvement with internally displaced persons in the country/region covered by your Office.

## **I. Legal Considerations**

5. The Statute of the Office of the United Nations High Commissioner for Refugees, annexed to General Assembly Resolution 428(v) of 14 December 1950, directs the High Commissioner to "engage in such activities .. as the General Assembly may determine within the limits of the resources placed at [her] disposal". Various resolutions of the Economic and Social Council and the General Assembly have provided a basis for UNHCR to become involved with internally displaced populations in the context of humanitarian actions undertaken by the United Nations. In its resolution 2956(XXVII) of 1972, the General Assembly requested the High Commissioner to continue to participate, at the invitation of the Secretary-General, in such United Nations endeavours for which UNHCR has particular experience and expertise.

6. A first reference by the General Assembly to UNHCR activities in favour of internally displaced persons appeared in General Assembly resolution 47/1105 of 1992, which welcomed "efforts by the High Commissioner, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, to undertake activities in favour of internally displaced persons, taking into account the complementarities of the mandates and expertise of other relevant organizations".

7. The main requirements derived from the above-mentioned references can be summarized as follows:

- (a) there must be a specific request for involvement or a need to undertake additional activities as a natural extension of the mandate given by the General Assembly. Where applicable, the specific request may emanate from the General Assembly, the Secretary-General or another competent principal organ of the United Nations, such as ECOSOC;
- (b) UNHCR has the relevant expertise and experience to begin assisting and protecting internally displaced persons;
- (c) the concerned State and, where applicable, other relevant entities should consent to UNHCR's involvement;
- (d) UNHCR's activities must remain within the limits of the resources placed at its disposal for the activities in question.

## **II. Criteria for Involvement**

8. Positive criteria can be developed to identify the specific situations of internal displacement which call for, or point, to the usefulness of UNHCR's involvement. A distinction must be made between two types of situations:

- (a) some situations of internal displacement present a clear link with activities which UNHCR undertakes in fulfilment of its mandate. In all such situations, UNHCR should favourably consider undertaking primary responsibility for the internally displaced, weighing in each case the additional benefits of its involvement in terms of protection and solutions. This will be the case where:
  - (i) internally displaced populations are mixed with returnee populations, or are to be found in potential areas of return of refugees; or
  - (ii) the same causes have produced both internal displacement and a refugee flow, or there is a risk of cross-border spilling of the internal displacement. The aspect of prevention, or at least containment of refugee outflows is here predominant. It must be noted that a situation of internal displacement can turn into a classical refugee situation as a result of State partition.
- (b) in situations where the link with mandated activities is not present, UNHCR may consider getting involved to attenuate the causes of internal displacement and contribute to conflict resolution through humanitarian action. In these situations, UNHCR's activities would normally be supplementary to overall political and/or humanitarian efforts of the United Nations.

### **III. Nature of UNHCR Activities**

9. The nature of UNHCR activities in favour of internally displaced persons will depend on the circumstances of each situation, and may range from the channelling of relief items to protection activities. It is important to recall, however, that both UNHCR's mandate and its expertise are in the areas of protection and solutions. Wherever UNHCR is requested or allowed to assist the internally displaced in a specific situation, irrespective of whether there is a link with mandated activities, it should be expected to act in pursuit of these basic objectives.

### **IV. Principles of Operation**

10. A few basic principles of operation are hereby presented as particularly relevant to UNHCR's activities in favour of internally displaced persons:

- (a) UNHCR's involvement should not be, nor be interpreted to be, an obstacle limiting the availability of asylum. The option to seek asylum must remain open;
- (b) UNHCR must be given full access to the affected population, and enjoy such security and other conditions required to allow it to operate;
- (c) considering the unique non-political and humanitarian mandate of the Office, UNHCR must be able to intervene directly, through its Representative, with the Governments concerned. This measure of independence is as important for UNHCR in dealing with internally displaced persons as it is for the protection of refugees.

## ***Annex II: Note on Protection Aspects of UNHCR Activities on Behalf of Internally Displaced Persons (17 August 1994)***

### **EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME**

#### **Forty-fifth session**

### **SUB-COMMITTEE OF THE WHOLE ON INTERNATIONAL PROTECTION**

24th meeting  
Distr. RESTRICTED  
EC/SCP/87  
17 August 1994  
Original: ENGLISH

## **PROTECTION ASPECTS OF UNHCR ACTIVITIES ON BEHALF OF INTERNALLY DISPLACED PERSONS**

### **I. Introduction**

1. The Office of the United Nations High Commissioner for Refugees has frequently been called upon to address the needs of persons who have been forced to flee their homes for the same reasons as refugees, but who have not left their own countries and are therefore not considered "refugees" under the UNHCR Statute (General Assembly res. 428 (v)) or under relevant international or regional instruments. In the past, and still to a large extent today, UNHCR's involvement with the internally displaced has often been in the context of the voluntary repatriation of refugees, where return movements and rehabilitation and reintegration programmes have included both returning refugees and displaced persons in circumstances where it was neither reasonable nor feasible to treat the two categories differently. Thus, for example, in 1972 the Economic and Social Council (ECOSOC), in the context of the voluntary repatriation of refugees to southern Sudan, called upon the High Commissioner, as well as other agencies and organizations, to extend rehabilitation measures both to refugees returning from abroad and to "persons displaced within the country."<sup>1</sup>(87) UNHCR's activities in Tajikistan are a current example of a programme serving both repatriating refugees and persons who had been displaced within their own country.

2. In other cases, UNHCR activities in countries of asylum on behalf of refugees from neighbouring countries also include people displaced in their own country who are victims of the same regional conflict. This was the case in Indo-China from the 1950s through 1975, as it is in Croatia today. Frequently returnees, refugees and internally displaced populations are present together in the same region, and a growing number of UNHCR operations have encompassed all three categories, together with local residents who have not left their homes, often as part of comprehensive regional schemes aiming both to solve refugee problems and to address the causes of forced displacement. Finally, at times the Office has been asked, on the basis of its humanitarian expertise, to undertake activities on behalf of persons displaced within their own country in certain situations which involve neither refugees nor returnees, and sometimes little or no prospect of flight across national boundaries. Typically these cases have involved the de facto division of a country along a cease-fire line, which placed persons who had been forcibly displaced across that line in a situation very similar to that of refugees.

