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Aiding peace ... and war: UNHCR, returnee reintegration, and the relief-development debate

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Preface

The involvement of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the area of refugee return has increased significantly over the past decade. The size of its returnee caseload has expanded, as has the scope of its reintegration work. This expansion has been driven by events outside the aid sphere, in particular the attempts to resolve many of the proxy conflicts of the Cold War. It has also been influenced by UNHCR's placing greater emphasis on its role in ensuring sustainable return. This trend towards greater involvement in reintegration raises a number of questions with regard to the interpretation of UNHCR's mandate, working objectives and institutional arrangements with other bodies. UNHCR has not been alone in facing these challenges.

This paper seeks to situate UNHCR's evolving policy with regard to reintegration in the context of wider debates on relief-development aid linkages, and of broader changes in international relations in the post-Cold War era. It is based on an analysis of the UNHCR's policy approach to the issue of reintegration, as reflected in the decisions of the Executive Committee, global policy initiatives and guidelines. It is an analysis of the ideas which shape the organisation's identity and practice, not an evaluation of operations.

The paper argues that although UNHCR's constituency is unique, its analysis of the challenge of reintegration has conformed with what might be seen as an emerging orthodoxy: namely that relief aid should serve a developmental role, and that it can and should play a role in peace-building. These claims have been based on an analysis of the causes of conflict which focuses largely on internal and economic factors. They also assume that developmental aid and principles can address these effectively. The solution to the 'problem' of reintegration has therefore been conceptualised as a problem of aid management. Improving the coordination and funding instruments, and adopting more developmental methodologies are proposed as the way to improve reintegration strategies.

The paper questions this approach on a number of grounds. First, it suggests that despite some modification in terminology, UNHCR's reintegration strategy continues to pivot on the concept of 'post-conflict transition', premised on a continuum from war to peace. This envisages a parallel aid transition from relief to development assistance. The persistence of this terminology is very misleading, since the majority of refugees return to situations of on-going conflict. There is also the assumption that a functioning state is in place in the country of origin, which has the legitimacy and the ability to coordinate and implement developmental policies.

In practice, however, the aid community is often struggling to work in what have been called 'quasi-states' – namely those countries where governance is unstable and public institutions are extremely weak and of uncertain legitimacy. In these chronic political emergencies developmental approaches, which remain state-centric, face fundamental problems – technical, political and ethical. In the absence of a functioning state, the quality and quantity of developmental space is severely compromised.

The economic conditions prevailing in many conflict-affected ‘quasi-states’ mean further that claims regarding the sustainability of reintegration assistance must thus be treated with considerable caution. The developmental objective of sustainability may thus be inappropriate in these environments, and may compromise the humanitarian objective of achieving minimum standards of provision of basic goods and services, and the key objective of protection.

The paper concludes that improving UNHCR’s response to reintegration assistance will require a re-examination of the nature of the challenge it faces. It argues for a shift in emphasis from a focus on the managerial and technical issues of inter-agency coordination and of aid instrumentation, towards a more fundamental review of the actual political conditions under which reintegration takes place.

At the same time, UNHCR might reflect on the fundamental issues the reintegration problem raises for the mandate and identity of the organisation. In particular, there is a growing gap between the idealised conditions of repatriation envisaged by the mandate and guidelines of the organisation and the actual conditions under which repatriation takes place. Plugging this principle-reality gap implies looking hard at the type of organisation UNHCR sees itself as being. More specifically:

- is UNHCR humanitarian or developmental in its outlook?
- is UNHCR primarily a protection agency or a deliverer of assistance in partnership with states?
- is UNHCR concerned with minimum standards of provision of basic needs or with sustainability?
- does UNHCR work impartially and neutrally, or is it actively seeking a role in peace-building?

Jeff Crisp commissioned this study for UNHCR, and provided a constant stream of documents and good humour during its preparation. David Moore provided invaluable comments on the first draft. A number of colleagues at ODI contributed to a brainstorm to discuss the earlier draft, providing many insightful and challenging comments.

1. Introduction

1.1 Rationale

In 1985, UNHCR's Executive Committee confirmed the legitimate concern of the High Commissioner for Refugees for the consequences of refugee return. At this time, 'legitimate concern' was interpreted primarily in relation to protection, and specifically in monitoring states' adherence to guarantees and amnesties granted to returnees (UNHCR, 1985).

Since that time, UNHCR's involvement in the reintegration of returning refugees has expanded significantly. This expansion has been one of scale: in the five years to 1990 an estimated 1.2 million refugees returned to their home countries; in the following five years, the number rose to nine million. There has also been an expansion in the scope of UNHCR's support for returning refugees.¹ In addition to providing a basic package of material support, UNHCR's approach has become more ambitious, concerned not simply to secure physical survival but also to enable social, economic and even political processes which it sees as crucial to 'sustainable return'. So, for example, a 1997 policy paper defined reintegration as

virtually synonymous with 'sustainable' return, which implies a situation where a constructive relationship between returnees, civil society and the state is consolidate. (UNHCR, 1997a)

The expansion in UNHCR's repatriation and reintegration² activities is reflected in its finances. Before 1985 2 per cent of UNHCR's funds were spent on repatriation operations but by 1997 this had risen to 14 per cent (UNHCR, 1997b). In 1996 UNHCR spent US\$214 million³ on reintegration, nearly double the levels in 1994 (figures supplied by UNHCR).

This paper is an attempt to put into a broader context UNHCR's approach to reintegration. This context has two related dimensions: first, a changing geopolitical landscape, characterised by new economic, political and military formations; second, changes in the organisation and values of international assistance. These changes reflect the broader evolution of international relations in the post-Cold War era.

The need for such a paper is not self-evident. UNHCR has been actively engaged in discussions regarding reintegration and its relationship with broader debates on relief-

¹ It is probably no coincidence that this period has also coincided with an expansion in UNHCR's concern for internally displaced persons, for example in the former Yugoslavia. Arguably this is symptomatic of wider efforts to contain the effects of war within the borders of countries, so preventing large outflows of refugees. See Hathaway (1995).

² Repatriation is taken to mean the physical return of refugees to their country of origin in which UNHCR and others might assist, for example, through the provision of transport, registration etc. Reintegration, its objectives and activities, are defined further throughout the report. In broad terms it is equated with the achievement of a sustainable return – in other words the ability of returning refugees to secure the political, economic and social conditions needed to maintain life, livelihood and dignity.

