

## Chapter XII

## Refugees and displaced persons

In 1996, individuals being assisted by the Office of the United Nations High Commissioner for Refugees (UNHCR) totalled about 26 million. Of those, about half—13.2 million—were refugees, the number of whom had decreased somewhat from 14.5 million the year before. Others of concern to UNHCR included 3.3 million repatriated refugees in the early stages of reintegration, 4.7 million internally displaced persons, and 4.9 million others affected by humanitarian crises.

During the year, more than 1 million refugees returned to their country of origin, reflecting the increasing focus on voluntary repatriation. The conflict in eastern Zaire and the sudden and large-scale return of Rwandans from Zaire and the United Republic of Tanzania posed unprecedented challenges.

Africa hosted some 9 million refugees, internally displaced persons and other people of concern to UNHCR in early 1996, of whom there were some 1.8 million in the Great Lakes region. The crisis in the region led to the return of over 1.2 million Rwandan refugees between July and December. In Mozambique, the repatriation and reintegration programme was successfully concluded, and, as a result of peace accords, Sierra Leone requested UNHCR assistance to repatriate some 380,000 Sierra Leoneans. Unfortunately, renewed fighting in Liberia led to new refugee flows.

In Central America, the successful conclusion of peace negotiations in Guatemala and the launching of a migratory stabilization plan for Guatemalan refugees in Mexico paved the way for definitive solutions to the last major group of Central American refugees.

In Asia and Oceania, the Comprehensive Plan of Action for Indo-Chinese Refugees was successfully concluded, while UNHCR gradually reduced its programmes in Western Europe, shifting resources to the Baltic and the Commonwealth of Independent States (CIS). In Eastern Europe, it assisted refugees in Armenia, Azerbaijan, Georgia and Chechnya (Russian Federation). A regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in CIS countries and relevant neighbouring States was held in Geneva on 30 and 31 May. The General Assem-

bly, in December, welcomed the Programme of Action adopted by the Conference, as well as the Joint Operational Strategy for 1996-2000, which continued the practical dimensions of implementing the Conference results.

In October, the UNHCR Executive Committee considered such topics as comprehensive approaches within a protection framework, conclusion of the CIS Conference on refugees, and coordination of emergency humanitarian assistance, as well as the budget structure and governance of UNHCR, and its working methods. The annual theme for the general debate was the pursuit and implementation of durable solutions to the problems of refugees.

The General Assembly urged States to ensure access for all asylum-seekers to fair procedures for the determination of refugee status and the granting of asylum. It deplored the fact that in certain situations, refugees, returnees and displaced persons had been subjected to armed attack, murder, rape and other human rights violations and threats to their personal security. It called on States to ensure respect for the principles of refugee protection, urged them and international organizations to support the High Commissioner's search for durable solutions to refugee problems and, underlining the interrelationship between protection and solutions, reiterated its support for the role of UNHCR in exploring further measures to ensure international protection to all who needed it. The Assembly called on Governments and donors to contribute to UNHCR programmes and to assist the High Commissioner in securing additional and timely income from government sources and the private sector to ensure that the needs of refugees, returnees and displaced persons were met.

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

#### Programme policy

**Executive Committee action.** At its forty-seventh session (Geneva, 7-11 October 1996) [A/51/12/Add.1], the Executive Committee of the

UNHCR Programme recognized that the complexity of the current refugee problems underlined both the importance of the High Commissioner's function of international protection and the difficulties inherent in the exercise of that function. The Committee called on Governments and UNHCR to continue to respond to the assistance needs of refugees until durable solutions were found. It appealed to States to ensure that measures adopted to discourage the abuse of asylum procedures had no detrimental effect on the fundamental principles of international protection, including the institution of asylum. The Committee called on UNHCR to organize informal consultations on measures to ensure international protection, and encouraged it to continue the process. The High Commissioner was asked to expand and strengthen the promotion and training activities of the Office, including in the area of prevention and reduction of statelessness and related nationality issues, with the support of States and through increased cooperation with other international organizations, academic institutions and non-governmental and other relevant organizations. The Committee encouraged UNHCR to strengthen its efforts for the protection of women having a well-founded fear of persecution and called on States to adopt an approach sensitive to gender-related concerns, which ensured that those women were recognized as refugees. It encouraged the regular exchange of information as part of the ongoing consultations of UNHCR with Governments and non-governmental organizations (NGOs) on resettlement, and recommended to States that strategies for facilitating the return of persons not in need of international protection be examined within the framework of international cooperation. In that context, the Committee encouraged UNHCR, in cooperation with other international organizations, to continue the consultative process initiated in 1995 on ways of facilitating the return process. It called on UNHCR to continue supporting national legal and judicial capacity-building and to cooperate with the UN High Commissioner for Human Rights and relevant organizations.

Concerning comprehensive and regional approaches within a protective framework, the Executive Committee encouraged States, in cooperation with each other and with international organizations, to adopt protection-based comprehensive approaches to particular problems of displacement, and identified the principal elements of such approaches. It invited UNHCR to provide support and expertise in formulating the comprehensive approaches and in assisting States to explore where and how such approaches might be appropriate or feasible.

In her opening statement to the Committee, the High Commissioner referred to the UNHCR change process, announced in 1995 [YUN 1995, p. 1228], known as Project Delphi, designed to give the Office better tools to perform its mission of ensuring international protection and achieving durable solutions, in an ever more complex and critical environment. Its programmes and operational structures would be based on better-defined objectives tailored to the needs of each situation, but consistent with the overall strategic dimensions of the Office. A new operational orientation, the "situational" approach, was introduced, aimed at finding and exploiting openings for solutions. Greater delegation and support should enable managers to take greater responsibility, while more finely tuned and expanded oversight from the centre should allow the Office to hold them accountable for reaching their objectives. The senior management structure had been reorganized and progress was made in developing clear policy directives. A global strategy paper was issued to provide better information about the content of the policy- and decision-making process, while planning and evaluation capacities were also strengthened.

By **decision** 1996/238 of 19 July, the Economic and Social Council took note of the High Commissioner's report for 1995/96 [A/51/12].

### **Coordination of emergency humanitarian assistance**

In response to Economic and Social Council resolution 1995/56 [YUN 1995, p. 927] on strengthening the coordination of emergency humanitarian assistance, which urged the governing bodies of relevant UN organizations to review their role and operational responsibilities, as well as their operative and financial capacities to respond in the context of broad and comprehensive humanitarian programmes, UNHCR was involved in an intensive process of inter-agency consultations within the Inter-Agency Standing Committee (IASC) and its working group.

The Office was of the view that those consultations had made significant progress in a number of important areas. However, it expressed reservations about recommendations made by IASC with respect to a unitary field coordination model based on the resident coordinator system. The Office believed that the lead agency model should be retained among the options available to the Secretary-General and the Emergency Relief Coordinator for ensuring a coordinated response to complex emergencies. That approach had the advantage of avoiding multiple layers of coordination, minimizing costs, avoiding diffused accountability and ensuring the flexibility

to cover cross-border and regional dimensions of complex emergencies. In addition, clearer terms of reference for the Emergency Relief Coordinator, the UN Department of Humanitarian Affairs (DHA) and IASC, as well as for the relationship among them, was an essential element of improved coordination.

In 1996, UNHCR continued to develop linkages with other members of the UN system by concluding and updating memoranda of understanding. A memorandum of understanding was signed with the United Nations Children's Fund (UNICEF) in March, and a local memorandum of understanding was concluded with the United Nations Development Programme (UNDP) for Rwanda, defining joint activities in the continuum from humanitarian assistance to development. Another memorandum was signed with the Southern African Development Community to address regional humanitarian, social, economic and human rights issues. Staff of other UN bodies participated in UNHCR training courses.

In an October conclusion [A/51/12/Add.1], the Executive Committee emphasized the importance to UNHCR of greater predictability and timeliness on the part of the UN system in emergency response and the pursuit of solutions, and of inter-agency coordination in that respect. It called on UNHCR to ensure the effectiveness of its emergency preparedness and response mechanisms and urged it, in its relations with other inter-governmental and non-governmental agencies, to develop common standards and practices for responding to emergencies. The Committee underlined the leadership role of the Emergency Relief Coordinator in ensuring a coordinated response and called on UNHCR to participate actively in IASC as the primary mechanism for inter-agency decisions on system-wide policy issues relating to humanitarian assistance. It urged the Office to play its part in ensuring that IASC fully developed its institutional role, to work within IASC to examine priority options and proposals to improve the functioning of IASC and its working group, to strengthen IASC's role in reaching decisions and providing inter-agency guidance to the UN system, and to increase the effectiveness of the IASC secretariat. Recommendations to those ends should be included in the Secretary-General's report to the 1997 substantive session of the Economic and Social Council. The Committee called on UNHCR to participate in IASC's analysis of various coordination models to ascertain their comparative effectiveness. It underscored the importance of establishing memoranda of understanding with intergovernmental agencies, including at the level of field

operations, as a mechanism to ensure that operations were effective, complementary and practicable, and urged UNHCR to establish predictable operational relationships through the conclusion or enhancement of memoranda of understanding and other agreements with relevant partners, notably UNDP and the World Health Organization. The Committee called on the High Commissioner to report to it on lessons learned from such inter-agency agreements. UNHCR should continue to participate actively in the consolidated appeals process, ensuring that they reflected priorities established through joint needs assessments and strategic planning and were effectively coordinated with other resource mobilization efforts, including round tables and consultative group mechanisms. The Committee stressed the importance to UNHCR of the timely issuance of appeals, their alignment with the calendar year and their responsiveness to the regional dimensions of complex emergencies. It underlined the importance of inter-agency training in preparing personnel for a coordinated approach to emergencies and of contingency planning as a prerequisite for effective emergency response. It encouraged efforts to establish common guidelines and joint contingency planning activities, including through the DHA focal point for preparedness and response measures related to the use of government assets in support of humanitarian operations. The Committee emphasized the importance of joint needs assessments and of joint monitoring and evaluation of the collective response of the UN system, and looked forward to their becoming a regular feature of emergency operations. It urged UNHCR, with IASC, to develop ways of implementing effective and predictable linkages between humanitarian assistance, rehabilitation and development in countries of origin and to analyse lessons learned in that regard. UNHCR should continue, with DHA, to ensure that humanitarian agencies had access to early information regarding potential flows of refugees and displaced persons and, with IASC, establish an effective and predictable division of labour in respect of internally displaced persons.

The Committee reaffirmed that UNHCR's involvement with returnees in their countries of origin must be limited in scope and duration and should include, from the outset, a clearly defined strategy, in cooperation with the Government concerned and in consultation with the donor community and relevant UN agencies, to ensure the sustainability of reintegration after UNHCR's withdrawal. UNHCR should continue, at the request of Governments concerned and in collaboration with other relevant actors, in particular the

High Commissioner for Human Rights, as well as regional organizations, to reinforce national legal, judicial and administrative capacity, including training opportunities, and should collaborate with concerned Governments and agencies with specific competence in the fields of development and human rights. The Committee called on UNHCR to continue its initiatives to resolve the problem of statelessness in the prevention of refugee movements. It emphasized DHA's role in bridging and integrating the discussions in various governmental forums and in IASC, and underscored the need for intensified efforts to ensure that those discussions converged into a commonly held and comprehensive set of objectives and proposals. It called on UNHCR, in coordination with DHA, to report to the January 1997 IASC meeting on progress made in the inter-agency consultations on the formulation of a comprehensive set of proposals, recommendations and options for submission to the 1997 substantive session of the Economic and Social Council. (See also PART THREE, Chapter III.)