3. The importance of addressing the problems of the internally displaced has become increasingly apparent in the light of UNHCR's focus on the prevention and solution of refugee problems. To the extent that refugee flows and internal displacement have the same causes, it makes little sense to deal only with the trans-frontier aspects of coerced population movements, either in responding to immediate humanitarian needs or in seeking solutions. From the vantage point of UNHCR, as the international agency responsible for refugees, it is clearly preferable, where possible, to obviate the need for people to leave their country—and thus to become refugees—in order to find safety and to obtain vital humanitarian assistance. For the international community as a whole, there are clear advantages in adopting a global approach to situations of coerced displacement, actual or potential. The measures necessary to solve a refugee problem through voluntary repatriation are the same as those required to relieve the plight of the internally displaced and of those at risk of displacement; and preventing internal displacement by removing the factors that force people to flee their homes will also remove the immediate cause of refugee flows.

4. By recognizing that the problems of the internally displaced and of refugees are manifestations of the

same phenomenon of coerced displacement, UNHCR has increasingly considered activities on behalf of the internally displaced to be indispensable components of an overall strategy of prevention and solutions. In Sri Lanka, Tajikistan, Azerbaijan, Georgia, the countries of the former Yugoslavia, the Horn and Central Africa, Liberia, Mozambique, and Central America, to cite some current examples of UNHCR involvement with the internally displaced, the link between internal and external displacement is obvious and the need to address the internal situation in order to satisfactorily resolve the external refugee problem seems equally clear.

5. UNHCR's increased attention to the needs of internally displaced persons in the context of the Office's prevention- and solution-oriented strategy has coincided with a growing awareness on the part of the international community of the dimensions and the gravity of internal displacement, of the plight of the victims, of the implications for international peace and security and of the consequent need for a more effective international response to this humanitarian problem. This heightened awareness and concern has led to the appointment, at the request of the Commission on Human Rights, of a Representative of the Secretary-General for the Internally Displaced, as well as to the convening by the Under-Secretary-General for Humanitarian Affairs of a Task Force on the Internally Displaced within the framework of the Inter-Agency Standing Committee. It has also led to numerous initiatives by Governments, international agencies, non-governmental organizations and academic and research institutions, as well as concerned individuals, to explore methods and promote measures to ensure that individuals and communities receive effective protection against forcible displacement and that those who are nonetheless forced to flee their homes obtain the requisite protection, assistance and solutions.

6. Among such initiatives the conclusion of the UNHCR Executive Committee adopted at its forty-fourth Session should be mentioned which:

*Requests the High Commissioner, in pursuance of the need for the international community to explore methods and means to address better within the United Nations system the protection and assistance needs of internally displaced persons, to promote further consultations on this priority issue with the Department of Humanitarian Affairs (DHA) and the Special Representative of the Secretary-General on Internally Displaced Persons, and with other appropriate international organizations and bodies, including the International Committee of the Red Cross, and to report on the results of these discussions to the Sub-Committee of the Whole on International Protection and, as appropriate, the Sub-Committee on Administrative and Financial Matters. (A/AC.96/821, para. 19(t)).*

This request was repeated by the United Nations General Assembly in the annual resolution on the work of UNHCR adopted at its forty-eighth in which it

*Recognize[d] the need for the international community to explore methods and means better to address within the United Nations system the protection and assistance needs of internally displaced persons, and call[ed] upon the High Commissioner to engage actively in further consultations on this priority issue with the Department of Humanitarian Affairs of the United Nations Secretariat and the Special Representative of the Secretary-General on Internally Displaced Persons, and with other appropriate international organizations and bodies, including the International Committee of the Red Cross. (General Assembly res. 48/116).*

7. These various initiatives have also resulted in a number of detailed studies of the phenomenon of coerced displacement, including, on the part of the United Nations, a Report on Refugees, Displaced Persons and Returnees submitted to the Economic and Social Council at its second regular session of 1991 (E/1991/109/Add.1); the analytical report of the Secretary-General on internally displaced persons submitted to the Commission on Human Rights at its forty-eighth session (E/CN.4/1992/23); the comprehensive study prepared by Francis Deng, Representative of the Secretary-General, on the human rights issues related to internally displaced persons, pursuant to resolution 1992/73 of the Commission

on Human Rights (E/CN.4/1993/35), submitted to the Commission at its forty-ninth session; and a further report by the Representative of the Secretary-General on internally displaced persons submitted to the fiftieth session of the Commission on Human Rights (E/CN. 4/1994/44 ) .

## **II. Issues Arising Out of UNHCR's Involvement with Internally Displaced Persons**

8. The present note will not attempt to duplicate these thorough analyses of the problems faced by internally displaced persons and possible methods of meeting their needs, but will briefly review certain issues arising in connection with UNHCR's activities in this field, in the hope of providing a useful basis for a discussion of the subject by the Sub-Committee of the Whole on International Protection. These issues are:

- (a) UNHCR's competence (or mandate) with respect to the internally displaced;
- (b) the criteria for UNHCR involvement;
- (c) the legal norms applicable with respect to the persons displaced or at risk of displacement within their own country;
- (d) the nature and content of UNHCR's involvement;
- (e) the complementary roles of other international organizations.

### **A. To what extent, and under what conditions, does the High Commissioner have a mandate to undertake activities on behalf of Persons displaced within their own country ?**

9. Although it remains correct to say that the basic mandate of the High Commissioner under the Statute of the Office (General Assembly res. 428 (v)) does not include any general competence for persons displaced within their own country, the effect of various General Assembly resolutions has been to confer upon UNHCR a selective and limited mandate to undertake humanitarian assistance and protection activities on behalf of the displaced, provided certain specific conditions are met. Already in 1972, following the ECOSOC resolutions mentioned in paragraph 1, the General Assembly, having considered reports on the Office's activities, reaffirmed those resolutions, commended UNHCR's work on behalf of "refugees and other displaced persons" in the Sudan, (General Assembly res. 2958 (XXVII)), and another resolution requested the High Commissioner "to continue to participate, at the invitation of the Secretary-General, in those humanitarian activities of the United Nations for which his Office has particular experience and expertise" (General Assembly res. 2956 (XXVII)). This resolution has provided the formal legal basis for numerous special operations undertaken by UNHCR at the request of the Secretary-General, most of them including activities for the internally displaced.