³ This excludes reintegration assistance in the former Yugoslavia, which was not separated from care and maintenance assistance.

development aid linkages for at least a decade. This issue has been the subject of numerous sessions of its Executive Committee (UNHCR, 1985; 1992; 1994a; 1997b), as well as the focus for a series of internal policy documents and guidelines (UNHCR, 1994b; 1996; 1997a; 1997c; 1999). It has also been the subject of many inter-agency discussions, consultations and memoranda of understanding. UNHCR has also participated in a number of UN standing committees such as the UN Consultative Committee on Programme Operational Questions (CCPOQ), the UN Administrative Committee on Coordination (ACC) and the UN Inter-Agency Standing Committee (IASC), all of which have debated these issues at length over the past decade (United Nations Administrative Committee on Coordination, 1993; United Nations Inter-agency Task Force, 1993; United Nations, 1994; United Nations Inter-agency Task Force, 1994; United Nations Consultative Committee on Programme and Operational Questions, 1995; United Nations, 1996; Lautze and Hammock, 1997; United Nations Department of Humanitarian Affairs, 1997).

The Office of the High Commissioner for Refugees has been pursuing additional mechanisms to take forward its concerns to improve reintegration strategies. In particular, it has emphasised the need for closer collaboration with the Bretton Woods Institutions, specifically the World Bank. Thus in 1998/1999, UNHCR's most substantive initiative on the reintegration agenda was its co-hosting with the World Bank of a round-table meeting at the Brookings Institution on the 'reintegration gap' (UNHCR and World Bank, 1999).

This paper does not seek to replicate or detract from these on-going processes. Rather, it is seen as an opportunity to reflect on them, and to think about where they fit into a wider discussion of aid responses to complex political emergencies and their aftermath. Such a reflection is seen to be of value in part in response to the repeated concern, expressed in several UNHCR documents, that the Office has sometimes found it difficult to interpret the wider trends in the aid environment, and the functioning of other aid agencies, particularly those working in development (see, for example UNHCR, 1994c; UNHCR, 1997c).

A second justification for the paper is that in reviewing UNHCR documentation comparatively, it may be possible to discern more clearly how the organisation has conceptualised the 'problem' of reintegration and sought to respond to it. Thus, it provides an opportunity to ask the question why the issue of reintegration⁴ is sufficiently problematic to merit such sustained attention; and why despite this attention it continues to prove a controversial issue within and outside the organisation.

1.2 Methodology and scope

This study draws upon documentation from UNHCR and, where relevant, from other sources and agencies. In addition, a short visit was made to Geneva in May 1999 during which time there was time to consult with a small number of UNHCR staff.

⁴ Or in non-refugee parlance, 'rehabilitation', 'linking relief and development' to name but two synonyms.

The methodology is necessarily opportunistic, taking advantage of the availability of UNHCR staff, but also suffering from the sometimes random appearance of the agency's document collection. It was strikingly difficult to locate 'policy' on reintegration, since it is spread across a range of documents and departments within UNHCR. It is important to emphasise that the paper is not based on fieldwork, rather it is an analysis of the evolution of the organisation's official global policy as represented by the Executive Committee, key statements by the High Commissioner and global initiatives. It is thus an analysis of ideas, not an evaluation of operational policy. It is a working assumption of the paper, however, that ideas do matter, as they shape the values and practice of any human undertaking. Clearly, an analysis of 'discourse' is no substitute for fieldwork, however, and in view of these constraints of time and access the paper is necessarily broad and tentative in its approach, hoping that in so doing it will stimulate further debate on the issue.

1.3 Structure of the paper

The remainder of the paper has three main sections.

Section 2 aims to situate the evolution of the concept of reintegration in the context of the parallel debates regarding relief-development aid linkages in chronic political emergencies.

Section 3 examines the implications of this earlier analysis for the organisation and definition of reintegration assistance. It reviews, the conditions under which legitimate and accountable mechanisms for aid coordination can emerge where statehood is contested, weak or of uncertain international legitimacy. It also analyses the concept of the sustainability of reintegration assistance in chronic political emergencies.

Section 4 concludes the paper. It outlines some of the tensions and dilemmas faced by organisations such as UNHCR as they seek an effective and ethical approach to the problem of chronic political emergencies.

2. The stubborn continuum: a critical history of the relief-development-reintegration debate

2.1 Cold wars, relief, development, and reintegration assistance

It is a truism that the distinction between relief and development assistance is grounded in politics, rather than in any assessment of the changing needs of particular communities. The entitlement of populations to official relief or development resources depends not only upon the national political context, but the interpretation of that context by international political actors. This is particularly the case in relation to conflict-related emergencies, better known as 'complex political emergencies', which are the subject of this paper.

Understanding the ‘discourse’ surrounding the relationship between relief and development aid, and by implication between refugee and development aid, requires an understanding of the changing conditions of international political engagement with conflict-affected communities and states. In approaching this political history, the organising principle of international relations – namely the state, is necessarily a central focus.

During the Cold War, the principle of absolute sovereignty of states was respected almost universally at least at the level of international rhetoric. Respect grew from the tradition of ‘idealism’, particularly with regard to the principle of equity of peoples in the wave of decolonisation (Jackson, 1990). It also derived from a more pragmatic, realist perspective which saw respect for sovereignty as a means of regulating the conduct of the Cold War, in particular to prevent conflicts spilling over and overt invasions by the respective superpowers of third party states (Clapham, 1996).

This respect for negative sovereignty set the parameters for international responses to the persistent conflicts which continued to haunt the Third World in the post-colonial period. With the important exception of the International Committee of the Red Cross (ICRC), international responses to the humanitarian impact of these conflicts were confined largely to the periphery of conflicts. In other words, to ‘safe’ government-held areas, and to refugees who had sought asylum across an international border (Duffield, 1994a). Access to conflict-affected communities was subject to the consent of governments, including those which were belligerent parties to the war.

Until the mid-1980s, this meant that the humanitarian impact of conflict remained largely hidden from public view and from public action. War was not widely seen as an important obstacle to development, rarely meriting mention in official policy statements, nor in the mainstream literature on development theory, policy and practice. In Africa, as in other non-strategic areas, the thawing of the Cold War began before the fall of the Berlin Wall and was evident from the mid-1980s onwards (Clough, 1992). It was signalled by a steady political disengagement of the West (Ellis, 1996).

This political disengagement was accompanied by a softening of regard for sovereignty. The political necessity of maintaining allies at all costs coincided with increasing public pressure to stop aiding regimes associated with major violations of human rights. This pressure had mounted in the wake of media publicity regarding the excesses of regimes such as those of Idi Amin and Milton Obote in Uganda and Jean-Bedel Bokassa in the Central African Republic, for example. This combination of pressures, exerted by realists and idealists alike, meant that continued support for Third World regimes became more contingent upon their adhering to the political and economic prescriptions of the major donor governments. The era of economic and then political conditionalities thus signalled the increasing confidence of the Western powers in intervening in the affairs of other countries (Clapham, 1996). De facto the empirical sovereignty of states was under threat.