#### Evaluation of UNHCR

Pursuant to General Assembly resolution 48/218 B [YUN 1994, p. 1362], the Secretary-General transmitted to the Committee for Programme and Coordination (CPC) a March report by the Office of Internal Oversight Services (OIOS) [E/AC.51/1996/4] on the triennial review of the implementation of the recommendations on the evaluation of UNHCR, made by CPC. The report examined the implementation of recommendations related to international protection and programmatic, administrative and financial matters. The evaluation showed that a concerted effort had been made to follow through on the recommendations of CPC. Progress was reported on new approaches to international protection and the search for durable solutions, external relations strategies, budgetary questions and emergency response capacity. With regard to other recommendations, particularly those relating to NGOs, progress was somewhat mixed, and in a few instances, due to external circumstances, there was little progress to report or a different approach had been taken from that recommended.

CPC, in June [A/51/16 (Part I)], expressed appreciation for the comprehensive report and noted that its recommendations had helped UNHCR to improve its effectiveness. CPC recommended that the review, together with its own discussion and conclusions, be submitted to the UNHCR Executive Committee for action. An oversight review of follow-up action by UNHCR and other organizations should be undertaken by OIOS.

UNHCR inspection and evaluation activities were outlined in an August report [A/AC.96/870] to its Executive Committee. In October [A/51/12/Add.1 (dec. D)], the Committee noted the evaluation report, as well as other reports, i.e., of the Board of Auditors on the accounts of the Voluntary Fund administered by UNHCR for the year ended 31 December 1995 [A/AC.96/869] and of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on UNHCR activities financed from voluntary funds [A/AC.96/865/Add.4]. The Executive Committee requested that it be kept informed on the measures taken to address the recommendations and observations raised in those oversight documents.

#### UNHCR/NGO Partnership in Action

In 1996, UNHCR continued to follow up on the UNHCR/NGO Partnership in Action (PARINAC) process, launched in 1993 [YUN 1993, p. 1072] to establish a common agenda for field activities, and to implement the recommendations of the Oslo Declaration and Plan of Action, adopted at the 1994 PARINAC Global Conference [YUN 1994, p. 1217]. To respond more effectively to NGO needs, UNHCR made the NGO Coordinator the focal point for all policy issues concerning NGOs at Headquarters and appointed NGO focal points in the Regional Bureaux. In late 1996, UNHCR began a review of progress made under PARINAC to assess achievements and to identify outstanding priorities. At the CIS Conference in May (see below), 136 NGOs were accredited. The involvement of NGOs was considered key to the implementation of the decisions of the Conference. During the year, UNHCR concluded 974 sub-agreements with NGOs in 128 countries for operational activities with refugee and other populations. Under those agreements, some 606 projects were implemented by national and 368 by international NGOs. In 1996, some 6,370 members of NGOs benefited from UNHCR training in protection, refugee law, people-oriented planning, programme management and emergency management and resettlement. Several technical workshops were also held.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/75**.

#### 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 and the report of the Executive Committee of the Programme of the United Nations High Com-

missioner for Refugees on the work of its forty-seventh session.

Recalling its resolution 50/152 of 21 December 1995, Reaffirming the fundamental importance of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, in particular their implementation in a manner fully compatible with the object and purpose of those instruments, and noting with satisfaction that one hundred and thirty-two States are now parties to one or both instruments,

Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities,

Paying tribute to those staff members who have endangered or lost their lives in the course of their duties, and emphasizing the urgent need for effective measures to ensure the security of staff engaged in humanitarian operations,

Distressed at the widespread violations of the principle of non-refoulement and of the rights of refugees, in some cases resulting in the loss of their lives, and seriously disturbed at reports indicating that large numbers of refugees and asylum-seekers have been subjected to refoulement and expulsion in highly dangerous situations,

1. Strongly reaffirms the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking permanent solutions to the problem of refugees and the need for States to cooperate fully with the Office in order to facilitate the effective exercise of that function;

2. Calls upon all States that have not yet done so to accede or succeed to and to implement fully the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and relevant regional refugee instruments, as applicable, for the protection of refugees;

3. Reiterates that everyone, without distinction of any kind, has the right to seek and to enjoy in other countries asylum from persecution, and calls upon all States to uphold asylum as an indispensable instrument for the international protection of refugees and to respect scrupulously the fundamental principle of non-refoulement, which is not subject to derogation;

4. Urges States to ensure access, consistent with relevant international and regional instruments, for all asylum-seekers to fair and efficient procedures for the determination of refugee status and the granting of asylum to eligible persons;

5. Deplores the fact that in certain situations refugees, returnees and displaced persons of concern to the Office of the High Commissioner have been subjected to armed attack, murder, rape and other violations of or threats to their personal security and other fundamental rights, and calls upon States to take all measures necessary to ensure respect for the principles of refugee protection and the humane treatment of asylum-seekers in accordance with internationally recognized human rights and humanitarian norms;

6. Emphasizes the importance of ensuring access by the Office of the High Commissioner to asylum-seekers, refugees and other persons of concern in order to enable it to carry out its protection functions in an effective manner, expresses deep concern at conditions in a number of countries or regions that seriously

impede the delivery of humanitarian assistance and protection, and calls upon States to take all necessary measures to ensure such access and to ensure the security of staff engaged in humanitarian operations;

7. Reiterates its support for the role of the Office of the High Commissioner in exploring further measures to ensure international protection to all who need it, consistent with fundamental protection principles reflected in international instruments, and supports the United Nations High Commissioner for Refugees in continuing further consultations and discussions in this regard;

8. Encourages the Office of the High Commissioner to continue and strengthen its efforts for the protection of women having a well-founded fear of persecution, and calls upon States to adopt an approach that is sensitive to gender-related concerns and ensures that women whose claims to refugee status are based upon a well-founded fear of persecution, including persecution through sexual violence or other gender-related persecution, are recognized as refugees for reasons enumerated in the 1951 Convention and its 1967 Protocol;

9. Urges all States and relevant United Nations, intergovernmental and non-governmental organizations to support the High Commissioner's search for durable solutions to refugee problems, including voluntary repatriation, integration in the country of asylum and resettlement in a third country, as appropriate, and welcomes in particular the ongoing efforts of the Office of the High Commissioner to pursue, whenever possible, opportunities to promote conditions conducive to the preferred solution of voluntary repatriation;

10. Underlines the interrelationship between protection and solutions, as well as the desirability of prevention, including through respect for human rights and the implementation of relevant instruments and standards, and emphasizes the responsibility of States to resolve refugee situations and to ensure conditions that do not compel people to flee in fear, to uphold the institution of asylum, to create conditions conducive to voluntary repatriation, to take steps to meet essential humanitarian needs and to cooperate with countries on whom the large-scale presence of refugees weighs most heavily;

11. Acknowledges the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection and achieving durable solutions;

12. Emphasizes the value of comprehensive, regional approaches in which the High Commissioner has played a significant part both in countries of origin and countries of asylum, encourages States, in coordination and cooperation with each other and with international organizations, if applicable, to consider adopting protection-based comprehensive approaches to particular problems of displacement, and endorses, in this connection, the conclusion on comprehensive and regional approaches within a protection framework adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its forty-seventh session;

13. Recalls that the Office of the High Commissioner may be called upon by the appropriate organs of

the United Nations and with the consent of the State concerned to extend its assistance to other groups, such as internally displaced persons, recognizing that such involvement may contribute to the prevention or mitigation of refugee situations, yet emphasizing that activities on behalf of internally displaced persons must not undermine the institution of asylum, including the right to seek and to enjoy in other countries asylum from persecution;

14. Reiterates the relationship between safeguarding human rights and preventing refugee situations, recognizes that the effective promotion and protection of human rights and fundamental freedoms, including through institutions that sustain the rule of law, justice and accountability, are essential for States to fulfil their humanitarian responsibilities in reintegrating returning refugees, and, in this connection, calls upon the Office of the High Commissioner, within its mandate and at the request of the Government concerned, to strengthen its support of national efforts at legal and judicial capacity-building, where necessary, in co-operation with the United Nations High Commissioner for Human Rights;

15. Also reiterates that development and rehabilitation assistance is essential in addressing some of the causes of refugee situations and in the context of the development of prevention strategies;

16. Reaffirms that voluntary repatriation is the ideal solution to refugee problems, and calls upon countries of origin, countries of asylum, the Office of the High Commissioner and the international community as a whole to do everything possible to enable refugees to exercise their right to return home in safety and dignity;

17. Reiterates the right of all persons to return to their country, and emphasizes in this regard the prime responsibility of countries of origin for establishing conditions that allow voluntary repatriation of refugees in safety and with dignity, and, in recognition of the obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of their nationals who have sought asylum but have been determined not to be refugees;

18. Encourages the High Commissioner to continue her activities on behalf of stateless persons, as part of her statutory function of providing international protection and of seeking preventive action, as well as her responsibilities under General Assembly resolutions 3274(XXIV) of 10 December 1974 and 31/36 of 30 November 1976, and calls upon States to assist the High Commissioner in fulfilling her responsibilities and to consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

19. Reaffirms that the Inter-Agency Standing Committee is the primary mechanism for inter-agency decisions on system-wide policy issues relating to humanitarian assistance, for formulating a coherent and timely response to major disasters and complex emergencies and for inter-agency decisions of an operational nature, and calls upon members of the Standing Committee to continue to examine, as a matter of priority, options and proposals to improve its functioning;

20. Calls upon all Governments and other donors to demonstrate their international solidarity and burden-sharing with countries of asylum through efforts aimed at continuing to alleviate the burden borne

by States that have received large numbers of refugees, in particular developing countries and those with limited resources, to contribute to the programmes of the Office of the High Commissioner and, taking into account the effects on countries of asylum of the increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and other displaced persons of concern to the Office of the High Commissioner are met.

General Assembly resolution 51/75

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/614) without vote, 8 November (meeting 29); 70-nation draft (A/C.3/51/L.20), orally revised; agenda item 105.

Meeting numbers. GA 51st session: 3rd Committee 19-23, 27, 29; plenary 82.

Singapore expressed reservations on paragraph 3, stating that it had never recognized an unrestricted or automatic right to asylum. Moreover, a more restricted and qualified interpretation of that right had been developed in recent years, which was not accurately reflected.

The Sudan said it had been unable to join the resolution's sponsors in view of its relations with UNHCR and the language used in the text with regard to UNHCR.

### Enlargement of UNHCR Executive Committee

At its organizational session, the Economic and Social Council had before it a letter [E/1996/5] from Ireland requesting membership in the Executive Committee of UNHCR. By **decision 1996/212** of 9 February, the Council recommended that the General Assembly take a decision at its resumed fiftieth session on the question of increasing the membership of the Executive Committee from 50 to 51 States. The Assembly acted on that recommendation on 7 June (see below).