10. The most recent General Assembly resolutions concerning UNHCR have been far more precise and explicit concerning the High Commissioner's activities on behalf of the internally displaced, including the criteria for and conditions attached to such activities. At its forty-eighth session, the General Assembly:

*Encourage[d] the High Commissioner, on the basis of her broad humanitarian experience and expertise, to continue to explore and to undertake protection and assistance activities aimed at preventing conditions that give rise to refugee outflows, bearing in mind fundamental protection principles, in close coordination with the Governments concerned, and within an inter-agency, intergovernmental and non-governmental framework, as appropriate;*

*Reaffirm[ed] its support for the High Commissioner's efforts, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, and taking into account the complementarities of the mandates and expertise of other relevant*

*organizations, to provide humanitarian assistance and protection to persons displaced within their own country in situations calling for the Office's particular expertise, especially where such efforts could contribute to the prevention or solution of refugee problems." (General Assembly res. 48/116).*

11. It should be noted that while the resolution lists a number of factors to be taken into account, it sets out two mandatory requirements for UNHCR action in favour of the internally displaced: a specific request from the Secretary-General or a competent principal organ of the United Nations i.e the (General Assembly, the Security Council or ECOSOC), and the consent of the concerned State. While no explicit definition is offered of the displaced persons in question, the resolution refers to UNHCR activities on behalf of "persons displaced within their own country in situations calling for the Office's particular expertise." Since UNHCR's "particular expertise" lies in providing international protection and humanitarian assistance to refugees and seeking solutions to refugee problems, the use of the term corresponds with UNHCR's operational definition of the internally displaced who are of potential concern to the Office as those in a refugee-like situation, i.e. persons fleeing persecution, armed conflict or civil strife, rather than victims of physical disasters, such as earthquakes, floods or nuclear power-plant explosions. Persons displaced for the latter reasons may well require humanitarian assistance from the international community, but their situation does not normally require UNHCR's "particular expertise".

### **B. In which situations is it appropriate for UNHCR to undertake activities on behalf of the internally displaced?**

12. The High Commissioner's limited mandate to undertake activities on behalf of the internally displaced is both conditional and, in principle, discretionary. In addition to the requirements mentioned by the General Assembly, the Executive Committee has called for due regard to be paid to the availability of sufficient resources (A/AC.96/821, para. 19(s)), which must be understood to include not only funds but also institutional capacity and the possibility of deploying sufficient qualified staff. The Executive Committee has also reiterated that "UNHCR's activities in the field of prevention must be complementary to its international protection responsibilities and consistent with the principles of international human rights and humanitarian law and that the institution of asylum must not in any way be undermined". (A/AC.96/821, para. 19 (u)).

13. Assuming that there is a need for humanitarian action and that basic requirements of General Assembly resolution 48/116 are or can be satisfied, it is then necessary to determine the appropriateness of UNHCR's involvement in any specific situation, considering the various factors mentioned by the General Assembly and the Executive Committee. Consideration must be given, for example, to the presence, availability, and operational capacity as well as the mandates of other relevant organizations; whether the situation in fact calls for UNHCR's particular expertise; the likely impact of the proposed protection of refugees and on the availability of asylum; and how such activities might contribute to "the prevention or solution of the refugee problems".

14. Together with the requirements and considerations set out in the relevant General Assembly resolutions and Executive Committee conclusions, which are reflected in the factors mentioned in the preceding paragraph, there are certain preconditions that UNHCR considers essential for its involvement. These are:

- (a) UNHCR's involvement must not in any way detract from the possibility to seek and to obtain asylum;
- (b) UNHCR must have full and unhindered access to the affected population;
- (c) adequate provision must be made for the security of staff of UNHCR and its operating partners and for acceptable operating conditions;
- (d) UNHCR's involvement should have the consent of all concerned parties and enjoy the support of the international community.

15. Given the magnitude of problems of displacement worldwide, it would clearly be impossible for UNHCR to assume responsibility for the internally displaced in every situation where its involvement is sought. Since UNHCR continues to be presented with requests for assistance by States faced with acute problems of internal displacement, it has been necessary for the Office to re-examine and refine its operational criteria for involvement in such situations, based on the requirements contained in General Assembly resolutions, the guidance provided in Executive Committee conclusions and the basic conditions listed above. As was indicated in last year's Note On International Protection (A/AC.96/815, para. 46), UNHCR considers that it should give favourable consideration to assuming primary responsibility for international action on behalf of the internally displaced in situations where there is a direct link with UNHCR's activities under its basic mandate protect refugees and to seek solutions to refugee problems. Such situations include those where:

- (a) internally displaced populations are present in or returning to the same areas as repatriating refugees, or areas to which refugees are expected to return;
- (b) refugees and displaced persons in similar circumstances are present and in need of humanitarian assistance and/or protection in the same area of a country of asylum;
- (c) the same causes have produced both internal displacement and refugee flows and there are operational or humanitarian advantages in addressing the problems within a single operation, including for example a "cross-border" component; or
- (d) there is a potential for cross-border movement, and the provision of humanitarian assistance and/or protection to internally displaced persons may enable them to remain in safety in their own country.

16. There are other situations where there is no direct link between action to relieve the plight of the internally displaced and the solution or prevention of refugee problems, but where there are strong humanitarian arguments in support of UNHCR involvement, owing for example to an established presence in the region, particular expertise, or the need to respond immediately to a life-threatening emergency. In such situations, UNHCR would of course consider involvement, but where there is no clear link to the Office's refugee mandate UNHCR activities should to the extent possible be supplementary to the humanitarian efforts of other international organizations.

17. It should be emphasized that the application of the foregoing criteria cannot be automatic. Even in situations which appear to meet all applicable guidelines, requests for UNHCR involvement on behalf of the internally displaced must be carefully assessed with regard to all the factors mentioned including the Office's capacity at any given time to respond effectively in a particular situation while continuing to meet urgent needs for humanitarian assistance and protection elsewhere.