Paralleling these trends were developments in the humanitarian sphere. Increasingly, relief agencies were no longer confined solely to the periphery of conflict, but could

engage *in* conflict zones (Duffield, 1994a). In countries such as Ethiopia and later Sudan, where development assistance was withheld because governments did not conform with the political and economic priorities of donor governments, relief aid (which was unconditional) remained the only instrument for bilateral aid engagement.

The economic conditionalities proposed during the 1980s were based on the principles of neo-liberalism. These argued for a rollback of the state and the privatisation of many of its functions, including that of public welfare. The weakening of international support for the state was thus effected through withdrawal of unconditional political engagement with state structures. It was reinforced in an increasing number of conflict-affected countries by working outside state structures. In particular this meant working through non-governmental organisations (NGOs) (Borton, 1994) or through international organisations which specialised in humanitarian operations. These latter, including for example UNHCR and ICRC, targeted their aid at individuals rather than at public, governmental institutions, which remained the primary interlocutor for official development aid.

During the 1980s and into the 1990s the international humanitarian system expanded significantly as a result of this opening of humanitarian space. This expansion was numerical, with a larger number of agencies becoming involved, particularly NGOs. It was also associated with an increasing willingness on the part of the West to provide the political, and occasionally military, backing to secure humanitarian access despite the constraints of state sovereignty.

The implications of these trends were and are significant. The distinction between relief and development was effectively hardened. While development aid became subject to increasing economic and political conditionalities, relief remained (at least in theory) free from conditions, but was also managed outside state structures. Thus, for example, in 1976 the then European Communities channelled more than 90 per cent of the EC relief budget through national governments in affected countries. By the early 1990s, this had fallen to less than 6 per cent (Borton, 1993). This trend occurred at the same time that there was a steady increase in the value of relief budgets, which trebled between 1980 and 1990 from \$353 million to just under \$1 billion.

While the respective political meanings of relief and development aid became increasingly distinct during the 1990s operationally the limitations of relief as a response to protracted conflict were obvious to aid agencies, host governments and, of course, to refugees (see, for example, Harrell-Bond, 1986; UNHCR, 1994c).

As a review of this period notes, The 1984 ICARA II⁵ Declaration and the Principles for Action in Developing Countries, adopted by UNHCR's Executive Committee laid out a framework for considering the links between refugee aid and development. This defined refugee aid and development in the following terms:

⁵ Declaration and Programme of Action of the Second International Conference on Assistance to Refugees in Africa.

Refugee aid and development is assistance that is: development oriented from the start; enables refugees to move towards self-reliance and self-sufficiency from the outset; helps least developed countries to cope with the burden that refugees place on their social and economic structures; provides benefits to both refugees and to the local population in the areas where they have settled; is consistent with the national development plan. (UNHCR, 1994c)

According to one UNHCR report, translating these principles for responding to protracted refugee operations into sustained action was constrained from the start by a combination of political and technical factors (UNHCR, 1994c). According to this report, a split emerged between donors and host countries regarding the approach. Donors emphasised repatriation as the preferred solution and were therefore reluctant to invest in expensive and innovative projects in asylum countries without a clear prospect of a durable solution. In contrast, host countries emphasised the principle of burden sharing and the compensatory role of the refugee aid and development approach. In the absence of agreement between these key parties there could be little innovation in the funding and organisation of assistance in protracted refugee crises.

The stand-off between donor countries and those host countries receiving refugees in relation to refugee aid and development, was mirrored by a similar debate within the United Nations to examine the root causes of migration (and by implication conflict), and to identify whether and how aid might be used to address them (Suhrke, 1994). Again, a stand-off ensued between the Eastern bloc and the South and the one hand, and the Western donor countries on the other. The socialist and non-aligned bloc argued that international factors were the primary cause of poverty and therefore migration. Global inequality, extractive capitalism and military expansionism were all identified as the primary external causes of migration and conflict. Meanwhile, the West focused on the internal causes of conflict: poor and authoritarian governance, bad economic policies, environmental degradation. In the context of the Cold War, the debate stalled.

The debates regarding relief/refugee aid-development linkages and the role of assistance in conflict management changed in the aftermath of the Cold War. Using the framework of the United Nations, the major powers sought to conclude a wave of conflicts extending across three continents from Cambodia, to El Salvador to Mozambique to name only some. At the same time, there was a military defeat of the Mengistu regime in Ethiopia, so ending (at least temporarily) one of the most intractable conflicts in Africa.

In tying the loose ends of the Cold War the international community utilised a political formula to facilitate a transition from war to peace. This moved from negotiation to signed peace agreements, which then triggered the deployment of UN peace-keeping troops to monitor demobilisation and establish security for the holding of elections. These would yield a democratically elected government, which would then be recognised nationally and internationally as the legitimate representative of the state. This political continuum was mirrored by an aid continuum, which would move from relief to rehabilitation to development assistance (see figure 1).

(OECD) declined at a rate unprecedented since the 1960s (Riddell, 1997b).⁶ This decline reflected the diminished political support for the aid enterprise in the aftermath of the Cold War. They have placed the aid establishment on the defensive and in need of re-establishing the rationale for international assistance. This has been done in part by claiming, or rather reasserting, that international assistance can play a role in the prevention and resolution of conflict (see, for example, European Commission, 1996; OECD, 1997).

These claims have rested upon a particular analysis of the root causes of conflict, namely on internal factors (Macrae, 1996).⁷ Thus, for example, the former UK Minister for Overseas Aid stated in 1996 that:

In the long-term it is clear that poverty and deprivation contribute to disorder and conflict. More prosperous countries with better educated and healthier people are better able to cope with the effect of disaster when it does strike. This is one of the reasons why our long-term development assistance strategy to poorer countries of Africa, Asia and elsewhere is so important. It helps people progress out of poverty... At a time of transition, aid also forms part of our efforts to enable major changes, political and economic, to take place without disorder. (Chalker, 1996)

Such an analysis is not uncommon,⁸ and is shared for example by the Development Assistance Committee of the OECD (Development Assistance Committee, 1997) and by the European Commission (European Commission, 1996). It reflects too an important element of the former UN Secretary General's analysis of the challenges of peace and development, represented in his respective agendas for peace and development (Boutros-Ghali, 1992 and 1994).