By **decision 1996/221** of 2 May, the Council took note of the requests for membership of Poland [E/1996/20] and South Africa [E/1996/21], and recommended that the Assembly take a decision at its fifty-first session on increasing the Committee's membership to 53. The Assembly did so on 12 December (see below).

By **decision 1996/298** of 25 July, the Economic and Social Council elected Ireland to the Executive Committee.

#### GENERAL ASSEMBLY ACTION

On 7 June, the General Assembly adopted **resolution 50/228**.

**Enlargement of the membership of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees**

The General Assembly,

Taking note of Economic and Social Council decision 1996/212 of 9 February 1996 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the request regarding the enlargement of the Executive Committee contained in the letter dated 23 November 1995 from the Minister for Foreign Affairs of Ireland to the Secretary-General,

1. Decides to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from fifty to fifty-one States;

2. Requests the Economic and Social Council to elect the additional member at its substantive session of 1996.

General Assembly resolution 50/228

7 June 1996 Meeting 120 Adopted without vote

Draft by Ireland (A/50/L.74); agenda item 109.

On 12 December, the Assembly adopted **resolution 51/72**.

**Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees**

The General Assembly,

Taking note of Economic and Social Council decision 1996/221 of 2 May 1996 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the note verbale dated 11 April 1996 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General and the note verbale dated 12 April 1996 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General,

1. Decides to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from fifty-one to fifty-three States;

2. Requests the Economic and Social Council to elect the additional members at its organizational session of 1997.

General Assembly resolution 51/72

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/614) without vote, 11 November (meeting 31); 2-nation draft (A/C.3/51/L.14); agenda item 105.

Sponsors: Poland, South Africa.

Meeting numbers. GA 51st session: 3rd Committee 19-23, 27, 29, 31; plenary 82.

**Financial and administrative questions**

In 1996, UNHCR's final budget was \$1.3 billion [A/52/12], compared to \$1.17 billion in 1995. Donors contributed some \$970 million in voluntary contributions towards the General and Special Programmes, slightly less than the \$1 billion the

previous year. The upward trend in the funding of General Programmes continued. Those programmes represented core activities for refugees and provided the High Commissioner with considerable flexibility to deal with emergencies and voluntary repatriations, in addition to some \$25.3 million from the UN regular budget which went towards administrative support.

UNHCR expenditures in 1996 amounted to \$1.14 billion. Disbursements under General Programmes amounted to \$423.5 million and those under Special Programmes to \$720.5 million. Some 36.3 per cent of Special Programme expenditure pertained to UNHCR's Programme for Humanitarian Assistance in the Former Yugoslavia and a further 33.4 per cent to the operation in the Great Lakes region of Africa. Other important expenditures related to the Comprehensive Plan of Action for Indo-Chinese Refugees and repatriation programmes in the Horn of Africa and Afghanistan.

Regional apportionments were as follows: Africa, \$474.4 million; Europe, \$320.3 million; Central Asia, South-West Asia, North Africa and the Middle East, \$98.3 million; Asia and Oceania, \$83.9 million; and the Americas, \$32.6 million.

Special operations accounted for some two thirds of UNHCR operational activities in 1996. Appeals were launched, in conjunction with DHA, for operations in the territory of the former Yugoslavia, the Afghan repatriation programme and the emergency in the Great Lakes region, as well as in the Horn of Africa and the republics of the former Soviet Union (see PART THREE, Chapter III). UNHCR issued its own appeals for Central America, repatriations in Angola and Myanmar, and a number of other operations. The lack of funding and the timing of pledges for operations in the Great Lakes region and in the territory of the former Yugoslavia were the Office's greatest challenges in 1996. The shortage of funding sometimes hampered field operations. The Office raised some \$618 million for special operations, repatriations and emergencies, in addition to amounts under General Programmes.

A General Programmes budget target of \$452.6 million was set for 1997, with Special Programme requirements estimated at \$737.8 million, of which \$230 million pertained to the operation in the Great Lakes region and \$235.9 million to the territory of the former Yugoslavia.

In an October decision [A/51/12/Add.1], the Executive Committee approved the revised 1996 General Programmes budget amounting to \$445,327,000. It also approved a 1997 total General Programmes budget of \$452,612,000, i.e., country/area programmes, other programmes and the headquarters budgets amounting to

\$370,556,900, \$25 million for the Emergency Fund, \$20 million for the Voluntary Repatriation Fund and a Programme Reserve of \$37,055,100. The Committee requested UNHCR to report on the increased total programme delivery and administrative support-costs measures, including a more precise definition of the various categories of costs, illustrating how they were reflected in the 1996 and 1997 budgets. UNHCR was also requested to prepare a consolidated paper on the proposed rental of its new headquarters premises in Montbrillant, Switzerland, for a decision by the Standing Committee before 31 December 1996.

The Standing Committee, on 11 December, endorsed [A/AC.96/879] the High Commissioner's proposal to enter into a formal agreement with the Swiss authorities, which would be re-examined in the final year of the initial five-year lease.

#### **Accounts (1995)**

The audited financial statements on funds administered by UNHCR for the year ending 31 December 1995 and the report of the Board of Auditors [A/51/5/Add.5] showed total expenditures of \$1,142.9 million and total income of \$1,034 million, with a reserve balance of \$346.2 million.

The Board of Auditors noted that actual expenditures varied substantially from the budget estimates, sometimes more than 25 per cent in respect of field offices. There was also substantial underutilization of appropriations. Programme planning was deficient due to inaccurate estimations of availability of funds and of caseloads and inadequate needs assessment of refugees. There was insufficient preparatory work, the basis for the selection of beneficiaries was not adequately documented and work plans were not prepared by several field offices. There was widespread failure to include project specifications in sub-agreements with implementing partners. There were several deficiencies in the implementation of a project by an implementing partner in the United Republic of Tanzania, resulting in inefficient programme delivery and substantial financial loss to UNHCR. Project evaluation was also inadequate.

The Board recommended that the accounts of implementing partners be regularly audited and that audit certificates be obtained. The reasons for variations between initial and revised budgets and actual expenditures should be analysed and the findings submitted to the Executive Committee each year; inputs for budget estimation should be more reliable; a factor for inflation multipliers and exchange-rate variations should be included; and the method of computing the

vacancy factor should be refined. The impact of uneven availability of funds on project formulation should be reviewed and criteria established for selecting project beneficiaries. The deficiencies in the implementation of the project in the United Republic of Tanzania should be investigated and remedial measures taken, including recovery of overpayments. Procedures should be established to evaluate programme achievements and outputs and the findings utilized in programme planning and implementation. Annual procurement plans should be obtained from all field offices and procurement planning strengthened.

ACABQ in a September report [A/AC.96/865/Add.4], stated that, given the size of the operational activities of UNHCR, prequalification and internal audits of NGO implementing partners would not be sufficient. It recommended that audit be enhanced and that the adequacy of covering 10 to 15 per cent of the total subprojects in any given area be reviewed. An increase of resources, proper planning and inspections were essential, given the level of resources and the complexity of the UNHCR Programme. ACABQ agreed that the resources for internal audit should be increased significantly. However, the placement of the audit function and the manner of providing audit services were policy issues to be considered by the General Assembly.

In its general decision on programme, administrative and financial matters [A/51/12/Add.1], the Executive Committee requested UNHCR to explore further with the Board of Auditors its proposal for the audit of implementing partners, particularly the scope of the proposed audit certification, taking into account the comments of ACABQ and the proposals of the Under-Secretary-General for Internal Oversight Services. It noted the comments of ACABQ on issues related to internal audit and requested UNHCR to prepare a comprehensive paper on those issues for consideration by the Standing Committee in 1997.

ACABQ in an October report [A/51/533], stated that the situation concerning performance and accountability of implementing partners had not improved and it was essential for the administration to exercise greater oversight and control over those partners. The serious deficiencies identified by the Board of Auditors, especially those in the United Republic of Tanzania, required urgent attention, vigorous investigation and recovery of misused funds. ACABQ requested the Executive Committee to allow representatives of NGOs and other implementing partners to be available when accountability and performance were being discussed. It requested the High Commissioner, in her budget submission, to indicate the extent to which the Board's observations re-



garding budget changes and administrative support and operational delivery costs could be taken into account, particularly with respect to country programme budgets. On the question of training of personnel of implementing partners, it recommended that priority be given to redressing many of the shortcomings identified by the Board, such as administration, finance, procurement, audit and reporting on project implementation.

The General Assembly, in **decision 51/460** of 18 December, decided that the Fifth (Administrative and Budgetary) Committee should continue consideration of the item on the financial reports and audited financial statements and reports of the Board of Auditors at its resumed session in 1997.

### Committee working methods

The Executive Committee had before it a review [A/AC.96/868] of its revised working methods agreed on in 1995 [YUN 1995, p. 1234]. Under a 1995 decision, a Standing Committee, empowered to adopt decisions and conclusions on matters included in the programme of work, replaced the Subcommittee of the Whole on International Protection, the Subcommittee on Administrative and Financial Matters, and the informal meetings of the Executive Committee. According to the review, experience of the new Standing Committee process had been positive, allowing for rationalization of debates, more timely adoption of decisions and conclusions, and better linkage with work of the plenary. There had been a more rational distribution of documentation and streamlining of plenary discussions. Suggestions for amending the Executive Committee's rules of procedure were made, and it was proposed that the Committee establish a process for consultation with NGOs.

In October, the Executive Committee decided [A/51/12/Add.1] that the revised working methods provided a sound basis for the organization of the annual cycle of its meetings and those of the Standing Committee and should be adopted. The rules of procedure should be revised to reflect those changes, and consultations initiated among Executive Committee members on the participation of NGO observers in the work of the Committee and its Standing Committee, bearing in mind revised arrangements for NGO consultation with the Economic and Social Council and further discussions to take place at the fifty-first session of the General Assembly. The Executive Committee authorized the Standing Committee to review the results of those consultations in 1997.

### Standing Committee

The Standing Committee held four meetings in 1996 (30-31 January; 10-11 April; 25-27 June; 16-17 September and 2 October) [A/AC.96/875] prior to the meeting of the Executive Committee and a fifth meeting on 11 December [A/AC.96/879]. It reviewed UNHCR programmes in different regions and adopted decisions on programmes and funding, the medium-term plan, UNHCR property, international procurement, UNHCR financial rules, support cost of international NGO partners, audit follow-up, programme and financial matters, documentation, amendments to its work programme, the annual theme of the 1996 session of the Executive Committee, lessons learned from the Rwanda emergency, internal oversight mechanisms, Project Delphi and the rental of UNHCR premises. The Standing Committee also prepared draft decisions and conclusions for submission to the Executive Committee.

The Standing Committee's programme of work for 1997 was adopted by the Executive Committee in October [A/51/12/Add.1].

## Refugee protection and assistance

### Protection issues

While international protection of refugees meant securing respect for their basic rights, ensuring favourable treatment in countries of asylum and promoting the ratification by States of relevant international instruments, it was also inextricably linked to the search for and attainment of durable solutions to the refugee problem. In addressing the problems of finding solutions and preventing forced displacements, UNHCR continued to be confronted by a number of protection issues, notably the international protection aspects of return and reintegration, particularly in situations emerging from conflict. In that regard, improved cooperation with humanitarian, human rights and development organizations was becoming an increasingly important facet of its operations. There was a growing awareness that lasting solutions to complex emergencies that gave rise to refugees required comprehensive approaches by the international community.