### **C. What legal norms are applicable for the protection of persons forcibly displaced or at risk of being displaced within their own country?**

18. Except where they are the result of natural disasters, situations of internal displacement involve either the inability or the unwillingness of the national authorities to ensure effective protection, in particular the right of individuals and even whole communities to remain in safety in their homes. The safety and even the survival of the displaced is often threatened by armed conflicts, as well as violations of fundamental rights. The internally displaced, or people at risk of displacement, thus often require not only humanitarian assistance but also protection, including both protection against (further) displacement and protection of their human rights while they are displaced and following their return home.

19. Since they remain within their own country, the internally displaced cannot benefit from the protection accorded to refugees in international law. They are in principle entitled to the protection of their own national laws. They also benefit from the provisions of international human rights law and, when they are in situations of armed conflict, of international humanitarian law. Many of these principles are recognized as binding on all States and de facto authorities as mandatory norms or elements of customary international law as well as, where applicable, as treaty obligations. When UNHCR is called

upon to extend humanitarian assistance and protection to the internally displaced, it can and does therefore invoke these internationally recognized norms. The Office also relies, where possible, on the enforcement by the authorities of the relevant national laws. An additional legal basis for protection is often provided by specific formal undertakings made by the authorities concerned, for example as elements of peace settlements, repatriation agreements, Memoranda of Understanding or ad hoc agreements with UNHCR or with other United Nations bodies or international organizations.

20. An ongoing debate has featured in discussions in international fora concerning the protection needs of the internally displaced, as to whether the existing provisions of international human rights and humanitarian law provide a satisfactory basis for promoting such protection, or whether there are gaps which must be filled for this purpose. One argument is that existing legal norms, particularly those contained in international humanitarian law are, whatever their shortcomings, both adequate in theory and the best that can be achieved in the present international context. The main problem, it is argued, is not an inadequacy of existing legal principles but failure of Governments, de facto authorities and other parties to conflicts to comply with, or to enforce, those principles.

21. It must be acknowledged that there are potential gaps in the protections provided by both international human rights and international humanitarian law with respect to the internally displaced and persons at risk of displacement. Most provisions of the International Covenant on Civil and Political Rights are subject to derogation in declared public emergencies. Although the fundamental rights to life and to freedom from torture cannot be derogated, the right not to be subjected to arbitrary arrest and detention and the right to freedom of movement and residence can be derogated. The latter right is moreover generally subject to restrictions "provided by law" on grounds of "public order". The protections of humanitarian law are limited to "armed conflicts" involving organized armed groups "under responsible command" but not to other situations of internal disturbances and tensions<sup>2(88)</sup>. Where applicable, the prohibition of forced movement of civilians in Protocol II<sup>3(89)</sup> also provides for an exception if "imperative military reasons so demand". However, although this exception in theory reduces protection against forced displacement, it would undoubtedly be impossible to obtain any practical protection whatsoever without such concessions to the reality of armed conflict.

22. It is certainly possible to conceive of improvements in the international legal regime applicable with respect to the problem of forced displacement, particularly in situations that do not qualify as "armed conflicts". Among the issues that could usefully be addressed in normative terms are the prohibition of forcible displacement, ensuring humanitarian access to those in need of protection and assistance, whether they are in conflict or in non-conflict areas, and measures to ensure the safety of the workers and staff of humanitarian organizations. Humanitarian law contains provisions that would merit extension to cover other situations, for example, the provisions of Protocol II prohibiting displacement of the civilian population and prescribing basic humanitarian standards if it occurs<sup>4(90)</sup>, prohibiting the starvation of civilians as a method of combat<sup>5(91)</sup>, providing for the care and protection of children and for other fundamental guarantees<sup>6(92)</sup>, and providing that humanitarian relief actions "shall be undertaken", with the consent of the Contracting Party concerned, for civilian populations suffering undue hardship.<sup>7(93)</sup> In addition, refugee law, beginning with the 1951 Convention relating to the Status of Refugees, has developed specific standards for the treatment of persons who have been displaced, in this case across international frontiers. Some of the principles of refugee law could be adapted by way of analogy, invoking the corresponding principles of human rights law, to promote the protection of the internally displaced. The principle of non-refoulement, for example, is more explicit and focused than the human right to liberty of movement and freedom of residence as formulated in Article 12 of the International Covenant on Civil and Political Rights.

23. The absence of a single body of principles and norms specifically for the protection of the internally displaced, equivalent to international refugee law, has also been mentioned as a deficiency in the present legal situation. It should be noted, however, that refugees have been granted a particular status because they are foreigners who do not enjoy the protection of any Government. Internally displaced persons, as nationals within their own country, require above all respect for and enforcement by the authorities of their rights as full citizens, including the right to liberty of movement and freedom of residence, whether in the place from which they were displaced or elsewhere. A specific legal status different from their fellow citizens would perhaps not be to their advantage. On the other hand,

codification of legal protections against displacement as well as of remedies and protections for persons who have suffered displacement, including the right if they so wished to return to their homes, could be of value. UNHCR therefore considers that the proposal made by the Representative of the Secretary-General on internally displaced persons for the compilation of existing rules and norms, the drafting of a code of conduct comprising guiding principles to govern the treatment of internally displaced persons, and the possible preparation of an international declaration (E/CN.4/1993/35, para. 284), should be pursued. The Office is prepared to contribute to such an exercise.

24. While the further development of international legal norms against forcible displacement and for the protection of the displaced, building on the protection already provided by international human rights and humanitarian law, would be most welcome, it must be recognized that the most serious problems with respect to the protection of persons who are either displaced or threatened with displacement in their own country result not from an absence or deficiency of legal norms but from the failure of the parties concerned to respect and to enforce those norms, and, even more fundamentally, from the failure of warring parties, and of the international community as a whole, to achieve a peaceful resolution of the murderous conflicts that are the major cause of forced displacement. Any effective legal system must include both norms of conduct and some mechanism to ensure their observance or enforcement. The existing international mechanisms for ensuring observance of human rights principles and of humanitarian law are clearly not fully adequate to the task.