In framing the causes of conflict in terms of poverty and the role of internal reform in its management, a role for development assistance quickly becomes apparent. The expertise of aid institutions is in the realms of economic development, environmental management and increasingly in institutional change. If underdevelopment in these areas is also a cause of conflict, then aid actors can claim an important role in its prevention and resolution.

⁶ Riddell (Riddell, 1997a) reports that in 1989 the volume of ODA fell by 0.5 per cent relative to previous years. Since then, annual falls in ODA have been much steeper, 3.9 per cent in 1992, 5.4 per cent in 1993, 1.3 per cent in 1994, 5.4 per cent in 1995. Not only do these figures represent an absolute fall in the value of ODA, they also reflect a fall in their value relative to the gross national product (GNP) of donor countries. In mid-1996, aid provided by OECD member states had fallen to 0.27 per cent of GNP, the lowest recorded since the UN established its target of 0.7 per cent.

⁷ This is in common with the West's conclusions regarding the causes of migration nearly a decade earlier, see Suhrke, 1994.

⁸ Nor is it particularly new. The classical modernisation theorists of the 1950s such as Walter Rostow made very similar claims regarding the role of assistance in compensating those who lost out in the short-term from the development of Third World economies. At that time, the added dimension was that the incentive for the West in providing such compensation was that it would prevent the emergence of a dissatisfied group of the poor who would constitute the basis of a communist opposition.

A further pressure encouraging review of international aid responses to conflict was the apparent paradox that relief budgets were rising, but emergencies were not going away. As indicated earlier, the trend was towards emergency aid consuming a larger proportion of total ODA. The limitations of existing relief packages, which had been apparent in relation to protracted refugee operations during the 1980s, were now becoming visible in conflict zones. Relief aid was doing little to address the underlying causes of vulnerability of war-affected populations.

At the same time, a new critique of international assistance in war time was emerging which asked whether rather than benefiting conflict-affected populations, aid was actually being used by the powerful to secure political, economic and military advantage (see, for example, (Keen, 1994; Duffield, 1994b). The question therefore became whether aid could be used to address the underlying causes of vulnerability. Given that aid delivered in war zones might have an unintended negative impact on the conflict dynamic, was it not possible that it could be used more positively to provide incentives for peace (Anderson, 1996)?

UNHCR, in common with other UN bodies, has seized upon this new role of aid in peace-building in the formulation of its reintegration strategy. Thus, for example, a 1992 report to the Executive Committee on reintegration argued that:

Given the number of countries involved, the magnitude of the numbers returning and the fact that their successful reintegration is critical to any national reconciliation and reconstruction process, the issues are not simply humanitarian. International security is at stake. (UNHCR, 1992, page 2)

2.2.2 *The continuum revisited: QIPs plus*

The aid community thus faced two key challenges simultaneously. On the one hand it was asserting a new role in conflict management. On the other, it was also seeking to improve the effectiveness of its response to protracted political emergencies. One approach was to link these two issues. The mechanism adopted for linking these two issues was simply the adaptation of an old idea – that of the relief-development continuum.

Initially formulated in relation to natural disasters, particularly drought and floods, the continuum concept was based on the idea that well-planned relief could be used to reduce the vulnerability of communities to future hazards, for example, by using emergency food-for-work schemes to invest in key infrastructure. Similarly, well-planned development assistance needed to take account of the hazards faced by populations, particularly the poor. In addition to strengthening infrastructure, reducing the financial vulnerability of communities and developing networks for the collection of early warning information could all help to prepare and protect communities better against known hazards, so helping to prevent them from becoming disastrous.

A similar model is now used to explain and justify the role of aid agencies in conflict prevention and resolution. By conceptualising conflict as a hazard which derives

primarily from underdevelopment, it becomes possible to see ways in which developmental inputs can be used to reduce conflict. If the causes of conflict are rooted in internal economic and political systems, then the task becomes the reform of these. Thus:

[a common strategy for rehabilitation] must be dynamic and sequenced so that over time humanitarian type subsidies are replaced by developmental inputs and the economy is moved from a situation of dependence to one where it is self-sustaining and able to engage in the global market. This often requires a difficult process of adjustment, but one agreed with governments, donors and agencies. (Ogata and Wolfensohn, 1999)

In the case of UNHCR, this model envisages two elements of reintegration, both of which are seen to contribute to the wider goal of peace-building. The first is reconstruction, the rebuilding or development of economic and material resources which have been damaged or destroyed through conflict. The second, reconciliation, 'refers to the consolidation of constructive social relations' (UNHCR, 1999). Through its programming methodologies – namely Quick Impact Projects (QIPs) and capacity-building – the organisation seeks to address both these elements. For example, in relation to QIPs, considerable emphasis is placed on securing the participation of community members:

Central to the programme's strategy, therefore, is the incorporation [sic] of community members in the planning and execution of micro-projects as a means of *encouraging former adversaries to work together and develop social links in community organization*. (Bonafacio and Lattimer, 1992, emphasis added)

Similarly by targeting key sections of the community, UNHCR identifies some groups as a priority. For example:

They [UNHCR's reintegration interventions] will be aimed at particular groups of people such as women and adolescents most affected by inter-communal violence and who can therefore become catalysts for dialogue. (UNHCR, 1998b)

The Office's approach to reintegration has deepened and broadened over the past decade. From the provision of a package of relief goods in the 1980s, it has grown to include a focus on infrastructure and community development (Bonafacio and Lattimer, 1992) and on capacity-building, reconciliation and peace-building (UNHCR, 1998a). The claims now being made regarding the rationale and strategy for reintegration have become much more sophisticated than those made in the early part of the decade.

For example, a 1994 review of lessons from UNHCR's experience of returnee aid and development questions the broadening of the Office's intervention into the field of reintegration on a number of grounds. In particular it argues that:

Despite reference to the ‘vicious cycle’ of exile, return, internal displacement and exile again, there is actually very little evidence to suggest that *difficult economic conditions* and an absence of rehabilitation, reconstruction and development assistance leads to the renewed flight of refugees. Indeed, there is much greater evidence to suggest that returnees tend not to become refugees again whatever the level of economic privation they encounter. When the vicious cycle is evident it is likely to be driven by political and military considerations. (UNHCR, 1994c, page 10, emphasis added)⁹

Arguably what such an analysis fails to capture is that during the 1990s the new rationale for providing economic assistance is not only to alleviate poverty, *but in so doing* to prevent the renewal of conflict. In other words, it is an explicit strategy to influence the course of political violence, one based on a particular analysis of its causes and on the assumption that aid can effectively address them.

