

CONSIDERATION OF ECOSOC RESOLUTION 1995/56

I. INTRODUCTION

1. The core functions of UNHCR are those assigned by its 1950 Statute: providing international protection to refugees, and seeking permanent solutions to their problems. As part of its duty to ensure that voluntary repatriation schemes are sustainable, UNHCR has also become involved in assisting and protecting returnees in their home countries. In recent years, the General Assembly and the Secretary-General have increasingly called on UNHCR to protect or assist particular groups of internally displaced people who have not crossed an international border but are in a refugee-like situation inside their countries of origin, as well as other populations affected by conflict.

2. The present period of international volatility and readjustment has been characterized by massive human displacement. Although the refugee population worldwide decreased to 14.5 million by the beginning of 1995 because of repatriation in various parts of the world, the total number of people of concern to UNHCR rose to some 27.4 million. This included 5.4 million internally displaced persons, 3.5 million others of humanitarian concern, predominantly populations affected by conflict, and some 4 million returnees requiring assistance to establish sustainable reintegration in their countries of origin.

3. Although year-end statistics have yet to be fully compiled, it is estimated that the total number of refugees will again be seen to have decreased. However, even if 1995 has provided some tentative indications of increased international stability, internal conflicts continue to produce refugees, internally displaced persons and other populations of humanitarian concern. Current political, social and economic conditions in many parts of the world do not suggest that the causes of forced human displacement will soon disappear.

4. The conditions of the post-Cold War world have led UNHCR and the international community to address the refugee problem with a heightened sense of urgency and from a distinctly fresh perspective. Until the late 1980s, UNHCR only became concerned with people once they had been uprooted, crossed an international border and sought asylum in another state. The organization did not involve itself substantially with other groups of displaced and vulnerable people. While UNHCR maintained close relationships with host and donor Governments, countries of origin were in many cases effectively excluded from the search for solutions.

5. In recent years, a number of different factors have combined to bring about a revision of this traditional approach. These include the recent spate of internal wars and large-scale humanitarian emergencies, the growing reluctance of host and donor countries to provide refugee populations with indefinite protection and assistance, the perceived insufficiency of traditional approaches to refugee problems, and new opportunities for solutions in the light of progress towards democratic systems of governance in many parts of the world.

6. In responding to the changed circumstances outlined above, UNHCR has sought to develop a new solution-oriented and preventive strategy to complement traditional approaches to

refugee protection and assistance. It has aimed to assure a high level of emergency preparedness, to provide assistance and protection in such a way as to avert, where possible, the occurrence of new refugee flows, and to promote concerted efforts to achieve durable solutions, notably voluntary repatriation.

7. As a consequence of this new orientation, UNHCR's protection and assistance activities are now regularly extended to groups other than refugees, such as returnees, internally displaced people and war-affected populations. One inevitable corollary of this has been an increased focus on activities in countries of origin. Another has been that the Office is required to work with a wider range of partners, including the political organs of the United Nations system, peace-keeping troops and other United Nations-mandated forces, human rights organizations, development agencies and the international financial institutions.

8. Experience to date indicates that further efforts are called for in strengthening the coordination of the emergency humanitarian assistance of the United Nations (ECOSOC resolution 1995/56), and in operationalizing the desired conceptual linkages between relief to development. The challenge, is in UNHCR's case, to achieve this, without weakening the focus on the specific protection and humanitarian assistance needs of persons of concern to UNHCR, very many of whom have no other recourse. The importance of UNHCR's protection role remains primordial in all phases of its activities, be it in responding to emergencies or in pursuing and consolidating solutions. The provision of humanitarian assistance is an integral part of ensuring protection.

9. In considering ECOSOC resolution 1995/56, it is proposed that the Executive Committee should structure its deliberations around the three main prongs of UNHCR's current strategy, namely, emergency response, the promotion and implementation of solutions and prevention. Under each of these main headings, relevant issues from the indicative list annexed to the ECOSOC resolution would be treated as sub-themes. In respect of each of UNHCR's main areas of activity, the Executive Committee would look at the current role of UNHCR and perceived gaps in the response system. On this basis it may wish to make recommendations concerning ways of better ensuring that those gaps are filled in a predictable and systematic manner. These could be fed into the deliberations of other governing bodies both through the direct intervention of Governments in those organs and through the parallel inter-agency process being organized in the framework of the Inter-agency Standing Committee Working Group with the participation of UNHCR.