25. Humanitarian assistance and protection for the internally displaced, like international protection for refugees, require the cooperation of the States directly concerned. As for refugees, international presence and humanitarian access are indispensable. Wherever the consent and cooperation of the relevant authorities have been forthcoming, the absence of any single legal instrument specifically addressing the problems of the displaced and the theoretical gaps in the legal protections available have not prevented humanitarian access and action. Where the consent of the parties is not given, legal provisions by themselves cannot secure effective access. While international legal norms have strong persuasive power and moral authority, and national laws and signed agreements are valuable practical protection tools, humanitarian access and protection depend in practice on the ability and political will of the international community to persuade States to accept and to discharge their responsibility for the welfare and safety of all the people within their territory, whether they be refugees, returnees, the displaced, or people who have never left home.

26. It should be noted that, in practice, meeting the protection needs of the internally displaced and those at risk of displacement and promoting solutions is not only, and often not even primarily, a question of legal norms and remedies. In many situations in which UNHCR is involved on behalf of the internally displaced, returnees and refugees, practical protection is provided first of all by and through the local community, through a complex social network including family, clan, village or tribe. The role of state institutions, including legal institutions, is often secondary. In these and other situations, protection and solutions for the displaced, as well as for refugees, require the reconciliation of different groups within the society. Promoting respect for human rights in such circumstances is a task that must be accomplished primarily at the "grass roots" level, through the restoration of links among people in their own communities. In some programmes in favour of the internally displaced, UNHCR field staff have played such a grass roots protection role by helping to mediate disputes and dispel distrust at the level of returnee communities.

#### **D. The content of UNHCR's activities on behalf of internally displaced persons**

27. The nature of UNHCR's involvement in any specific situation will be determined by the character of the displacement, the need for protection and assistance and the solutions envisaged. The particular activities undertaken by UNHCR and other agencies on behalf of the internally displaced will depend on their immediate situation and needs, the factors that generated displacement, the relations of the displaced persons with their Government and/or with de facto local authorities both in their place of origin and in the areas to which they have been displaced, the immediate and long term prospects for specific solutions, as well as on agreements and understandings reached between UNHCR and the Government. A critical variable is the degree to which the conflict or human rights violations that caused the displacement continue, or have been wholly or partially resolved. In promoting and planning solutions, it

is necessary to consider, above all, the wishes of the displaced themselves. The nature of UNHCR's protection and assistance activities on behalf of refugees or returnees in the same area is also a key factor in deciding the specific content of UNHCR activities in favour of internally displaced person.

28. With regard to the specific protection aspects of UNHCR's activities, it is to be noted that protection and solutions are at the core of UNHCR's mandate, and displacement together with the need for protection provide the basis and rationale for UNHCR's competence for refugees. When UNHCR is called upon to assume responsibility for the internally displaced on the basis of its particular expertise, its activities must be consistent with its basic mandate for protection and solutions. While the provision of humanitarian assistance is normally a major component of UNHCR programmes for the internally displaced, these also include, wherever necessary and feasible, protection activities aimed at enhancing their safety and ensure respect for the human rights of the persons concerned.

29. UNHCR's involvement in favour of internally displaced persons covers a wide range of situations and activities. Since armed conflict and systematic human rights abuses are major causes of displacement, UNHCR's activities on behalf of the displaced and persons threatened with displacement increasingly involves presence in areas affected by serious tension, outbreaks of violence or civil war. In line with the need to promote and facilitate solutions, numerous UNHCR humanitarian assistance and rehabilitation programmes have helped internally displaced persons to return to their home areas, often alongside repatriating refugees. The specifically protection-related tasks that UNHCR staff have recently been called upon to perform in various situations include monitoring, at the request of the Governments concerned, the treatment of members of threatened minority (or majority) groups, reporting violations of fundamental rights, and intervening with the relevant authorities to request protective action, as well as investigation and prosecution of specific cases of abuse; assistance and de facto protection to displaced persons in temporary relief centres; promoting tracing and family reunion of unaccompanied children; and assisting Governments to provide personal documentation. In circumstances of armed conflict and/or massive violations of human rights, UNHCR activities have involved assisting the safe passage of civilians through front lines; facilitating, in acute life-threatening situations, in cooperation with the International Committee of the Red Cross (ICRC), the organised evacuation of civilians; intervening with local authorities to prevent the involuntary return of the internally displaced to areas of danger; facilitating genuine freedom of movement, including the possibility for persons in danger to seek asylum; and promoting the right of the internally displaced to return –or not to return -voluntarily to their homes. Elsewhere, as mentioned above, UNHCR has participated in mediation and reconciliation efforts between returning displaced persons and local residents. The Office has also participated in negotiating, been a party to, and/or taken part in ensuring compliance with repatriation agreements involving internally displaced persons as well as refugees.

30. UNHCR's work with the internally displaced has also included participation in comprehensive peace settlements, as in El Salvador and Cambodia, where the return of refugees was linked with monitoring the human rights situation affecting returnees, the displaced and those who had never moved, as well as relief, rehabilitation and development assistance. In these and similar cases, UNHCR has worked closely with human rights monitoring teams set up by the United Nations or by regional bodies, as well as with development organizations and peacekeeping forces.

31. As shelter, food, health care and other necessities are essential to the safety and survival of the displaced, ensuring access to them may be considered another form of protection. Ensuring humanitarian access and the delivery of vital relief supplies in areas of conflict to the displaced and to besieged local populations, through the international humanitarian presence that this entails, may also in certain circumstances have a deterrent effect in averting some abuses. By drawing the attention of the international community to the plight of the victims of conflict, it can also help to stimulate political efforts to resolve those conflicts. Recent events make it abundantly clear, however, that humanitarian action and presence cannot by themselves end conflicts, prevent human rights abuses, or provide effective protection where the authorities concerned are unwilling or unable to do so.