In a July note [A/AC.96/863], the High Commissioner analysed the use of comprehensive approaches in attempting to prevent, redress and resolve refugee situations, examined the positive contribution to such approaches of a consistent legal framework for protection, and explored UNHCR's role in securing and implementing

those protection functions in cooperation with States. The High Commissioner noted that in a year when protection problems of massive refugee populations continued to dominate UNHCR's agenda, global refugee numbers were reduced. However, that was not accompanied by a positive change of perception regarding the scope of the problem, and the pressure to identify solutions was more acute than ever. Over the past year, hundreds of thousands of asylum-seekers were admitted and given refuge in many parts of the world. Elsewhere, however, attitudes to refugee protection and to refugees ranged from indifference to active hostility. Failure to address all aspects of refugee dilemmas led to a range of problems, from refolement at borders of refugees who risked death on their return, to elaborating institutional structures severely restricting admission. Current developments suggested the likelihood of continued ethnic regional conflicts. The need to mitigate refugee-producing conflicts and put in place preventive elements, while ensuring the observance of international standards in respect of persons in need of international protection, made the renewed analysis of comprehensive regional or subregional approaches timely. A protection perspective, emphasizing the basic human rights of individuals, was UNHCR's starting point for the identification of just, effective and permanent solutions. Comprehensive approaches did not necessarily overcome the need for refugee protection; rather, they placed the problem of lack of national protection in its broader context. Protection should govern the entire process towards finding solutions, which was the final purpose of protection. The international rule of law, including human rights and refugee law principles, should be seen as a positive and enabling component of any comprehensive approach.

In an October conclusion [A/51/12/Add.1], the Executive Committee reaffirmed the value of comprehensive approaches to the problems of refugees and displaced persons. It underlined the importance of regional cooperation, as illustrated by those approaches, in addressing involuntary displacement in a manner which encompassed the political dimension of causes. It encouraged States to adopt protection-based comprehensive approaches to particular problems of displacement. The principles of such approaches should be: protection of all human rights; promotion of the rule of law through national legal and judicial capacity-building; respect for the institution of asylum and ensuring international protection to those who needed it; measures to reinforce international solidarity

and burden-sharing; support for long-term sustainable development; integration of developmental approaches into the relief stage by strengthening national capacities; support for rehabilitation, reintegration and reconstruction measures; public information to raise awareness about refugee and migration issues; the establishment and fostering of mechanisms to avoid or reduce the incidence of conflict, and of reconciliation measures to ensure durable solutions; and education for peace and human rights. The Committee invited UNHCR to support States in formulating comprehensive approaches and in exploring more systematically where and how they might be appropriate.

### **International instruments**

As at 31 December 1996, the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and its 1967 Protocol [YUN 1967, p. 477] had 128 States parties, with Kyrgyzstan and South Africa becoming parties to both instruments during the year.

Other intergovernmental legal instruments of benefit to refugees included the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, of the Organization of African Unity (OAU), the 1957 Agreement relating to Refugee Seamen and its 1973 Protocol, the 1959 European Agreement on the Abolition of Visas to Refugees, the 1980 European Agreement on Transfer of Responsibility for Refugees, and the 1969 American Convention on Human Rights, Pact of San Jose, Costa Rica.

As at 31 December 1996, there were 43 States parties to the 1954 Convention relating to the Status of Stateless Persons [YUN 1954, p. 416], with Azerbaijan and Brazil becoming parties during the year, and 19 States parties to the 1961 Convention on the Reduction of Statelessness [YUN 1961, p. 533], following the accession of Azerbaijan and Bosnia and Herzegovina.

### **Promotional activities**

In 1996, UNHCR increased its promotional efforts at the regional level, participating in various seminars and conferences on refugee issues, and organizing refugee law and protection courses for government officials, implementing partners, academic institutions and NGOs. The second part of a training module on human rights and refugee protection was finalized and distributed. The Office continued to monitor the work of the treaty bodies, the Commission on Human Rights and its Subcommission on Prevention of Discrimination and Protection of Minorities. Collaboration with the High Commissioner for Human Rights continued, particularly at the

field levels, to enhance complementary action for monitoring human rights and for institution-building. The Office also continued to monitor contacts with human rights working groups, rapporteurs, experts and monitors, as an integral part of its approach to unite human rights concerns with refugee protection.

### Assistance measures

No massive new refugee influxes were experienced in 1996; however, the conflict in eastern Zaire and the sudden and large-scale return of Rwandans from Zaire and the United Republic of Tanzania at the end of the year posed unprecedented challenges for UNHCR, in terms of both providing humanitarian assistance and supporting massive reintegration in a fragile post-conflict environment. While confronting ongoing emergencies in many parts of the world, the Office continued to promote and consolidate solutions to problems of displacement, and to develop and reinforce its emergency preparedness and response capacity.

Overall, UNHCR assisted some 26.1 million persons in 1996, of whom 13.2 million were refugees, 3.3 million were repatriated refugees in the early stages of their integration, 4.7 million were internally displaced persons and 4.9 million others were of humanitarian concern, for the most part victims of conflict.

UNHCR participated in activities to strengthen the coordination of UN emergency humanitarian assistance, while at the same time developing its own emergency preparedness measures through an increased emphasis on contingency planning, guidelines for which were finalized and distributed throughout UNHCR and shared with DHA, the World Food Programme (WFP), UNICEF and partner NGOs. Those guidelines became part of the basis for an inter-agency approach to contingency planning. Another important element in the enhanced emphasis on preparedness was emergency training. Emergency management training programmes were held in Ethiopia (for countries in the Horn of Africa), Guinea (for West Africa) and Kyrgyzstan (for Central Asian republics). A training programme in emergencies for UNHCR headquarters staff was also developed. Total expenditures on emergency assistance amounted to \$77.6 million, of which \$22 million was under General Programmes and \$55.6 million under Special Programmes.

Following the emergency phase of an operation, the basic needs of refugees were covered by care and maintenance activities. In Africa, where the greatest percentage of such activities was implemented, sizeable programmes continued in

Cote d'Ivoire, Ethiopia, the Great Lakes region, Guinea, Kenya and the Sudan. Elsewhere in the world, care and maintenance assistance was provided in South-East Asia to the remaining Vietnamese populations in the South-East Asian camps and Hong Kong, as well as in Algeria, the Central Asian republics, Georgia, the Russian Federation and Pakistan. Total expenditures for such assistance amounted to \$243.2 million, well over half of UNHCR General Programmes expenditure. Some \$400 million was also spent under Special Programmes.

Expenditures on local settlement projects to promote socio-economic self-reliance and local integration of refugees, enabling UNHCR gradually to phase out its care and maintenance, amounted to \$136.8 million.

UNHCR continued to regard voluntary repatriation as the preferable durable solution to refugee situations. To enhance its approach, a Reintegration and Self-Reliance Unit was established to assist in the design of reintegration programmes. A policy and methodological framework for small-scale, community-based reintegration projects was developed and a manual on employment and micro-financing assistance prepared. In 1996, \$ 196 million was spent on voluntary repatriation.

Global expenditures on resettlement in 1996 amounted to \$5,768.8 million.

During the year, some 35,800 refugees were resettled with UNHCR assistance, including 925 women at risk and 560 medical cases.

### Refugees and the environment

In June 1996, as a follow-up to the adoption in 1995 [YUN 1995, p. 1237] by the Executive Committee of its reformulated environmental policy, UNHCR published Environmental Guidelines, which identified measures applicable to all phases of its environmental operations, as well as environmental measures specific to refugee assistance operations. The guidelines elaborated environmental measures in relation to UNHCR activities, including the local environment and the protection of environmentally sensitive areas in site selection and camp planning; energy-saving stoves and cooking methods; economic and educational programmes designed to reduce firewood collection; and controlled firewood harvesting. A number of projects and activities were implemented and progress achieved in incorporating environmental considerations into related sectoral guidelines. A geographical information system environmental database was being developed and testing of other appropriate environmental technologies was under way. A major project was initiated in December to develop training materials for UNHCR and

partner organizations aimed at promoting sound environmental practices in areas affected by refugees. Action to promote implementation of the guidelines was taken specifically in the Great Lakes region of Africa, as well as in Kenya, Uganda and Nepal.

### Refugee women

In 1996, UNHCR integrated activities based on the strategic objectives of the Beijing Platform for Action, adopted at the 1995 World Conference on Women [YUN 1995, p. 1170], into the delivery of its multisectoral programmes for refugee women, particularly with regard to the problems of violence against women, women in armed conflict and the human rights of women. It also established a Reference Group for Refugee Women to advise and assist the High Commissioner in the implementation of UNHCR policy guidelines on refugee women, identifying obstacles to their implementation and recommending solutions. A major effort was under way to integrate the concerns and needs of refugee women into all protection and assistance programmes through training at the field level in people-oriented planning and the recently appointed four regional advisers on refugee women.

In September, activities commenced under the Bosnian Women's Initiative, designed to empower Bosnian women and provide opportunities for self-reliance and self-sufficiency. A similar initiative was started for the economic empowerment of women in Rwanda, thereby strengthening the social structure of the society and facilitating reconciliation and reintegration.

In response to an Executive Committee request that UNHCR support efforts to develop and implement criteria and guidelines on responses to persecution aimed at women, a symposium on gender-based persecution, to highlight the specific situation of female asylum-seekers, was convened (Geneva, 22-23 February). UNHCR also developed a human rights awareness training module targeted at refugee women and was drawing up guidelines on gender-based persecution.

In October [A/51/12/Add.1], the Executive Committee encouraged UNHCR to continue to strengthen efforts for the protection of women having a well-founded fear of persecution. It called on States to adopt an approach that was sensitive to gender-related concerns and that ensured that women whose claims to refugee status were based on a well-founded fear of persecution for reasons enumerated in the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and its 1967 Protocol [YUN 1967, p. 477], including persecution through sexual violence or other

gender-related persecution, were recognized as refugees.

### Refugee children

In 1996, UNHCR embarked on a comprehensive follow-up plan to the 1995 report on the impact of armed conflict on children [YUN 1995, p. 707], which involved support for the work of the Secretary-General's Special Representative on children and armed conflict (see PART TWO, Chapter II), and the preparation of a first-year work plan with UNICEF, the High Commissioner for Human Rights and other organizations.

In continuing its efforts to address the protection problems of refugee children, UNHCR organized a symposium (Geneva, 19-20 September) to discuss issues relating to unaccompanied children seeking asylum in Europe. Following the symposium, UNHCR finalized guidelines on unaccompanied children seeking asylum.

**Report of Secretary-General.** In response to General Assembly resolution 50/150 [YUN 1995, p. 1239], the Secretary-General submitted a report [A/51/329] in September on assistance to unaccompanied refugee minors. The report reviewed inter-agency cooperation; the provision of emergency kits to unaccompanied children; meeting their psychosocial well-being; their situation in countries practising individual refugee status determination; some persistent protection problems; and a community-based approach to assist them.