2.2.3 *The new ‘paradigm’ in practice*

The operational constraints to realising the new reintegration agenda were well recognised from the start. As early as 1992 in a report to the Executive Committee, the Office of the UNHCR identified the ‘gap’ existing between return and reintegration (UNHCR, 1992). The reasons for this gap were seen to lie in a failure to involve all the relevant actors – national and international – in long-term planning for reintegration and development, and in the different mandates and modalities of developmental and humanitarian agencies and the lack of participation of communities themselves. Addressing these constraints was seen to require wider use of the QIPs approach, first developed in Central America (Bonafacio and Lattimer, 1992), and improved inter-agency cooperation and coordination.

While QIPs were refined and expanded throughout the decade, the issue of the institutional relationship between UNHCR and developmental agencies, in particular the UN Development Programme (UNDP), proved more difficult to resolve. UNHCR’s disappointment with the ‘handover’ of reintegration measures to its sister agency during the early 1990s led it to seek other developmental partners to sustain reintegration. By the end of the decade, UNHCR was collaborating closely with the World Bank.

This cooperation has focused particularly on trying to establish mutual understanding of each organisation's mandate and programming modes, through joint training and secondment of staff (Wolfensohn and Ogata, 1998). It has also entailed facilitating a common dialogue regarding the renewal of institutional arrangements to develop a coherent approach to reintegration and on the funding instruments required to finance this strategy (Ogata and Wolfensohn, 1999). The Roundtable co-convened by the two organisations at the Brookings Institution in early 1999 was a first step in trying to facilitate a system-wide discussion on these issues and has been followed up by

⁹ See also, Chimni (1999), pages 4-5.

subsequent meetings and papers (see, for example, Center on International Cooperation, 1999). The focus on issues of inter-agency coordination and on funding instruments has been justified by arguing that aid actors are in a position to address these issues, in contrast to the wider political variables, over which they can exert little influence (Ogata and Wolfensohn, 1999).

Figure 2 summarises the key trends in the aid policy context and the evolution of UNHCR’s policy over the past three decades.

Figure 2. The evolution of UNHCR’s reintegration policy in context – a summary

Context	UNHCR policy
<i>The Cold War years, particularly 1970-1985</i>	
Respect for sovereignty restricts aid action in war-affected countries; rising problem of refugees and migration to the West, protracted crises	‘Root cause debate’ 1980-1985 UNHCR approach limited to reintegration and provision of material supplies
<i>Mid-1980s</i>	
Sovereignty weakened Introduction of conditionalities on development assistance Relief beyond the state	‘Root causes’ debate continues and dies 1984 ICARA Declaration on refugee aid and development; 1985 UNHCR Executive Committee broadens interpretation of mandate as to UNHCR’s reintegration responsibilities
<i>1988-1992</i>	
Effort to resolve proxy Cold War conflicts Conceptualisation of war-peace and relief-development continua	Massive expansion in UNHCR repatriation and reintegration caseload QIPs and the expansion of the reintegration ‘mandate’ – community development and reconstruction of social infrastructure
<i>1992-present</i>	
Need to reinvent the aid project and to redress decline in political support for ODA Critique of relief (dependency and fuelling conflict) ‘Relief as development’ ‘Aid as peace-builder’	Reintegration gap identified (UNHCR Executive Committee 1992) ‘QIPs plus’ (capacity-building; the strategic framework; micro-credit; new funding lines; strategic alliances) Reintegration as sustainable development Reintegration as peace-building and conflict prevention These are seen to be contingent upon new coordination and funding arrangements

3. Public policy in 'quasi-states': legitimacy, accountability and sustainability of 'reintegration' assistance

3.1 *Defining the 'problem' of reintegration assistance: war, peace and other matters*

The 'problem' of reintegration can be seen as primarily one of aid administration. Alternatively, these administrative problems can be seen as symptomatic of a much more fundamental problem, namely, how to organise aid relations with countries experiencing not only chronic violence, but also structural political and economic crises.

An important characteristic of current debates on rehabilitation/reintegration is that the concepts they deploy were largely developed in relation to a very particular type of context, namely, situations of 'post-conflict transition'. This assumed that a political transition would be completed, yielding a state able to exert its benign authority over its sovereign territory, and which was recognised internationally. This was indeed the process which was designed in the late 1980s/early 1990s to end the series of proxy Cold War conflicts.

As a UN agency, it is a condition of UNHCR's analysis of reintegration approaches that it refers to the role of the state as a key partner, not only for the planning of reintegration activities but also in sustaining them.¹⁰ In other words, it must adhere to the principle of unconditional respect for national sovereignty, and assume that the state will be the legitimate and competent body for reintegration planning.

A second, related assumption is that the war is over. However, in recent years the concept of 'post-conflict' situations has been broadened to include those which continue to experience significant levels of violence. So, for example, the recently published *UNHCR operational framework for repatriation and reintegration activities in post-conflict situations* states:

As some of these [internal] conflicts subside, states re-emerging from the ashes of destruction may still undergo periods of intense if sporadic fighting. It may therefore be inaccurate, even misleading to talk about 'post-conflict situations' as such as situations do not pass directly from conflict to post-conflict conditions. *We shall however retain the term 'post-conflict'* to indicate those war-torn societies that are undergoing some form of transition towards a more peaceful and stable situation. (UNHCR, 1999, page xvii, emphasis added)

It continues:

¹⁰ For example, an early paper on QIPs argues that: 'Essential to the QIPs concept is the involvement of the government at the national, regional and local levels' (Bonafacio and Lattimer, 1992). Similarly a 1998 UNHCR Executive Committee paper argued that: 'UNHCR's involvement should be but one within an agreed comprehensive framework or plan of action in support of the national Government' (UNHCR, 1998b, emphasis added).

In countries still in conflict, but where certain areas are safe enough to allow for spontaneous return, the proposed approach needs to be adapted to prevailing conditions, *but overall remains valid and applicable*. (Chapter 2, emphasis added)

Reading this and other policy statements, the Office of the UNHCR clearly recognises that the idealised model of voluntary repatriation assumed in its mandate and by conventional political formulae are failing. The return of hundreds of thousands of refugees by force to Rwanda in 1996 is but one, if perhaps the most dramatic example. Even prior to this, figures from the Office suggested that the majority of refugees were returning to often unstable home environments.¹¹ Given the elusive nature of settlements to many contemporary conflicts, including those which formed part of the post-Cold War phase (e.g. Angola), it is not uninteresting to ask why it is that the international community adheres to the term '*post-conflict*' and is extending it to include countries where the conflict is more evident than its end. Problematic is the fact that no criteria are given in UNHCR policy statements which indicate when a particular state might be accurately identified as embarking on 'some form of transition', nor when it is seen to end. Even more significant are the implications of aid actors continuing to rely upon a model of political process whose relevance is increasingly questioned. In other words, what are the implications of blurring the distinction between war and peace, and subsequently of relief and development?