### **E. Interagency cooperation in activities on behalf of internally displaced persons**

32. In virtually all situations where UNHCR is involved with the internally displaced, the Office works

closely with other United Nations, intergovernmental and non-governmental organizations and agencies, often as part of comprehensive multisectoral programmes. As with assistance programmes for refugees, humanitarian assistance and other programmes benefiting the internally displaced involve many different arrangements for interagency cooperation and coordination. However, whereas UNHCR has been designated by the United Nations and is recognized by the international community generally as the international agency responsible for ensuring that the needs of refugees for protection and assistance are met, no single agency has a similar role with respect to persons displaced within their own country. Within the United Nations family, the various operational humanitarian agencies have mandates and expertise in specific sectors –for example food and logistics for WFP, health for WHO, and water and maternal and child health for UNICEF or for particular categories of people – such as women and children for UNICEF – that cover some of the needs or include some of the displaced. (The mandates of the agencies mentioned are of course more extensive than these examples.) In the field of human rights, the Centre for Human Rights, special rapporteurs and human rights monitoring teams established by the United Nations and regional organizations for specific operations have played a major role in the protection of the internally displaced in certain regions. The international response to situations producing forced displacement also includes United Nations political and peacekeeping operations, often with human rights elements. Among non-United Nations agencies, the ICRC has special competence for the provision of humanitarian relief and the protection of civilians in situations of armed conflict and for promoting observance of international humanitarian law, responsibilities which are highly relevant to persons displaced or at risk of displacement as a result of war. The mandate of the Intergovernmental Organization for Migration also includes activities on behalf of internally displaced persons. Numerous local and international non-governmental organizations are active on behalf of the displaced.

33. Since no one agency has a global mandate for the displaced, arriving at an appropriate division of labour among the organizations concerned is clearly of considerable importance for meeting their needs for humanitarian assistance, protection and solutions. The roles of the Department of Humanitarian Affairs and the Inter-Agency Standing Committee chaired by the Under-Secretary General for Humanitarian Affairs are of course central to the coordination of humanitarian assistance and the appropriate allocation of responsibilities among United Nations and other international agencies in complex emergencies, which include many situations of forced displacement. UNHCR plays an active part in the Inter-Agency Task Force on Internally Displaced Persons of the Standing Committee Working Group, which is currently seeking to formulate recommendations for mechanisms and practical measures to ensure effective and coordinated interagency responses to the needs of the internally displaced. Because the needs of internally displaced persons include protection as well as humanitarian assistance, it is essential that agencies with competence in the field of human rights are an integral part of any international effort to meet those needs. The participation of the Representative of the Secretary-General on the human rights issues related to internally displaced persons in the Working Group is most useful in this regard.

34. With respect to the appropriate apportionment of responsibilities for the internally displaced as between UNHCR and other international organizations, it has been noted that the High Commissioner's involvement is subject to certain conditions and criteria, including the recommendation that there be a link with the protection or solution of refugee problems and the requirement that adequate resources be available. The conditions and criteria applicable to UNHCR are not exclusive however; there frequently are situations where the mandates of other organizations could overlap with UNHCR's, and it must be decided which agency will assume the lead role.

35. When there is a predominant refugee element, as when the internally displaced are mixed with large numbers of refugees or returnees for whom UNHCR has a mandatory responsibility, it is natural for UNHCR to assume responsibility also for the displaced. Thus when large numbers of refugees are going back to a particular area which will also receive large numbers of displaced returning, UNHCR has often been requested by the Secretary-General to assume the lead role. In situations where there are few refugees or returnees, but where activities on behalf of the displaced could contribute to the prevention of a refugee situation by relieving their plight in their own country, UNHCR involvement will depend, besides the availability of resources, upon the readiness and capacity of other agencies to meet the need. In situations of armed conflict which include a strong link to refugee problems, such as actual or potential cross-border movements, UNHCR will have to reach agreement with ICRC on the most effective way to

share the task of assisting and protecting the internally displaced. Despite the potential for overlap, however, the magnitude of humanitarian tasks in conflict areas is such that regular consultation and coordination between UNHCR and ICRC result in complementary action and fruitful collaboration. It should be noted that ICRC and UNHCR are the only international organizations to combine humanitarian assistance and protection mandates. When neither is present, the protection needs of the internally displaced may be addressed by associating international or regional human rights organizations in a comprehensive programme with humanitarian assistance agencies.

36. Where the allocation of responsibility among agencies is unclear and cannot be resolved through discussion and coordination among those already present *in situ*, inter-agency missions to the area, under the auspices of DHA, can be an effective way of deciding on an appropriate assignment of tasks.

### **III. Conclusion**

37. Like refugees, the internally displaced need protection, assistance, and a solution to their plight. It is appropriate for UNHCR, with the consent of the parties concerned, and provided adequate resources are available, to take part in the efforts of the international community on behalf of the displaced, in order both to meet their compelling humanitarian needs and to contribute to the prevention and solution of refugee problems.

38. In its action on behalf of the displaced, UNHCR can invoke the principles of international human rights law and of humanitarian law, as well as the relevant provisions of national law and of specific agreements with Governments and other parties concerned. While proposals for improvements in the legal protection currently available for the internally displaced and persons at risk of displacement are worthy of further exploration, the most serious problems of the displaced result from failure to achieve a peaceful resolution of the conflicts that cause displacement and the failure of the parties directly concerned to observe the provisions of existing human rights and humanitarian law, and thus to safeguard the right of individuals and communities to remain in safety in their homes.

39. The restoration of peace and the protection of human rights, which are the only ways to provide truly effective protection to the internally displaced, are ultimately the responsibility of Governments. It is important to recognize that the forms of protection and humanitarian assistance that can be provided by UNHCR, with the consent of the national authorities, to persons within their own country must serve primarily to promote or reinforce national protection, which must be provided by those authorities. UNHCR and other international organizations can play a supportive role but they cannot substitute for Governments in the protection of their own citizens.

### ***Annex III: Excerpts from UN General Assembly Resolutions regarding the Office of the UNHCR***

A/RES/47/105  
89th plenary meeting  
16 December 1992

### **Office of the United Nations High Commissioner for Refugees**

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office, as well as the report of the Executive Committee of the Programme of the High Commissioner on the work of its forty-third session, and taking note of the statement made by the high Commissioner on 10 November 1992,

Recalling its resolution 46/106 of 16 December 1991,

Reaffirming the purely humanitarian and non-political character of the activities of the Office of the High

Commissioner, as well as the fundamental importance of the international protection function of the High Commissioner and the need for States to cooperate with the High Commissioner in the exercise of this primary and essential responsibility,

Noting with satisfaction that one hundred and fourteen States are now parties to the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees,

Welcoming the valuable support extended by Governments to the High Commissioner in carrying out her humanitarian tasks,

Noting with concern that the number of refugees and displaced persons of concern to the High Commissioner, as well as of other persons to whom her Office is asked to extend assistance and protection, has continued to increase and that their protection continues to be seriously jeopardized in many situations as a result of non-admission, expulsion, refoulement and unjustified detention, as well as other threats to their physical security, dignity and well-being, and lack of respect for fundamental freedoms and human rights,