The Secretary-General reported that UNHCR and UNICEF had signed a memorandum of understanding in March to strengthen collaboration to develop, coordinate and apply policies, standards and strategies for the care and family reunification of unaccompanied children. Specific operational activities covered by the memorandum included: contingency planning; assessment and monitoring; support for unaccompanied children; promotion of psychosocial activities; and water and sanitation. UNICEF would assist national authorities of the country of origin to develop, coordinate and apply policies, standards and strategies, while UNHCR would take the lead in relation to unaccompanied children in exile. The two agencies would collaborate to develop further and use global programming guidelines and standards, ensure operational coordination and information-sharing between operations in countries of asylum and of origin, and develop guidelines and training materials to address the needs of children traumatized by exposure to armed conflict and extreme violence. In the Rwanda/Burundi emergency, collaboration between the two agencies resulted in more than 33,000 children being reunited with their families by 1 May 1996. They also developed

jointly an emergency kit for unaccompanied children, to be deployed in emergency situations to facilitate coordination and enhance the quality of the response to the needs of separated children. Guidance on how to provide psychosocial support to unaccompanied children was part of the emergency kit. UNHCR included the re-establishment of a family and community-based psychosocial support system within the framework of its community services. In Rwanda and Zaire, UNICEF provided trauma counselling and a system for tracing, and foster care for separated children. In Burundi, it assisted in identifying 14,000 unaccompanied children.

Among persistent problems confronting unaccompanied children, the Secretary-General said, were military recruitment, sexual exploitation and evacuation of children from zones of conflict. Concerning unaccompanied children in countries practising individual refugee status determination, UNHCR prepared a draft position paper advocating a set of principles and recommendations for child care and protection, as contained in the 1989 Convention on the Rights of the Child [GA res. 44/25], to be applied in conjunction with the UNHCR guidelines on refugee children. Advocating a community-based approach, the Secretary-General stated that communities and local authorities had the primary responsibility for assuring children's survival and well-being, and all efforts to assist unaccompanied children should be based on existing, positive cultural mechanisms within the refugee community. The community should be involved in all aspects of the care for and monitoring of unaccompanied children.

The Secretary-General concluded that the particular vulnerability of unaccompanied refugee children was widely recognized. Collaboration between UNHCR and UNICEF had prepared the ground for an improved emergency response, while at the same time ensuring compatibility with long-term solutions. It was hoped that collaboration, involving specialized NGOs, and the momentum created by the final phase of the expert study on the impact of armed conflict on children (see PART TWO, Chapter II) and its recommendations would further contribute to an improved response to the needs of unaccompanied refugee children.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/73**.

#### **Assistance to unaccompanied refugee minors**

The General Assembly,

Recalling its resolutions 49/172 of 23 December 1994 and 50/150 of 21 December 1995,

Aware of the fact that the majority of refugees are children and women,

Bearing in mind that unaccompanied refugee minors are among the most vulnerable and at risk of neglect, violence, forced military recruitment, sexual assault and other abuses and therefore require special assistance and care,

Mindful of the fact that the ultimate solution to the plight of unaccompanied minors is their return to and reunification with their families,

Noting the revised Guidelines on Refugee Children issued by the Office of the United Nations High Commissioner for Refugees in May 1994 and the development of an emergency kit to facilitate coordination and to enhance the quality of responses to the needs of unaccompanied minors by the Office of the High Commissioner, the United Nations Children's Fund and non-governmental organizations,

Noting with appreciation the efforts of the Office of the High Commissioner in the identification and tracing of unaccompanied refugee minors, and welcoming its effort in reunifying family members of refugees,

Welcoming the efforts exerted by the United Nations High Commissioner for Refugees for the reunification of family members of refugees,

Noting the efforts of the High Commissioner to ensure the protection of and assistance to refugees, including children and unaccompanied minors, and that further efforts need to be exerted to this effect,

Recalling the provisions of the Convention on the Rights of the Child and the 1951 Convention and the 1967 Protocol relating to the Status of Refugees,

1. Takes note of the report of the Secretary-General;
2. Expresses its deep concern at the continued plight of unaccompanied refugee minors, and emphasizes once again the urgent need for their early identification and for timely, detailed and accurate information on their number and whereabouts;
3. Expresses the hope that adequate resources will be provided for programmes of identification and tracing of unaccompanied refugee minors;
4. Calls upon the Office of the United Nations High Commissioner for Refugees, in cooperation with other relevant United Nations bodies, to incorporate policies that aim at preventing refugee family separation into its programmes, conscious of the importance of family unity;
5. Calls upon all Governments, the Secretary-General, the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to exert the maximum effort to assist and protect refugee minors and to expedite the return to and reunification with their families of unaccompanied refugee minors;
6. Urges the Office of the High Commissioner, all United Nations organizations, other international organizations and non-governmental organizations concerned to take appropriate steps to mobilize resources commensurate to the needs and interests of the unaccompanied refugee minors and for their reunification with their families;
7. Condemns all acts of exploitation of unaccompanied refugee minors, including their use as soldiers or human shields in armed conflict and their forced recruitment into military forces, and any other acts that endanger their safety and personal security;

8. Calls upon the Secretary-General, the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat, the United Nations Children's Fund and other United Nations organizations and international organizations to mobilize adequate assistance to unaccompanied refugee minors in the areas of relief, education, health and psychological rehabilitation;

9. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution.

General Assembly resolution 51/73

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/614) without vote, 13 November (meeting 35); 14-nation draft (A/C.3/51/L.15/Rev.1), orally revised; agenda item 105.

Meeting numbers. GA 51st session: 3rd Committee 19-23, 27, 29, 31, 35; plenary 82.

In section III of resolution 51/77, the Assembly urged Governments to pay particular attention to the situation of refugee and internally displaced children by designing and improving the implementation of policies for their care and well-being with the necessary international cooperation, in particular that of UNHCR and UNICEF. It called on UN bodies and other organizations to ensure the early identification and registration of unaccompanied refugee and internally displaced children and to give priority to programmes for family tracing and reunification; for the continual monitoring of care arrangements; and on States and other parties to armed conflict to recognize the particular vulnerability of refugee and internally displaced children to recruitment into the armed forces, sexual violence, exploitation and abuse, and to enhance protection and assistance mechanisms.

## Regional activities

### Africa

In a September report [A/51/367], the Secretary-General stated that in early 1996 Africa had hosted some 9,145,400 refugees, internally displaced persons and other people of concern to UNHCR, about one third of the worldwide total. Their number dropped to 7,660,000 at year's end, according to UNHCR statistics quoted in a later report [A/52/360] of the Secretary-General. UNHCR expenditure in Africa totalled \$474,357,600. The situation in the Great Lakes region remained a source of considerable concern, as initiatives to encourage voluntary repatriation did not result in any major return movements in the first part of the year.

The High Commissioner estimated [A/52/12] the number of refugees in the Great Lakes region at some 1.8 million at the beginning of the year. UNHCR activities for most of 1996 were broadly

characterized by the continuous promotion of voluntary repatriation as the only durable solution for Rwandan refugees in the countries of asylum, and the provision of essential care and maintenance assistance in the refugee camps. Despite those efforts, large-scale returns did not occur until the repatriation of all Rwandan refugees from Burundi in July.

The Security Council, in a statement [S/PRST/1996/31] of 24 July, deplored the forced repatriation of Rwandan refugees from Burundi and called on the Government of Burundi to honour its obligations and desist from further re-foulement. The Council expressed support for the UNHCR efforts and urged all parties to work with it to ensure that the rights of refugees were respected.

In eastern Zaire, the deteriorating security situation throughout 1996 compelled UN international staff and NGOs to vacate Bukavu on 25 October. On 15 November, fighting at Mugunga camp between the insurgents and the ex-Forces Armées Rwandaises prompted the refugees to leave; most returned to Rwanda, where by the end of December 720,900 had arrived, with more than half a million having returned during the first four days of the movement. Some 220,000 refugees remaining from the former Kivu camps dispersed towards Kisangani and were later located in other camps. A UNHCR office was established to provide emergency assistance and promote repatriation. On 9 November, the Security Council, by **resolution 1078(1996)**, urged Member States, in cooperation with the Secretary-General and OAU, to allow the immediate return of humanitarian organizations and the safe delivery of humanitarian aid to displaced persons, refugees and civilians in eastern Zaire, and to help create the conditions for voluntary, orderly and secure repatriation of refugees. It requested the Secretary-General to draw up a concept of operations and a framework for a humanitarian task force, with military assistance to, inter alia, deliver humanitarian assistance and shelter to refugees and displaced persons in eastern Zaire; assist the High Commissioner with the protection and voluntary repatriation of refugees and displaced persons; and establish humanitarian corridors for the delivery of humanitarian assistance and to assist the voluntary repatriation of refugees.

During the massive repatriation of Rwandan refugees from Zaire in November and December, UNHCR worked to ensure the viability of humanitarian corridors from entry points to returnee communes of origin. Despite the scale and speed of the movement, which was in addition to the return of 500,000 Rwandan refugees from the

United Republic of Tanzania in December, UNHCR, with other humanitarian agencies, was able to make arrangements to receive them. That caused a radical expansion of UNHCR assistance in Rwanda and a shift in emphasis towards reintegration and rehabilitation.

Encouraged by the massive repatriation from Zaire, authorities in the United Republic of Tanzania announced 31 December 1996 as the deadline for the repatriation of all Rwandan refugees. A massive return movement started on 14 December, with thousands walking back to Rwanda. However, the influx of Burundian refugees continued as a result of renewed conflict, necessitating the establishment of new camps and the expansion of an existing one. In November, following the rebel advance in eastern Zaire, Zairian refugees also started to arrive, at the rate of 1,000 per day (see PART ONE, Chapter II). Zairian refugees also crossed into Uganda.

In the absence of concrete confidence-building indicators in Angola, UNHCR did not promote or organize voluntary repatriation in 1996, but focused on strengthening basic facilities in returnee areas and building capacities for the reception of the large number of returnees expected to arrive once conditions improved. However, a significant number of Angolan refugees spontaneously and voluntarily returned home. In countries of asylum, primarily Zambia and Zaire, preparatory activities for the eventual repatriation of Angolan refugees were well advanced.

Mid-1996 marked the successful conclusion of the repatriation and reintegration programme that benefited more than 1.7 million Mozambican refugees who returned from six countries of asylum from 1993 to 1996. To make the voluntary repatriation of Mozambican refugees a truly durable solution, UNHCR implemented 1,575 quick-impact projects in water, health, transport and education.