3.1 *Chronic political emergencies*

3.2.1 *'Quasi-states', relief and development*

As indicated above, it is rare that the formal process of political transition, mediated by an international body, yields a sustainable and categorical peace. Mozambique has proved the exception rather than the rule. Rather, the landscape of concern here might better be characterised as a series of *chronic* political emergencies. In countries such as Angola and Sierra Leone international efforts to mediate a sustainable peace have proved highly problematic, while elsewhere, for example in Uganda, Rwanda and the Democratic Republic of Congo regime changes have been enacted by force. A defining feature of these is the institutional crisis, particularly of the state. They are extreme forms of what Jackson has called 'quasi-states', those countries where

unauthorized and empowered domestically, and consequently lack[ing] the institutional features of sovereign states as defined by international law, ... their populations do not enjoy many of the advantages traditionally associated with independent statehood. Their governments are often deficient in the political will, institutional authority and organized power to protect human rights or provide socio-economic welfare. (Jackson, 1990, page 31)

¹¹ The 1994 review of lessons learned from returnee aid and development programmes concluded that: 'Fifteen countries of origin experienced actual or assumed returns of 20,000 people or more. With the exception of Vietnam, fourteen states are characterised by continuing conflicts or other political/military problems that are not conducive to return.' The problem of wars not being absolutely over prior to return is not new, therefore. It has gained renewed prominence as the pressures for refugees to return home (or indeed not to leave home at all) have intensified in an era when states are increasingly reluctant to grant asylum (see, UNHCR, 1997c).

The concept of ‘quasi-statehood’ presented by Jackson is not unproblematic, in particular with regard to his analysis of the causes of state breakdown and international responses to it.¹² However, the term is seen to be useful in a number of respects. Firstly, it overcomes the problems of terms such as ‘weak’ states, in noting that problem states are not all problematic because they are weak – in some cases, such as Iraq and Sudan the very strength of the state is problematic. A second useful attribute of Jackson’s terminology is that he disaggregates the juridical and empirical components of sovereignty. Juridical sovereignty is that element which defines a government as the sovereign representative of a population living within a territorial border. It is this which is embodied, for example, a country’s representation to the United Nations. The empirical component of sovereignty is that in which a state *acts as a state*, that is, its ability to control all the territory within its borders, maintain law and order, levy and redistribute taxes etc.

The political context of the Cold War meant that respect for sovereignty was absolute. In the post-Cold War era, concepts of statehood and sovereignty are seen as more conditional. Regimes judged to be violating international standards are selectively subject to an array of sanctions, ranging from aerial bombardment to trade sanctions to the withholding of development aid. Further, the empirical weakness of states is also increasingly recognised, fuelling further policy adjustments to try to increase the absorptive capacity of aid, such as the use of NGOs and quasi-autonomous government organisations. ‘Quasi-statehood’ has thus gone from a state of being, long familiar to those living in peripheral areas of poor countries, to an international judgement of (il)legitimacy.

The problem for the aid community is that the pace of experimentation in political relations with ‘quasi-states’ has outstripped that at which the basic legal and institutional framework of the international political and aid relations has been modified. This has left aid actors, particularly in the United Nations, in the uncomfortable position of having only very crude instruments with which to engage with ‘quasi-states’, particularly those where violence is on-going. On the one hand, relief aid is unconditional but delivered outside the state. On the other hand, development aid is conditional upon the presence of an internationally accepted recognised state and assumes that the government is the legitimate and primary counterpart for aid relations.¹³ Relief and development aid are thus categorically distinct in terms of their political meaning and modalities, not conceptually seamless. Blurring this distinction means fudging the issue of whether or not it is ethically appropriate to strengthen any particular regime.

3.2.2 *Scaling up*

¹² I am grateful to David Moore for highlighting Jackson’s imperialist tendencies. To denote that the concept of quasi-statehood is used here descriptively, rather than carrying the full theoretical baggage of Jackson, I use inverted commas around the term.

¹³ This remains the case where relief operations are running in parallel with development aid operations – in other words, whereas in situations of internationally contested legitimacy relief is likely to become the predominant mode of delivery of aid to the exclusion of development assistance, the converse is not the case.

One way of understanding the difference between relief and development aid and the pivotal role of the state in switching from one aid modality to another is through the idea of ‘scaling up’.

This process of ‘scaling up’ aid is evident in relation to the target of assistance – from the individual to the community and indeed the whole national population; in time – from the short-term (perhaps three to six months) to the medium and long-term (three to 10 years). These differences in ‘scale’ are reflected in the very different working methods of relief and development agencies. Thus, UNHCR in common with other relief assistance agencies targets individuals, working through a series of micro-projects, usually managed by large numbers of NGOs. By contrast, aid from UNDP, the World Bank and bilateral donors is channelled primarily through state institutions.

The reason why developmental aid bodies are so dependent on the state is not simply historic, it is constitutional. The state is the only body which has the international authority to determine whether and how international public resources are deployed on its soil. While in practice international policy elites may be increasingly involved in the micro-management of third world economies, penetrating policy making and implementing spheres as diverse as health, trade and taxation, their task is to ensure that their recommendations are still endorsed and ‘owned’ by governments, not by the international institutions making them. In this sense, sovereignty still matters.¹⁴

As yet, there is no substitute for the lack of national governance; the global system has yet to respond formally to the problem of ‘quasi-states’. Instead it has adapted in an ad hoc and pragmatic way, often at the margins of policy. Arguably, the evolution of the humanitarian system has been the most developed response of the aid community more broadly. It has been developing ways of working outside the state, and experimenting with new rules and means of regulating international public action in these stateless environments. These have included, for example, the NGO-Red Cross Codes of Conduct, the idea of an international ombudsman, the UN Strategic Framework¹⁵ and the Sphere Project.¹⁶ While very important, none of these represent a consistent and juridical framework upon which international relations with ‘quasi-states’ can be built. The implications of the persistent gap in global governance are explored further in section 3.3.

3.3 *Constitutions, coherence and accountability: dilemmas of legitimacy*

¹⁴ A phrase used by William Reno, but referring to a slightly different context (Reno, 1999).