Commending the continued efforts of the High Commissioner to improve the situation of refugee women and children, who represent the majority of refugee populations and who, in many cases, are exposed to a variety of difficult situations affecting their physical and legal protection, as well as their psychological and material well-being,

Emphasizing the need for States to assist the High Commissioner in her efforts to find durable and timely solutions to the problems of refugees based on new approaches that take into account the current size and characteristics of these problems and are built on respect for fundamental freedoms and human rights and internationally agreed protection principles and concerns,

Welcoming the commitment of the High Commissioner, bearing in mind her mandate and responsibilities, to explore and undertake activities aimed at preventing conditions that give rise to refugee outflows, as well as to strengthen emergency preparedness and response mechanisms and the concerted pursuit of voluntary repatriation,

Commending those States, particularly the least developed among them, which, despite severe economic and development challenges of their own, continue to admit large numbers of refugees and displaced persons of concern to the High Commissioner into their territories, and emphasizing the need to share the burden of these States to the maximum extent possible through international assistance, including development-oriented assistance, and through promotion of durable solutions,

Commending the High Commissioner and her staff for the dedicated manner in which they discharge their responsibilities, and paying special tribute to those staff members who have lost their lives in the course of their duties,

(...)

(13.) Supports the strengthened efforts by the High Commissioner to explore protection and assistance strategies that aim at preventing conditions that give rise to refugee outflows and at addressing their root causes, and urges her to pursue such efforts, bearing in mind fundamental protection principles and her mandate, in close coordination with the Governments concerned and within an inter-agency, intergovernmental and nongovernmental framework as appropriate;

(14.) Welcomes, in this context, efforts by the High Commissioner, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, to undertake activities in favour of internally displaced persons, taking into account the complementarities of the mandates and expertise of other relevant organizations;

A/RES/48/116  
20 December 1993

## **Office of the United Nations High Commissioner for Refugees**

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office, as well as the report of the Executive Committee of the Programme of the High Commissioner on the work of its forty-fourth session, and taking note of the statement made by the High Commissioner on 4 November 1993,

Recalling its resolution 47/105 of 16 December 1992,

Reaffirming the purely humanitarian and non-political character of the activities of the Office of the High Commissioner, as well as the crucial importance of the High Commissioner's functions of providing international protection to refugees and seeking solutions to refugee problems,

Welcoming the Vienna Declaration and Programme of Action of the World Conference on Human Rights, particularly as it reaffirms the right to seek and enjoy asylum, and the right to return to one's country,

Commending the High Commissioner and her staff for the dedicated manner in which they discharge their responsibilities, and paying special tribute to those staff members who have lost their lives in the course of their duties,

Noting with satisfaction that one hundred and twenty-three States are now parties to the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees,

Also noting with satisfaction the participation of the United Nations High Commissioner for Refugees in the commemorations of the anniversary of the Cartagena Declaration on Refugees of 1984 and the Convention on Refugees of the Organization of African Unity of 1969,

Welcoming the continuing strong commitment of States to provide protection and assistance to refugees and the valuable support extended by Governments to the High Commissioner in carrying out her humanitarian tasks,

Commending those States, particularly the least developed and those serving as host to millions of refugees, that, despite severe economic and development challenges of their own, continue to admit large numbers of refugees into their territories, and emphasizing the need to share the burden of those States to the maximum extent possible through international assistance, including development-oriented assistance,

Noting with concern that the number of refugees and other persons to whom the Office of the High Commissioner is called upon to provide assistance and protection has continued to increase and that their protection continues to be seriously jeopardized in many situations as a result of denial of admission, unlawful expulsion, physical security, dignity and well-being and failure to respect and ensure their fundamental freedoms and human rights,

Recognizing that, in certain regions, the misuse by individuals of asylum procedures jeopardizes the institution of asylum and adversely affects the prompt and effective protection of refugees,

Emphasizing the need for States to assist the High Commissioner in seeking durable and timely solutions to the problems of refugees, as well as to take part in efforts to prevent conditions that might give rise to the flight of refugees, and to address the root causes of refugee outflows, and underlining, in this connection, State responsibility, particularly as it relates to countries of origin,

Welcoming the continuing efforts of the High Commissioner to meet the protection and assistance needs of refugee women and refugee children, who constitute the majority of the world's refugee population and who are often exposed to serious threats to their safety and well-being,

Recognizing the increased demands faced by the Office of the United Nations High Commissioner for Refugees world wide and the need for all available resources to be fully and effectively mobilized to meet those demands,

(...)

(11.) Encourages the High Commissioner, on the basis of her broad humanitarian experience and expertise, to continue to explore and to undertake protection and assistance activities aimed at preventing conditions that give rise to refugee outflows, bearing in mind fundamental protection principles, in close coordination with the Governments concerned, and within an inter-agency, intergovernmental and non-governmental framework, as appropriate;

(12.) Reaffirms its support for the High Commissioner's efforts, on the basis of specific request from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, and taking into account the complementarities of the mandates and expertise of other relevant organizations, to provide humanitarian assistance and protection to persons displaced within their own country in specific situations calling for the Office's particular expertise, especially where such efforts could contribute to the prevention or solution of refugee problems;

## Endnotes

\* This finding was presumably made under Article 99 of the UN Charter.

1. THE ADDIS ABABA AGREEMENT ON THE PROBLEM OF THE SOUTH SUDAN, February 27, 1972 (UNHCR Archives) (1/GEN/SUD/72 file).

2. *Id.*, Chap. IV(I), art. (2).

3. *Id.*, Chap. IV(II), art. (3).

4. *Id.*

5. See e.g. Letter from Sadruddin Aga Khan to Ismat Kittani, March 3, 1972 (UNHCR Archives, 610/Gen/Sud file)

7. ECOSOC Res. 1655 (LII) (1972); ECOSOC Res. 1705 (LIII) (1972).

8. G.A. Res 2958 (XXVII) (1972).

9. 28 GAOR, Supp. 12A (A/9012/Add.1), para. 77 (1973).

10. U.N. Doc. (A/AC.96/SR.228), p. 45 (1972).

12. *Id.*, art. (4).