In West Africa, as a result of peace accords concluded in November, the newly elected Government of Sierra Leone requested UNHCR assistance to repatriate some 380,000 Sierra Leonean refugees from the Gambia, Guinea, Liberia and other countries. In Liberia, an outbreak of renewed fighting in April resulted in thousands of Liberians fleeing the country. UNHCR activities were adversely affected by the prevailing insecurity, and access was limited to only 30,000 of an estimated refugee population of 120,000. Security conditions were also the reason that the voluntary repatriation of some 768,000 Liberian refugees in the subregion, scheduled to take place in December, failed to materialize. Food assistance to Sierra Leonean and Liberian refugees in Cote d'Ivoire and Guinea shifted from general

distribution to targeted feeding. With the gradual restoration of peace and security in northern Mali, the rate of return of Malian refugees increased significantly. After the voluntary repatriation of some 80,000, their number in neighbouring countries decreased from 150,000 to 70,000. Having reinforced its presence in northern Mali, UNHCR began broader integration activities in 1996, focusing on the rehabilitation of basic services and launching a programme to support income-generating activities for women. Despite a reintegration programme in Mauritania in favour of local populations and refugees returning from Senegal and Mali, the number of refugees in Senegal and Mali remained at 60,000 and 15,000, respectively.

Following the normalization of the political situation in Togo in the course of 1995, a significant number of Togolese were reported to have returned from Ghana and Benin, reducing the caseload from 300,000 to fewer than 15,000.

In Central Africa, the 28,000 Sudanese refugees in the Central African Republic and the 96,500 in north-eastern Zaire had for the most part achieved self-sufficiency. In eastern Sudan, the number of Eritrean refugees was reduced by over 50 per cent, to 132,907. However, prospects for further repatriation were stalled due to rising tension between the Sudan and Eritrea and differences of approach between the two Governments. On the basis of bilateral arrangements with UNHCR, both countries confirmed their readiness to resume organized voluntary repatriation. Some 27,000 Ethiopian refugees were repatriated between 15 December 1995 and mid-1996. The repatriation of some 23,000 remaining in exile was expected to be completed by the end of 1997. By the end of 1996, the UNHCR-assisted refugee population in Kenya was reduced to 169,813, including 131,278 Somalis, 33,438 Sudanese and 4,533 Ethiopians. Those refugees benefited from care and maintenance programmes, and measures were taken to promote their self-sufficiency and rehabilitation of the environment. Uganda's continued generous policy of land allocation enabled the establishment of local settlements, but integration programmes were adversely affected by deteriorating security conditions in the northern part of the country. The conflict in southern Sudan resulted in an increase of Sudanese refugees in Uganda from 210,000 to 226,000, while the number of Zairian and Rwandan refugees rose from 12,000 to 27,000 and from 6,800 to 16,200, respectively.

In South Africa, there were over 20,000 asylum-seekers from 55 countries. UNHCR focused on activities to enable those who had received refugee status to achieve self-reliance and

to encourage income-generating and vocational training. On 25 July, UNHCR signed a memorandum of understanding with the South African Development Community on cooperation in social, economic and political issues that had a bearing on the root causes of forced population displacement, refugee protection, provision of humanitarian assistance and the search for durable solutions.

The Council of Ministers of OAU (Yaounde, Cameroon, 1-5 July), in a resolution on refugees, returnees and displaced persons in Africa, called for generous assistance from the international community for the integration process in countries where large-scale voluntary repatriation was taking place, and for additional assistance to help alleviate the refugee situation and that of local populations in countries of asylum, especially in West Africa and the Great Lakes region.

On 19 July, by **decision 1996/237**, the Economic and Social Council took note of an oral report by UNHCR on assistance to refugees, returnees and displaced persons in Africa [E/1996/SR.41].

**Report of Secretary-General.** In response to General Assembly resolution 50/149 [YUN 1995, p. 1242], the Secretary-General reported on 25 September [A/51/367] on assistance to refugees, returnees and displaced persons in Africa. While UNHCR had a specific mandate to protect and assist refugees, returnees and displaced persons, he noted, those populations were, nevertheless, a growing proportion of the target beneficiaries of UNDP, UNICEF and WFP programmes, under the coordination of DHA, in countries in crisis or emerging from conflict. On behalf of the UN system, DHA issued coordination appeals for emergency assistance to populations affected by the political and humanitarian crises in Angola, Liberia, Sierra Leone, the Sudan and the Great Lakes region (see PART ONE, Chapter II, and PART THREE, Chapter III). WFP continued to be an essential part of the response to meeting the food needs of refugees, returnees and internally displaced persons in Africa. The memorandum of understanding between WFP and UNHCR was continually upgraded.

In March, UNICEF and UNHCR signed a memorandum of understanding delineating areas of collaboration in assisting refugees, returnees, internally displaced persons and affected host populations. The voluntary repatriation programme in Mozambique was a recent example of cooperation between UNDP and UNHCR. UNHCR and WFP support for care and maintenance continued for refugees and displaced victims of civil conflict in the Rwanda/Burundi regional operation, including the United Republic of Tanzania and Zaire; the Liberia regional operation, includ-

ing Cote d'Ivoire, Guinea and Sierra Leone; Somalia; southern Sudan; Ethiopia; Kenya; and Uganda. Stabilization of the political situation allowed a shift from relief to first-phase reconstruction and rehabilitation activities in Angola, Ghana, Mauritania, Mozambique, Rwanda and Somalia and repatriation from Benin, Burkina Faso, Djibouti, Eritrea, Ghana, Mauritania and the Sudan. UN agencies were continually adapting their structures to respond better to needs for rehabilitation and development in areas where internally displaced persons and refugees returned or settled. Other areas of cooperation included capacity-building, demobilization, mine clearance and environment.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/71**.

#### **Assistance to refugees, returnees and displaced persons in Africa**

The General Assembly,

Recalling its resolution 50/149 of 21 December 1995,

Having considered the report of the Secretary-General and the report of the United Nations High Commissioner for Refugees,

Convinced of the necessity of strengthening the capacity within the United Nations system for the implementation of relief programmes for refugees, returnees and displaced persons,

Welcoming the ongoing process of voluntary repatriation of refugees in some parts of Africa,

Taking note of resolution CM/Res.1653(LXIV) on refugees, returnees and displaced persons in Africa, adopted by the Council of Ministers of the Organization of African Unity at its sixty-fourth ordinary session, held at Yaounde from 1 to 5 July 1996,

Recalling the provisions of General Assembly resolution 2312(XXII) of 14 December 1967, by which it adopted the Declaration on Territorial Asylum,

Recognizing the need for States to create conditions conducive both to the prevention of flows of refugees and displaced persons and to solutions, especially voluntary repatriation,

Bearing in mind that the majority of refugees and displaced persons are women and children,

Noting with great concern that despite all the efforts deployed so far by the United Nations, the Organization of African Unity and others, the situation of refugees and displaced persons in Africa, especially in the West African and Great Lakes regions and in the Horn of Africa, remains precarious,

1. Takes note of the report of the Secretary-General and the report of the United Nations High Commissioner for Refugees;

2. Notes with concern that the effects of political instability, internal strife, human rights violations and natural disasters such as drought have led to increased numbers of refugees and displaced persons in some countries of Africa;

3. Expresses deep concern at the serious and far-reaching consequences of large numbers of refugees and displaced persons in the receiving countries and



the implications for security, long-term socio-economic development and the environment;

4. Expresses its appreciation and strong support for those African Governments and local populations which, in spite of the general deterioration of socio-economic and environmental conditions, as well as over-stretched national resources, continue to accept the additional burden imposed upon them by increasing numbers of refugees and displaced persons in compliance with the relevant principles of asylum;

5. Expresses concern at instances where the fundamental principle of asylum is jeopardized by the unlawful expulsion or refoulement, or the threat to life, physical security, integrity, dignity and the well-being of refugees;

6. Commends the Governments concerned for their sacrifices in providing assistance and protection to refugees, returnees and internally displaced persons and for their efforts to promote voluntary repatriation and other durable solutions;

7. Expresses its gratitude to the international community, and to the Office of the United Nations High Commissioner for Refugees in particular, for the humanitarian assistance it has continued to render to refugees and displaced persons as well as to the countries of asylum;

8. Welcomes the strengthening of cooperation between the Office of the High Commissioner and the Organization of African Unity at all levels, and urges the two organizations, in conjunction with United Nations agencies, intergovernmental and non-governmental organizations, the international community and the Governments concerned, to increase efforts aimed at facilitating voluntary repatriation in a dignified and orderly manner, as well as addressing the root causes of the refugee problem and working out modalities for a lasting solution;

9. Reiterates that the Plan of Action adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995, as endorsed by the General Assembly in its resolution 50/149, continues to be a viable framework for the resolution of the refugee and humanitarian problems in that region;

10. Calls upon the Office of the High Commissioner and other concerned entities to intensify protection activities by, inter alia, supporting the efforts of African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles and providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees;

11. Appeals to Governments, United Nations, intergovernmental and non-governmental organizations and the international community to create conditions that can facilitate the voluntary return and the early rehabilitation and reintegration of refugees;

12. Appeals to the international community to respond positively to the third-country resettlement requests of African refugees in the spirit of solidarity and burden-sharing;

13. Commends the Governments of the Great Lakes and West African regions and the Office of the High

Commissioner for their initiatives to promote repatriation within the framework of tripartite agreements on voluntary repatriation of refugees in the region;

14. Encourages the Office of the High Commissioner to continue to cooperate with the office of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights and fundamental freedoms in emergency humanitarian situations in Africa;

15. Welcomes the ongoing efforts undertaken by the Office of the United Nations High Commissioner for Refugees, with host Governments, United Nations and non-governmental organizations and the international community, in addressing the negative impact of large-scale refugee influxes and concentrations on the environment and ecosystems of countries of asylum;

16. Notes with satisfaction the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by the Office of the High Commissioner, with the cooperation and collaboration of many countries hosting refugees, and looks forward to other programmes to assist the voluntary repatriation of all refugees in Africa;

17. Expresses its concern about the long stay of refugees in certain African countries, and calls upon the Office of the High Commissioner to keep its programmes under review in conformity with its mandate in the host countries, taking into account the increasing requirements there;

18. Urges the international community to continue to fund the general refugee programmes of the Office of the High Commissioner, taking into account the substantially increased needs of programmes in Africa;

19. Calls upon Governments, United Nations agencies, non-governmental organizations and the international community as a whole to strengthen the emergency response capacity of the United Nations system on the basis of the experience of the emergency in the Great Lakes region and to continue to provide needed resources and operational support to refugees and countries of asylum in Africa until a permanent solution can be found;

20. Calls upon the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure in areas affected by refugees in countries of asylum;

21. Requests all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children;

22. Calls upon the Secretary-General, the Office of the High Commissioner and intergovernmental, regional and non-governmental organizations to increase the capacity for coordination and delivery of humanitarian emergency assistance and disaster relief in general with States and others concerned in respect of asylum, relief, repatriation, rehabilitation and resettlement of refugees, returnees and displaced persons, including those refugees in urban areas;

23. Requests the Secretary-General to submit a comprehensive and consolidated report on the situation of refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-second session, under the item entitled "Report of the United Nations High

Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions", and an oral report to the Economic and Social Council at its substantive session of 1997.

General Assembly resolution 51/71

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/614) without vote, 15 November (meeting 40); draft by Cameroon, for African Group (A/C.3/51/L.13/Rev.1); agenda item 105.

Meeting numbers. GA 51st session: 3rd Committee 19-23, 27, 29, 31, 35, 38, 40; plenary 82.