10. The following paragraphs set out the broad parameters of UNHCR's current strategy. These will be further developed as the Standing Committee turns to each of the specific areas concerned in the course of its meetings in 1996.

II. EMERGENCY RESPONSE

11. Since 1991, UNHCR has, with the approval of the Executive Committee, embarked on a number of initiatives to enhance its capacity to respond to emergencies. A range of emergency resources tailored to meet staffing, material and financial requirements in emergencies has been developed and consolidated into a coherent emergency response system (see EC/1995/SC.2/CRP.28 submitted to the October 1995 meeting of the Sub-Committee on Administrative and Financial Matters and EC/46/SC/CRP.7 and the accompanying Catalogue of Emergency Response Resources submitted to the first meeting of the Standing Committee in January 1996). Since their establishment, these emergency response mechanisms have been fully tested by the spate of emergencies that UNHCR has had to respond to in the last few years, including emergencies of unprecedented scale in Africa and the former Yugoslavia. As a result of its efforts since 1991, UNHCR's standby capacity has achieved a high level of preparedness in terms of both personnel and stockpiles of emergency relief supplies which it can deploy rapidly.

12. In accordance with its mandate, UNHCR takes the lead in the international response to

refugee emergencies. When called upon by the appropriate instances of the United Nations, it also plays a leading role in situations of forced displacement in countries of origin. The Office has endeavoured to ensure the effectiveness of its interventions and the durability of results by building partnerships with other United Nations agencies, notably WFP, UNICEF, WHO, UNFPA and UNESCO, in activities such as food aid, immunization and health care, water supply and sanitation, mother and child medical care, family planning, and education. Where appropriate, it has sought to structure its relationships with these agencies through memoranda of understanding (see EC/46/SC/CRP.8). Moreover, it has played a significant role in any system-wide response coordinated by the United Nations Emergency Coordinator (DHA).

13. Recent experience has shown that the magnitude of some emergencies may require assistance beyond the normal range of emergency resources able to be established by UNHCR. Faced in the Great Lakes region with the most severe refugee emergency in recent history, the Office was again obliged to innovate. With its own staff resources heavily committed in the region and elsewhere, it appealed to donor Governments to assume an operational role by providing self-contained services in a number of critical assistance sectors through the deployment of resources drawn largely from their military and civil defence establishments. The use of these so-called "government service packages" in the Rwanda emergency has demonstrated how, under certain conditions, unique military skills or assets can support UNHCR's emergency relief activities. The positive impact of "government service packages" in responding to the critical conditions that characterized the massive exodus of Rwandan has led UNHCR into a process of consultation with Governments and the Department of Humanitarian Affairs on how, when necessary and appropriate, this mechanism can best be used.

14. Despite the considerable progress made, UNHCR believes that the United Nations system as a whole needs to achieve a greater level of predictability in emergency response, notably response to complex emergencies. It is of the view, moreover, that debate should focus on means of strengthening existing mechanisms rather than creating new ones.

15. To achieve the predictability required in complex emergencies, it is important to know in advance what any given agency will be able to contribute and for what areas it will assume operational responsibility. The assumption of operational responsibility for a particular sector may be systematic, i.e. applicable in all emergencies of a given type, which would require a significant strengthening of the operational capacities of many of the agencies concerned. Or it may be case specific, in which case early allocation of responsibilities by DHA needs to be ensured in a pragmatic fashion on a case-by-case basis taking into account the comparative advantage of the agencies concerned. Allocation of responsibility needs, moreover, to include agreement on responsibility for coordination at the field level. In this context, it may be appropriate to re-examine the concept of United Nations "lead agency". UNHCR has advocated the view that DHA should play a key role in gaining agreement on/designating the lead agency in particular emergencies rather than itself developing an operational field presence. UNHCR believes that such a view reflects the intention underlying General Assembly resolution 46/182.