13. S. Vieira de Mello, Note for File, June 13, 1972 (UNHCR Archives) (1./SUD/GEN/72 file).

14. *Id.*

15. 29 GAOR, Supp. 12 (A/9612/Add. 1), para 80(m) (1974).

16. 30 GAOR, Supp. 12 (A/10012), para. 194 (1975).

17. *Id.*, at para. 195.

18. *Id.*, at para. 197.

19. 31 GAOR, Supp. 12 (A/31/12), para. 2 (1976).

20. *Id.*, at para. 117.

21. 30 GAOR, Supp. 12A (A/10012/Add.1), para 100 (1975).

22. *Supra*, note 16, at para. 209.

23. *Supra*, note 21, at para. 14.

24. *Id.*

25. *Supra*, note 16, at para. 209.

26. 31 GAOR, Supp. 12 (A/31/12), para 202 (1976).

27. *Id.*

29. 34 GAOR, Supp. 12 (A/34/12), para. 74 (1979).

30. *Id.*, at para. 91.

31. 35 GAOR, Supp. 12 (A/35/12), para. 91 (1980).

32. *Supra*, note 29, at para. 91.

33. Id.

34. Id.

35. Id.

36. U.N. Doc. (A/AC.96/60) (Annex), para. 3 (1981).

37. 36 GAOR, Supp. 12 (A/36/12), para 176 (1981).

38. 37 GAOR, Supp. 12 (A/37/12), para 180 (1982).

39. U.N. Doc (A/AC. 96/601) (Annex), p. 3 (1981).

40. Id.

68. U.N. Doc (A/AC.96/724) (Part II), para. 2.9.33 (1989); W.D. Clarence, *Open Relief Centres: A Pragmatic Approach to Emergency Relief and Monitoring During Conflict in a Country*

69. Working Paper Submitted by UNHCR to the Informal Consultations in Oslo, 18-20 May 1988, (1988) (UNHCR Archives, 610/LKA/GEN file).

70. U.N. Doc. (A/AC .96/774) (Part II I), para. 2.9.44 (1 990).

71. *Supra*, note 70, at para. 6.

72. Clarence, *supra*, note 68, at 322.

73. Id., at 324.

74. U.N. Doc. (A/AC.96/774) (Part. II), para. 2.0.10 (1991).

75. *Id.*

77. *Supra*, note 70.

78. *Supra*, note 72, at 327.

79. *Id.*, at 325.

80. *Id.*, at 327.

81. *Supra*, note 69, at para. 12.

82. *Id.*, at para. 14.

41. Andreas J. Jacovides, *The Cyprus Problem and the United Nations*, in *CYPRUS REVIEWED*, p. 183 (Michael A. Attalides, ed.) (1977). (*Footnote confusion from original - CDR electronic editors*)

42. U.N. Doc. (S/11488) (Annex), para. 4 (1974).

43. *Id.*

44. S.C. Resolutions 353, 354, 355, 357, 358, 359, 360, 361, 364 (1974).

45. S.C. Res. 361 (August 30, 1974).

46. U.N. Doc (S/11488), para. 2 (1974).

47. G.A. Res. 3212 (XXIX) (1974) (citing operative para. 7).

48. S.C. Res. 364 (December 13, 1974).

49. *Supra*, note 41, at para. 186.

50. 31 GAOR, Supp. 12 (A/31/12), para 250 (1976); U.N. Doc. (S/11488), para. 7 (1974).

51. Letter from Secretary General Kurt Waldheim to Osman Oclav, Turkish Ambassador to the United Nations (Sept. 3, 1974) (UNHCR Archives, 100/CYP/GEN file).

52. U.N. Doc. (S/11488) (Annex), para. 16 (1974).

53. *Supra*, note 51; Memorandum: Visit of Miss A. Warburton, Counselor, Permanent Mission of the United Kingdom (recorded on November 14, 1974) (UNHCR Archives, 1/CYP/GEN file).

54. *Supra*, note 51.

55. 30 GAOR, Supp. 12 (A/10012), para. 181 (1975); *supra*, note 53, at para. 14.

56. 30 GAOR, Supp. 12 (A/10012), para 181 (1975).

57. U.N. Doc (S/11488/Add.2), para. 2(c) (1974).

58. *Id.*

59. *Id.*

60. Classified cable from Secretary General Kurt Waldheim to High Commissioner for Refugees Sadruddin Aga Khan (October 3, 1974) (UNHCR Archives, 100/CYP/GEN file).

61. Memorandum: Visit of Miss A. Warburton, Counselor, Permanent Mission of the United Kingdom (recorded on November 14, 1974) (UNHCR Archives, 100/CYP/GEN file).

62. *Id.*

63. Id.

64. U.N. Doc. (A/AC.96/639), para. 1039 (1984).

65. U.N. Doc. (A/AC.96/620), para. 1049 (1983).

66. Id., at para. 1048.

67. Id., at para. 1062.

(\* An Inter-Office Memorandum-Field Office Memorandum (in short, IOM-FOM) is an internal directive issued by either the High Commissioner, the Deputy High Commissioner or a Director to UNHCR staff at Headquarters and in the field. The text of IOM-FOM/33/93 of 28 April 1993 on "UNHCR's Role with Internally Displaced Persons" can be found in [Annex I](#) to this survey.

(\* See Note under para. 211, above, and [Annex I](#)

(\* See Note under para. 211, above, and [Annex I](#)

(\* See Note under para.211, above, and [Annex 1](#)

(\* See Note under para. 211, above, and [Annex I](#)

(\* Executive Committee of the High Commissioner's Programme, Conclusion No 48(XXXVIII) of 1987 on Military and armed attacks against refugee camps and settlements

(\* Proceedings of the colloquium "The Problem of Refugees in the light of Contemporary International Law Issues", organized by the Graduate Institute of Humanitarian Studies (Geneva) and UNHCR on 26 and 27 May 1994" will be published shortly. (Martinus Nijhoff publ.)

1 ECOSOC resolution 1705(LIII) (27 July 1972). See also resolution 1655 (LII) (1 June 1972).

2 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 1.

3 Ibid., art .17.

4 Ibid.

5 Ibid., art .14.

6 Ibid., art .4.

7 Ibid., art. 18 (2) .