**In resolution 51/30 H**, the Assembly welcomed the manner in which Rwanda had handled the massive and sudden repatriation of refugees from eastern Zaire and Burundi and stressed the need for Rwanda to continue supporting the voluntary repatriation, resettlement and reintegration of returning refugees. It urged States, UN organizations and specialized agencies, NGOs, and multilateral financial and development institutions to continue assisting Rwanda in the resettlement and reintegration of refugees and other vulnerable groups.

**In resolution 51/30 B**, the Assembly called on States and intergovernmental and non-governmental organizations to provide Liberia with technical, financial and other assistance for the repatriation and resettlement of Liberian refugees, returnees and displaced persons.

**In resolution 51/30 D**, the Assembly noted with satisfaction the successful completion of the repatriation, resettlement and reintegration of Mozambicans and expressed appreciation for the support of international and non-governmental organizations which, in close cooperation with the Government of Mozambique, had played an important role in that programme.

### The Americas and the Caribbean

In a report on UNHCR activities [A/52/12], the High Commissioner stated that refugees, returnees and displaced persons of concern to UNHCR in the Americas and the Caribbean in 1996 stood at over 1.5 million. Of that number, only an estimated 47,000 were being assisted as refugees and some 34,000 as returnees. UNHCR expenditure in the Americas and the Caribbean amounted to \$32,639,600 in 1996.

Two developments had paved the way for definitive solutions for the last major group of Central American refugees: the successful conclusion of the peace negotiations in Guatemala, culminating in the signing of a peace agreement in December (see PART ONE, Chapter III), and the launching of a migratory stabilization plan in respect of Guatemalan refugees in Mexico pur-

suant to a public announcement by the Government in August.

Some 4,086 Guatemalan refugees returned to Guatemala during the year, predominantly from Mexico, although the number of returnees in 1996 fell short of initial projections. UNHCR continued to support repatriation movements and initial socio-economic reintegration through community-based quick-impact projects. Some 30,000 Guatemalan refugees remained in the three southern Mexican states of Chiapas, Campeche and Quintana Roo. By the end of the year, 65 per cent of those who had requested an immigrant document had received it. UNHCR assisted in upgrading the infrastructure of basic services in the settlements and resolving the question of land titles.

In the rest of the subregion, with the exception of Belize, UNHCR promoted the rights of refugees, returnees and other uprooted populations. Support was given to strengthening national commitments and capacities to uphold the principles of asylum and international refugee law. In Belize, a quick-impact project facilitated the local integration of several thousand Central American refugees who had not opted to be repatriated. A regional forum on human rights, refugees and migration in Central America (San Jose, Costa Rica, October), convened by the Central American Council of Human Rights Ombudspersons and organized jointly by the Inter-American Institute for Human Rights, the International Labour Organization (ILO) and UNICEF, adopted a plan of action for the protection of the human rights of uprooted populations in Central America and a series of recommendations, calling on UNHCR and other organizations for support.

In South America and the Caribbean—of an estimated 50,900 refugees and persons of concern—some 7,100 benefited from UNHCR assistance. The trend in arrival of asylum-seekers stabilized, particularly in Brazil. The focus of UNHCR activities in the region was to strengthen the concept of an international protection framework as a key to both prevention and durable solutions. In October, Chile amended the chapter on refugees of its 1975 Migration Law, and in Brazil a refugee bill was awaiting final legislative approval. The repatriation of 50 Haitians, principally from the Dominican Republic, was assisted by UNHCR in 1996.

In September, the United States enacted new immigration legislation restricting access to asylum procedures, and, in November, Canada announced new measures to regularize the status of some undocumented refugees (Afghan and So-

mali refugees) who had been unable to become landed immigrants (permanent residents). Guidelines on child refugee claimants, issued by the Canadian Refugee Board, took effect on 30 September.

### South Asia and Oceania

In South Asia, voluntary repatriation of refugees from Bangladesh to Myanmar was in its final stages. However, since not all of the remaining persons in the two camps in Bangladesh were expected to return, discussions were held to ensure a durable solution for any residual populations. UNHCR expanded its monitoring of returnees and Muslim populations in northern Rakhine state in Myanmar, and implemented small-scale assistance projects aimed at stabilizing economically vulnerable groups. Since the resumption of the conflict in 1995 between the Sri Lankan military and the Liberation Tigers of Tamil Ealam, there had been no further voluntary repatriation of Sri Lankan Tamils from India. In January, UNHCR opened a field office in Kilinochchi, but a further escalation of the conflict forced it to evacuate its staff from the area. During the year, UNHCR provided over 6,000 earlier returnees from India and nearly 15,000 internally displaced persons with shelter and relief assistance. Some 150,000 to 200,000 internally displaced persons benefited from UNHCR-funded community-based micro-projects. Within the framework of promoting self-reliance, the rationalization of the assistance programmes for over 20,000 refugees and asylum-seekers in India (mostly Afghans) resulted in a reduction of the UNHCR-assisted caseload to a little over 10,000 persons by year's end; a further reduction was envisaged within the first quarter of 1997. New developments in Afghanistan led to a trickle of new arrivals in New Delhi. UNHCR expanded its refugee law promotion and dissemination activities in India, involving governmental bodies, educational institutions and NGOs.

With regard to the situation of some 91,000 Bhutanese refugees and asylum-seekers in Nepal, no significant developments took place in 1996. At the seventh round of bilateral talks in April 1996, the two Governments agreed to continue consultations. UNHCR reiterated its readiness to support the implementation of mutually acceptable durable solutions. During the last quarter of 1996, a number of demonstrations and marches were organized by refugee organizations to solicit support for the refugees' return to Bhutan.

In 1996, UNHCR's expenditure in Asia and Oceania amounted to \$83,929,000.

### Comprehensive Plan of Action for Indo-Chinese Refugees

The seventh and final meeting (Geneva, 5-6 March 1996) of the Steering Committee of the International Conference on Indo-Chinese Refugees reviewed the implementation of the 1989 Comprehensive Plan of Action for Indo-Chinese Refugees [YUN 1989, p. 707]. It noted that the objectives of the Plan of Action had been successfully met; clandestine departures from countries of origin had virtually ceased, the principle of asylum had been preserved, and effective screening procedures had been introduced in countries of first asylum, thus facilitating resettlement of refugees to third countries and the repatriation of those who did not qualify as refugees to their country of origin. The Steering Committee declared the formal completion, as of 30 June, of the Plan of Action in countries of the Association of South-East Asian Nations (ASEAN), noting that solutions for the relatively larger caseload in Hong Kong would take longer. Consequently, UNHCR progressively phased out its assistance in first-asylum camps in ASEAN countries, resulting in the closure of camps in Indonesia, Malaysia and Singapore. The Philippines determined that some 1,600 Vietnamese non-refugees would be permitted to remain, pending future repatriation or other solutions. During the year, some 29,217 Vietnamese non-refugees were repatriated to their country of origin. UNHCR continued to monitor the well-being of returnees, to provide repatriation grants to non-refugees who were voluntarily repatriated to Viet Nam and to support micro-projects to benefit returnee communities.

The Chinese authorities had advised that up to 15,000 of the 288,000 Indo-Chinese refugees in China wished to be repatriated to Viet Nam. A survey was initiated to gauge that number more definitely. UNHCR's assistance focused on the local settlement of refugees through a revolving credit mechanism to create employment opportunities. UNHCR phased out its assistance activities for Cambodian returnees. During 1996, 426 Cambodians were repatriated, mainly from Indonesia. The Office continued to monitor the welfare of some 101,000 refugees from Myanmar residing along the Myanmar/Thailand border.

Two major regional initiatives took place during the year concerning the promotion of refugee law in Asia and the Pacific: Australia and UNHCR co-hosted a conference (28-29 November) on regional approaches to refugees and displaced persons in Asia and the Pacific; and a commemorative seminar on refugees (Manila, Philippines, 11-13 December) was convened by the African-Asian Legal Consultative Committee and UNHCR.

## Europe

According to the High Commissioner [A/52/12], the downward trend in the number of asylum-seekers in Western Europe continued, with 250,000 arriving during the year. While there were significant return movements from European host countries to Bosnia and Herzegovina, they were much smaller than expected, but were facilitated by an initiative among a number of Western European countries to make visa-free travel of refugees easier. UNHCR strategy in Western Europe was directed towards a gradual reduction of programmes and a shift of resources to the Baltic and CIS region.

In the former Yugoslavia, where the number of refugees and displaced persons totalled some 3.1 million at the beginning of 1996, UNHCR focused on promoting and identifying durable solutions. During the year, an estimated 250,000 returned to Bosnia and Herzegovina, but a further 80,000 were displaced after the transfer of territorial authority. A total of some 1.2 million refugees remained outside Bosnia and Herzegovina, principally in Western Europe. UNHCR's programme in Bosnia and Herzegovina was designed to foster significant return movements. That was hampered, however, by a lack of freedom of movement, security problems, housing shortages and significant unemployment. Some 22 target areas were identified where infrastructural capacity could be expanded to receive returnees.

Croatia continued to host 160,000 refugees from Bosnia and Herzegovina and 198,000 internally displaced persons. In Eastern Slavonia, UNHCR worked with the Croatian Government and the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to monitor stability and prevent a further overflow of the population. In the Federal Republic of Yugoslavia (Serbia and Montenegro), there were some 560,000 refugees from Bosnia and Herzegovina and Croatia, a sizeable number of whom were expected to require local settlement assistance, while the former Yugoslav Republic of Macedonia and Slovenia hosted 5,000 and 14,000 refugees, respectively.

As a result of the repatriation and resettlement of Bosnians from Bulgaria, the Czech Republic, Hungary and Slovakia, the number of de facto refugees was reduced, but asylum-seekers in Poland increased by 2,300 persons. Temporary protection status for Bosnians in Austria was extended for another year and redefined to include some individuals with no legal status. The lack of affordable housing remained an obstacle to rapid reintegration, encouraging movement towards Western Europe. In its endeavour to assist Governments in Central Europe, UNHCR started

to sensitize institutions to the need to address certain aspects of asylum that were beyond its mandate. To sensitize States to the importance of comprehensively addressing the issue of integration of refugees in Central Europe, it organized a series of seminars. It also assisted some 2,500 Bosnians in Turkey, pending their repatriation.

In Eastern Europe, UNHCR assistance in Armenia aimed at supporting the settlement of some 150,000 particularly vulnerable refugees and promoted the establishment of legal procedures to allow refugees access to Armenian citizenship. In Azerbaijan, UNHCR addressed the needs of some 150,000 refugees and internally displaced persons identified as vulnerable. Another 150,000 internally displaced persons in Georgia, mainly from Abkhazia and South Ossetia, received UNHCR assistance. On 12 July, the Security Council, by **resolution 1065(1996)**, demanded that the Abkhaz side accelerate significantly the voluntary return of refugees and displaced persons, by accepting the timetable proposed by UNHCR, and that it guarantee the safety of those returnees already in the area and regularize their status in cooperation with UNHCR.

UNHCR activities in the border areas of Chechnya (Russian Federation) were suspended in December for security reasons, but continued in neighbouring areas through local implementing partners. UNHCR expenditure in Europe totalled \$320,264,200 in 1996.