¹⁵ There is some potential for confusion between the Strategic Framework process initiated as UN system-wide mechanism for coordination and coherence by CCPOQ, and the UNHCR strategic framework for reintegration (UNHCR, 1997a). Unless stated, the term is used here to refer to the UN-wide Strategic Framework.

¹⁶ The Sphere Project is a joint initiative by the Steering Committee for Humanitarian Response, Interaction, VOICE (an umbrella group of NGOs receiving funding from the European Community Humanitarian Office (ECHO)), ICRC and the International Council of Voluntary Agencies (ICVA). Its ‘Humanitarian charter and minimum standards in disaster response’ sets out humanitarian principles and defines technical standards for response in the areas of nutrition, food aid, water and sanitation, health and shelter.

3.3.1 *Constitutions: in search of an aid ethic in 'quasi-states'*

In blurring the distinction between genuine post-conflict situations and those where conflict and violent governance persist, what is masked is the very different institutional framework for aid. This is important given that UNHCR notes that a large proportion of those situations to which refugees are repatriated are characterised by on-going violence (UNHCR, 1997a, page 148).

In situations of on-going violence the state is typically a belligerent to the war and is frequently associated with significant abuses of human rights. The withholding of development aid from these states as a sanction is not consistently applied. Where development aid is provided, this is subject to the agreement and participation of the government concerned. In other words, development aid is necessarily partial and designed to reinforce the political, economic and de facto military structures of the state.¹⁷ For humanitarian agencies, particularly those like UNHCR whose mandate relates primarily to protection, developmental programming is inherently problematic since it implies recognition of and engagement with a state which is also often a party to human rights abuses.

Where there is no functioning state, as in Kosovo and Somalia, or where that body is not accorded international juridical legitimacy (the Taliban in Afghanistan) or political support (the National Islamic Front in Sudan), there is an issue regarding whether and how aid should be channelled. Major development agencies are largely unable to engage in these environments at the macro-level. Instead, aid interventions (whether described as humanitarian or developmental) are confined to the micro-level of individual projects.

Where aid is delivered outside the state there is no authority to direct macro-level policy on a range of issues from the design of health systems through to the macro-economic framework. Instead, aid responses remain characterised by the modalities of relief – in other words highly decentralised, project-based and often short-term. Thus, what distinguishes developmental and humanitarian programming is not only project *content* (for example, support for health, education or food security), but also the *processes* by which these goods and services are delivered.¹⁸

The question then becomes who decides, whether and when a country becomes categorised as moving from the status of a chronic political emergency to one of post-conflict transition, and what criteria are used. Put another way, under what conditions does the international community legitimise an incumbent state which remains engaged in a conflict?

¹⁷ Interestingly, the whole idea of developmental relief is increasingly opening the way for aid agencies to invest in a similar way in non-state entities, such as the Sudan People's Liberation Army (SPLA) in Sudan. Here rebel movements take on many of the empirical attributes of statehood – controlling territory, levying 'taxes' and to a greater or lesser extent facilitating the delivery of public welfare and security. Although they lack the juridical basis of sovereignty, the fact that external actors, including aid agencies engage with them reinforces their legitimacy, making them more powerful opponents to the juridical state (Clapham, 1996).

¹⁸ Relief aid is usually delivered directly by relief agencies, whereas developmental aid is concerned to strengthen the ability of national institutions to finance and deliver services.

At present the trend seems to be towards international actors engaging sooner, rather than later in many conflicts (see, for example, UNHCR, 1994c; UNHCR, 1997c; Kreimer *et al*, 1998), ostensibly on the grounds that such involvement may contribute to the resolution of that conflict. The criteria are patchy and not obviously transparent. The policy of bilateral donors in relation to development and developmental relief varies considerably globally and in relation to each donor country's position on a particular conflict.¹⁹ This disparity and selectivity of developmental engagement presents multilateral and non-governmental agencies with difficulties in maintaining a consistent approach within their programmes, so further undermining the global and humanitarian nature of their mandates.

3.3.2 *Coordination and coherence*

The weakness of many state institutions in conflict-affected countries and their uncertain legitimacy is what makes the issue of inter-agency coordination particularly contentious and difficult in violent 'quasi-states'.

The evolution of the UN's Strategic Framework approach is an attempt to enhance the coherence and consistency of international engagement in chronic political emergencies. Importantly, its original aim was to achieve improved coordination between relief and development aid agencies, and between the political processes of conflict resolution and the aid spheres (Cholmondeley, 1997b). While this latter element has been slowly but steadily dropped (Wiles *et al*, 1999), the extent of donor government involvement in aid decision-making has been increased.

While the Strategic Framework process can draw on the moral authority of key UN committees such as the ACC and CCPOQ, and of the Deputy Secretary-General who manages the Strategic Framework, it does not, nor does it claim to, replicate the juridical authority of statehood. Rather, it is dependent upon achieving the consent of relevant parties (including aid agencies) and has no authority to monitor or sanction those who violate the principles according to which it works.²⁰ It is an open secret that UNHCR has not been a supporter of the Strategic Framework process, seeing it as threatening the Office's operational autonomy (see, for example, Wiles *et al*, 1999). The lack of support from agencies such as UNHCR threatens the viability of the Strategic Framework concept and its attempt to fill at least partially the sovereignty gap in chronic political emergencies.

Thus, the problem of inter-agency coordination is not just managerial – it is juridical. In Meier's (1993) terms there is a constitutional question to be resolved; decisions need to be made regarding how decisions can be made. Who, for example, has the

¹⁹ For example, a forthcoming evaluation of humanitarian assistance provided by the Danish government aid agency Danida to Sudan notes the wide variety of positions in relation to developmental relief in SPLA- and government-held territories held by different bilateral bodies. These range from the US government aid agency USAID's heavy investment in 'development' in some SPLA-held territory to that of the UK which holds that only a very narrow range of relief inputs should be provided (Overseas Development Institute, forthcoming).

²⁰ A similar tension is apparent in other negotiated political frameworks such as Operation Lifeline Sudan where the UN, specifically the UN Children's Fund (UNICEF) has the de facto responsibility for coordination of public welfare functions in rebel-held territory but lacks either political authority or military capacity to enforce its responsibilities (see Karim *et al*, 1996).

authority to define priorities and to ensure that all parties, including aid agencies, adhere to them? It is the lack of a legitimacy and the competent body to regulate political life in conflict affected countries which constitutes the primary challenge in these environments.