III. THE SEARCH FOR SOLUTIONS

16. Some 9 million refugees and displaced persons have returned to their places of origin over the last five years. More than 2 million of them have gone home following peace settlements in Namibia, Cambodia, El Salvador and Mozambique. Increasingly, however, refugees are, and will be, repatriating to situations where perfect conditions for return may not exist, where peace and stability may not yet have taken root following long periods of conflict and devastation.

17. The ability of UNHCR to find durable solutions to refugee problems depends on progress in addressing the root causes of forced human displacement. Refugee outflows have their own specific causes, in particular, conflict and human rights violations. There is a growing appreciation, however, of other underlying factors that contribute to such outflows, for instance, under- and unbalanced development, economic marginalization, ethnic and religious intolerance,

social inequalities, political exclusion and lack of good governance. The prevention and solution of refugee outflows requires that all these issues be addressed in a comprehensive fashion. In particular, the relationship of forced displacement to the absence of opportunities for true human development is now more widely appreciated, as is the need to include the reintegration of refugees and the internally displaced in their countries of origin within overall reconstruction and development initiatives. There is also increasing recognition of the need to provide humanitarian assistance in a manner that is supportive of development initiatives, and reinforces them to the extent possible.

18. At its forty-fifth session in October 1994, the Executive Committee, in its Conclusion on the Continuum from Relief to Rehabilitation and Development (A/AC.96/839, paragraph 26), emphasized the need for further progress by the United Nations system in addressing in a coherent and mutually supportive manner, humanitarian assistance, rehabilitation and development in countries of origin. It encouraged the High Commissioner to proceed with the implementation of the Policy and Methodological Framework for Quick Impact Projects and to pursue the development of assistance strategies, operational mechanisms and collaborative arrangements which would enhance the capacity of the Office to support sustainable reintegration of returnees in their own countries. The Committee requested the High Commissioner to promote a smooth interface between humanitarian and development activities, through inter-agency cooperation.

19. In its pursuit of sustainable solutions, UNHCR continues to attach great importance to achieving a better interface between relief, rehabilitation and development. Without this, solutions to humanitarian crises may regress into new, divisive communal problems.

20. The role that UNHCR itself can play is, however, a limited one. The Office has continued to reinforce its community-based approach to reintegration assistance through the implementation of small-scale, community-based quick impact projects that promote the self-sufficiency of returnees and their communities. Such projects, however, fall far short of overall needs. A better interface is needed between the "first aid" provided by UNHCR and other humanitarian organizations on the one hand and broader rehabilitation and development efforts on the other.

21. UNHCR has thus pursued discussions with other departments and agencies, notably DHA and UNDP, on how institutional gaps can be bridged to ensure a meaningful "continuum from relief to development". At its meeting in January 1995, the Sub-Committee on Administrative and Financial Matters reviewed assistance policies and strategies for the promotion of durable solutions (EC/1995/SC.2/CRP.4) in the presence of senior representatives of UNDP and DHA. UNHCR has also sought to strengthen its relationship with the financial institutions, notably the World Bank.

22. UNHCR's efforts to support reconciliation and rehabilitation in post-conflict societies have been evident, for example, in the case of Mozambique, where its strategy for the reintegration of the 1.6 million refugees who have returned since the signing of the Peace Agreement aims, with the endorsement of the Government and major donors, at establishing linkages to longer-term development programmes.

23. Today, solutions are frequently implemented in immediate post conflict situations or in situations where there has been no full cessation of hostilities. In such circumstances, material destruction and the absence of development activities, compounded by the widespread use of land-mines, often make effective reintegration a complex task in which steps to ensure the security of returnees are just as important as the promotion of their economic reintegration. In addition to initiatives that effectively bridge the gap between relief and development, international humanitarian presence is needed to monitor safety and reassure returnees while working with the authorities to create the conditions that will allow communities to welcome those returning and

move towards recovery. In Tajikistan, Afghanistan and Rwanda, the presence of international humanitarian staff, supported by human rights workers, and/or peace-keeping observers, has contributed to the willingness of refugees to return despite the fragile conditions at home. Confidence-building measures promote return, while return may promote further confidence in longer-term reconciliation and peace-building in countries still ravaged by conflict.