## Conference on refugees of CIS countries and neighbouring States

In a September report [A/51/341], the Secretary-General discussed the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States (Geneva, 30-31 May 1996). The Conference, which was held pursuant to General Assembly resolution 50/151 [YUN 1995, p. 1235], was attended by 87 States, 27 international organizations, 2 governmental organizations and 77 NGOs. Preparations were coordinated by UNHCR, IOM and the Organization for Security and Cooperation in Europe (OSCE). The three main objectives of the Conference were to provide a reliable forum for the countries of the region to discuss problems of population displacement in a humanitarian and non-political manner; review population movements in the region, and clarify categories of concern; and devise an integrated strategy to enable CIS countries to cope better with and prevent population displacement, as well as

manage and regulate other types of migratory movements.

The Conference adopted a Programme of Action, which had been endorsed by a Preparatory Conference held in Minsk, Belarus, on 8 May. The Programme of Action consisted of two parts: a chapter on principles and a sequence of chapters on action (institutional framework, operational framework, prevention, cooperation and implementation/follow-up) to provide guidance to CIS countries in their handling of complex migratory movements and a basis for UNHCR's work there. Shortly after the Conference, UNHCR and IOM submitted to the international community for financial support a package of projects in three of the CIS countries. A wider review of priorities in all 12 countries was to form the basis for the formulation of the 1997-1998 programmes of those two organizations, which would be presented to the international community. UNHCR activities were to include those already approved under the 1997 General Programmes and Special Programmes and new activities designed through the Conference follow-up consultative process. As a result of the Conference, UNHCR activities would include assistance to solve the problems of formerly deported persons and those involuntarily relocating, both of which were highlighted by the Conference as groups of concern. The Programme of Action also provided for the establishment of a Steering Group to monitor the follow-up process. As part of the follow-up mechanism, UNHCR created a unit at headquarters to ensure implementation of the Programme of Action. On 31 October, a preliminary meeting of the Steering Group took place to set up modalities and procedures.

National implementation plans for 1997, reflecting the priorities of CIS Governments and the roles of various actors, were drawn up and formed the basis for UNHCR and IOM programmes for 1997, which were presented jointly in an appeal for funds in November 1996.

In an October conclusion [A/51/12/Add.1], the UNHCR Executive Committee approved the steps taken by the High Commissioner, in cooperation with IOM, to promote implementation of the Programme of Action. It underlined the urgent need to address the problems of those displaced, to implement measures to prevent situations leading to further involuntary population displacements and to manage other types of migratory flows in the region. The Committee urged CIS countries that had not done so to accede to and implement the 1951 Convention relating to the Status of Refugees [YUN 1951, p. 520] and its 1967 Protocol [YUN 1967, p. 477], and to strengthen their commit-

ment to the principles underpinning the Programme of Action and ensure progress in its implementation. It called on other interested States to reaffirm their commitment to those principles and to support implementation of the Programme of Action. The Committee encouraged CIS countries and international organizations to strengthen cooperation with NGOs and to involve them in the Conference follow-up, and called on the High Commissioner to cooperate with IOM and OSCE in coordinating ongoing and future activities in CIS countries and in steering and monitoring progress through follow-up mechanisms.

#### GENERAL ASSEMBLY ACTION

On 12 December, the General Assembly adopted **resolution 51/70**.

#### **Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States**

The General Assembly,

Recalling its resolutions 48/113 of 20 December 1993, 49/173 of 23 December 1994 and, in particular, 50/151 of 21 December 1995,

Taking note with satisfaction of the successful conclusion of the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, held at Geneva on 30 and 31 May 1996,

Aware that involuntary, mass displacement, in addition to the human suffering involved, imposes significant economic and social burdens and may affect security and stability at the regional level,

Reaffirming the view of the Conference that, while the primary responsibility for tackling population displacement problems lies with the affected countries themselves, the serious challenges cannot be met by the limited resources and experience of the countries of the Commonwealth of Independent States individually,

Recalling that the protection and promotion of human rights and the strengthening of democratic institutions are essential to prevent mass population displacement,

Mindful that effective implementation of the recommendations contained in the Programme of Action adopted by the Conference should be facilitated and can be ensured only through cooperation and coordinated activities undertaken in this respect by all interested States, intergovernmental and non-governmental organizations and other actors,

Welcoming the spirit of international solidarity and cooperation that made the preparatory process of the Conference and the Conference itself a success,

Reaffirming the importance of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol,

1. Takes note of the report of the Secretary-General;

2. Expresses its gratitude to the Government of Switzerland and other host States that made it possible to convene the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States and a series of preparatory meetings, as well as to those States that made voluntary contributions for this purpose;

3. Welcomes the Programme of Action adopted by the Conference on 31 May 1996;

4. Also welcomes the innovative approach and close cooperation of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe, in initiating and supporting a multilateral constructive dialogue among a wide range of countries concerned that has brought agreement on guidelines for practical action;

5. Expresses its satisfaction with the work of the Conference, which laid down a solid foundation for further action by countries of the Commonwealth of Independent States and States concerned and relevant international, intergovernmental and non-governmental organizations;

6. Underlines the urgent need to address the problems of those displaced, implement measures to prevent situations leading to further involuntary population displacement and effectively manage other types of migratory flows in the region;

7. Urges all States and intergovernmental and non-governmental organizations concerned to take further action with a view to the full implementation of the recommendations of the Conference;

8. Invites all countries that have not yet done so to accede to and implement fully the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;

9. Calls upon the Governments of the countries of the Commonwealth of Independent States to continue to strengthen their commitment to the principles underlying the Programme of Action and to ensure progress in its implementation;

10. Recognizes that implementation of the Programme of Action requires additional financial resources, and calls for international cooperation in order to assist the countries of the Commonwealth of Independent States in the field of migration and related matters;

11. Welcomes the readiness of States and interested international organizations to provide appropriate forms and levels of support for the practical implementation of the Programme of Action in a spirit of solidarity and burden-sharing;

12. Invites international financial and other institutions to contribute to financing projects and programmes within the framework of the implementation of the Programme of Action;

13. Requests the Office of the United Nations High Commissioner for Refugees, and invites the International Organization for Migration and the Organization for Security and Cooperation in Europe, to continue to steer in close coordination the ongoing and future activities ensuring progress in the implementation of the Programme of Action;

14. Calls upon all relevant United Nations organs, bodies and organizations to promote, within their respective mandates, the implementation of the Programme of Action of the Conference;

15. Recognizes the important role to be played by non-governmental organizations in the implementation of the Programme of Action, and encourages the Governments of the countries of the Commonwealth of Independent States and international organizations to strengthen their cooperation with non-governmental organizations and to involve them actively in the follow-up to the Conference;

16. Reaffirms the necessity for effective follow-up mechanisms to the Conference;

17. Highly appreciates the initial steps undertaken by the Office of the United Nations High Commissioner for Refugees in cooperation with the International Organization for Migration to promote the implementation of the Programme of Action;

18. Invites the Organization for Security and Cooperation in Europe to demonstrate similar initiative in contributing to the effective implementation of the Programme of Action;

19. Welcomes the Joint Operational Strategy for 1996-2000 of the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration in the countries of the Commonwealth of Independent States, which outlines the practical dimensions of implementing the results of the Conference;

20. Emphasizes the necessity of fulfilling the recommendations of the Programme of Action relating to ensuring respect for human rights as an important factor in the management of migration flows, the consolidation of democracy, the rule of law and stability;

21. Urges the United Nations High Commissioner for Human Rights, in coordination with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe, to take into account those elements of the Programme of Action that are relevant to his mandate;

22. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the measures taken and proposed and on progress achieved in the implementation of the present resolution;

23. Decides to continue examination of this question at its fifty-second session.

General Assembly resolution 51/70

12 December 1996 Meeting 82 Adopted without vote

Approved by Third Committee (A/51/614) without vote, 15 November (meeting 40); 27-nation draft (A/C.3/51/L.12/Rev.1), orally corrected; agenda item 105.

Meeting numbers. GA 51st session: 3rd Committee 19-23, 27, 29, 31, 35, 38, 40; plenary 82.

### **Central Asia, South-West Asia, North Africa and the Middle East**

Continuing fighting and the change of authority in various regions of Afghanistan affected the rate of repatriation of Afghan refugees. In 1996, some 120,000 Afghan refugees were repatriated from Pakistan, where about 1.2 million Afghans

remained. After Kabul came under Taliban control, some 50,000 Afghan refugees arrived in that country's north-west frontier province. UNHCR and WFP assisted a third of that group in Nasir Bagh village. UNHCR's reintegration programme in Afghanistan assisted local communities in receiving returnees, mainly in the fields of education, health, drinking water, irrigation, agriculture, road and bridge repair, income-generation and credit. Although UNHCR continued to facilitate voluntary repatriation, there was a need to envisage solutions other than repatriation, which had declined since 1993, as part of a comprehensive approach towards solutions.

UNHCR's work in the cities of Jalalabad and Kabul was disrupted, slowed down or cancelled as a result of regulations imposed by the new authorities in September 1996 abolishing the employment of women and the education of girls. At the end of the year, fighting north of Kabul created the displacement of some 110,000 persons, and in the north-west province of Badghis the fighting caused substantial displacements, including 27,000 persons relocated to Herat city. UNHCR responded to those emergency situations by providing expertise to the local authorities and relief to the displaced persons, in cooperation with other UN agencies and the International Committee of the Red Cross. Fewer than 10,000 Afghans returned from Iran, which continued to give asylum to some 1.4 million Afghan refugees and 500,000 Iraqi refugees. After fighting broke out in the Sulemaniya area of Iraq in September and October, 65,000 Iraqi refugees arrived in the western part of Iran.

Political instability in northern Iraq affected programmes and operations of UNHCR, which, nevertheless, assisted the refugees and return-

ees, as in the aftermath of the recapture of the town of Sulemaniya by the Patriotic Union of Kurdistan on 16 October, when most of those who had fled to Iran returned to northern Iraq. In November, UNHCR constructed a transit site at Muqibla to stimulate and assist the voluntary repatriation of Turkish refugees from Atroush camp in northern Iraq. However, efforts to resolve difficulties created by a group of activists in the camp continued to be of concern, and UNHCR announced on 21 December that it would phase out its assistance to Atroush.

The overall UNHCR strategy in Central Asia was to enhance the capacity of Governments in the region to manage refugee and forced population movements effectively. In addition, it promoted and facilitated voluntary repatriation to Tajikistan where, owing to the ongoing conflict, only 1,334 persons were repatriated during the year, and assisted needy and vulnerable refugees and asylum-seekers throughout the region. UNHCR advised Kazakstan, Turkmenistan and Uzbekistan on draft legislation related to refugees and on the establishment of national administrative structures and procedures to manage refugee protection and assistance matters.

In 1996, UNHCR reviewed and updated the 1991 repatriation plan to prepare for the voluntary repatriation of some 105,000 refugees to Western Sahara. It continued its assistance programme for 80,000 vulnerable refugees in the Tindouf area, where its field office became operational.

UNHCR also assisted some 200 Palestinians stranded at Salloum on the border between Egypt and the Libyan Arab Jamahiriya since September 1995, following the termination of their work contracts and rights of residence in Libya (see also PART ONE, Chapter VI).