24. While a number of basic principles and criteria of general relevance have been established, there is no easy, prescriptive blue-print for repatriation solutions. Specific conditions and operational priorities vary from one situation to another. If the continuum from relief to development is to become reality, further reinforcement of operational linkages with development and financial institutions is a high priority, as are efforts to ensure the predictability of funding for reintegration and rehabilitation activities.

IV. PREVENTING REFUGEE CRISES

25. The prevention of forced human displacements requires a number of long-term strategies such as those set out in the Secretary-General's Agendas for Peace and Development, the Vienna Declaration and Plan of Action of the World Conference on Human Rights (Vienna, 1993), and the Plans of Action emanating from the World Conferences on the Environment and Development (Rio de Janeiro, 1992), Population and Development (Cairo, 1994), Social Development (Copenhagen, 1995), and Women (Beijing, 1995). Among the more immediate preventive actions, and ones to which the Office of the High Commissioner can also make a distinct contribution, are the reinforcement of national protection capacities, particularly through training and institution-building efforts, as well as the deployment of international staff in areas of tension, so as to ensure an early, effective, protective presence. The collection and analysis of data on areas of potential conflict and displacement also has an important part to play in this respect.

26. Recognizing that, without effective preventive action, problems of human displacement will continue to spread, the Office has sought to strengthen its institution-building and training activities in various parts of the world. In addition, UNHCR and IOM have continued their collaboration in mass information campaigns.

27. Where appropriate, the Office has sought to promote comprehensive plans of action which include preventive measures. Further to General Assembly resolution 50/151, UNHCR is, for example, currently engaged, together with IOM and the OSCE/ODIHR, in preparations for a regional conference that will establish a programme of action to address actual and potential problems of refugees, returnees and displaced persons in the Commonwealth of Independent States and relevant neighbouring States.

28. Most frequently, the preventive efforts of the Office have come into play in situations where large-scale human displacement has already occurred. In such situations, UNHCR has continued to promote and participate in strategies that may help contain fragile situations. It has attempted to address or attenuate, wherever possible, the causes of refugee flows or, failing that, to reduce the necessity for affected populations or individuals to seek asylum across international borders. As part of these efforts, UNHCR has, at the request of the Secretary-General, continued or expanded its involvement in assisting and seeking solutions for groups of internally displaced. In addition to its programme of humanitarian assistance in the former Yugoslavia, UNHCR has, for example, been engaged in activities on behalf of substantial numbers of internally displaced in Angola, Rwanda, Afghanistan, the Caucasus and the Russian Federation. These activities are frequently carried out in cooperation with other concerned United Nations bodies in the context of comprehensive approaches to displacement and conflict resolution.

29. In pursuing its preventive and solution-oriented activities, UNHCR has welcomed United Nations efforts to establish a more effective operational capacity in the field of human rights, be it through intensified human rights field operations, or through the establishment of International

Tribunals to prosecute the perpetrators of grave violations of human rights and humanitarian law. UNHCR has sought to strengthen collaboration with human rights treaty bodies and other human rights mechanisms, and has sought to establish active collaboration with the High Commissioner for Human Rights, especially at the level of field operations. Ongoing contacts with human rights working groups, rapporteurs, experts and monitors are also an integral part of the approach of UNHCR to link human rights concerns with the protection of refugees.

V. CONCLUSION

30. The United Nations has a unique role in addressing the challenge of human displacement, in particular that of refugees. Building on the specific mandate given to the Office of the High Commissioner for Refugees, there is a need to define clearly the roles of other parts of the system, be they political, humanitarian, social or developmental, and to assure greater coordination between them. Furthermore, partnerships between the United Nations system and the other international, intergovernmental, regional and national bodies, including non-governmental bodies, must be strengthened. The search for a permanent solution to refugee problems must, necessarily, be a collaborative effort. It is hoped that the thorough examination of ECOSOC resolution 1995/56 by the governing bodies of the different agencies of the United Nations system will be a positive step in that direction.