3.4 Sustainability in 'quasi-states'

3.4.1 The sustainability of return: a core concept

A second major dilemma in relation to relief-development aid linkages in these environments relates to sustainability. A substantive claim of many internationally-funded rehabilitation activities, including UNHCR's reintegration programmes, is that they will contribute to longer term, sustainable development. This is implicit in the idea of sustainable return, and is an explicit aim of the QIPS and capacity-building approaches adopted by UNHCR in recent years.

Clearly, the pattern and type of investment made by the international community in rehabilitative measures will have a significant impact on sectoral sustainability in the medium term. It is thus important that an assessment of their suitability is made with respect to the particular context.

Further, in line with the idea that by making more developmental investments, rehabilitation and repatriation assistance can contribute to conflict reduction, UNHCR's recent *Operational framework for repatriation and reintegration activities in post-conflict situations* states:

A transition phase is the most crucial step in the reintegration process. A successful transition will ensure that reintegration is sustainable – averting the recurrence of displacement such as a massive exodus from rural to urban areas or renewed outflows. (UNHCR, 1999, page 71)

Yet the particular institutional weaknesses and the extreme scarcity of resources, particularly in the public sector, make claims regarding the sustainability of rehabilitation and reintegration inputs very difficult to achieve in practice. This section briefly explores these dilemmas.

3.4.2 Institutional sustainability

Scaling up from relief to developmental aid requires a transition in the implementing approaches taken by aid agencies. In particular, it implies a move away from a direct role in implementation and delivery to strategies which rely increasingly upon national actors (private as well as public) taking on an increasing role. Effecting this institutional transition is a pre-condition for establishing sustainable development of public systems, such as health and education. In the area of agricultural production, a different institutional framework is required, one which protects property and enables markets to function effectively. Institutional sustainability thus relies to a considerable extent on the re-formation of the state, either to assume a direct role in the regulation,

financing and provision of public services, or to provide a framework which can provide physical and economic security for production.

Both these aspects of sustainability are inherently problematic in many of the chronic political emergencies which characterise UNHCR's caseload. The problem is twofold.

The first is that outlined above, namely whether or not political conditions provide for legitimate engagement by international actors with the state. This in turn is contingent upon whether bilateral donors wish to engage with the relevant national authorities for development purposes. It also depends upon whether it is compatible with the mandates of international organisations to engage with those authorities with regard to developmental initiatives. This may be an issue if the juridical status of an authority is in question; it may also be an issue if there are major issues surrounding authorities' human rights records.

A second point which emerges in both 'true' post-conflict situations and chronic political emergencies is that the capacity of national institutions is often extremely weak, particularly in the public sector. This raises the question of the time-frame for more developmental approaches: in other words, what should be done while the institutional capacity for service delivery and regulation is being developed?

The problem of sustainability of reintegration interventions has been highlighted in a number of evaluations and reviews (see, for example, Bernander *et al*, 1995; Netherlands, 1994; UNHCR, 1997c) and is raised, but not fully resolved in many UNHCR documents on reintegration. The primary solution to this dilemma is seen to be identifying more effective aid partners with a developmental mandate to address these institutional dilemmas (see, for example, UNHCR 1997b; 1997c). However, such an approach fails to acknowledge the extent of the problem – the fact that in many cases the institutional weaknesses are very severe and likely to take decades rather than years to redress.

Important to emphasise is the volatility of the institutional framework in chronic political emergencies. Given the consistent threat of further political violence, potentially culminating in the overthrow of existing authorities, capacity-building is an inherently risky investment, particularly higher up the public administration hierarchy.

3.4.3 *Financial sustainability*

Similarly, existing policy regarding reintegration assistance seems based on little analysis of the economic environment within recipient countries. UNHCR is not alone in this respect. Expectations of the sustainability of rehabilitation assistance are often assumed rather than proven (Macrae, 1999).

As UNHCR recognises, conflict-affected environments are among the poorest in the world. This poverty needs to be disaggregated, however. The high costs of prosecuting contemporary wars, need to be stated: in Sudan, for example, it has been estimated that it costs at least \$1-2 million per day to sustain the war. In addition, there are also

elements of war economies which are extremely lucrative. For example, in Afghanistan, it has been estimated that the Taliban has received some \$2 billion in military assistance from Saudi Arabia, in contrast to an estimate \$200-230 million for relief and development assistance spent on Afghanistan and for Afghani refugees. Similarly, the annual value of Afghani drug production at the export point to Pakistan is estimated at some \$1.25 billion (Killick and van Brabant, 1999).

As is well recognised, war economies are extremely profitable for some sections of the population, while deliberately impoverishing for others (Keen, 1991). A particular feature of war economies is that they critically weaken mechanisms designed to redistribute wealth, namely those designed for public action. Thus, non-military aspects of the public economy, such as health and education services, as well as support for key infrastructures such as roads, tend to be weakened as a result of the dual pressures of declining ability of the state to collect taxes and the militarisation of public expenditure (see Macrae, 1999).

Redressing these trends is neither easy nor quick. Reforming parallel economies so that the economy starts to function in support of the public good, rather than private and military gain remains a formidable policy challenge (Cholmondeley, 1997a). Demilitarisation tends to be a slow process, where it occurs at all, and is thus slow to yield major changes in the allocation of resources to non-military sectors.

3.4.4 Sustainability, accountability and standards

The inherent difficulty of achieving sustainable initiatives in these environments implies important trade-offs between the different objectives of different actors working in them. In particular, if sustainability is to be an important goal of aid programming in these environments, this suggests compromising another objective, namely coverage.

The sustainability issue is another point where the tensions between the programming approaches of humanitarian and development agencies become apparent. While the emphasis of humanitarian agencies is on maximising the access of individuals or, in the case of UNHCR, individual members of a particular target group (refugees) to particular health services, development agencies focus at the level of populations. Thus, two populations could share the same basic indicators of health, nutrition and access to water, but these would prompt different responses from the relief and development communities.

There are no universal criteria which specify whether and when countries are able to access humanitarian or developmental aid, in other words, specifying what constitutes an emergency and when it is over.

This raises a question with respect to the 'phasing out' of welfare inputs targeted at the level of individuals and according to basic standards. In relief operations, while coverage may be limited, the standards and conditions according to which assistance is given are frequently quite high, for example, allowing populations access to free drugs supply and nutritional input. This emphasis on access switches to a focus on

sustainability in developmental programmes (see also section 4.4). This shift in programming objectives often takes place in a way such that the phasing out of relief inputs is not paralleled by a concomitant rise in development aid. In other words, there is a de facto reduction in the population's access to assistance. In this way, concern for sustainability may simply mask budget cuts (see, Karim *et al*, 1996; Apthorpe *et al*, 1996; Stockton, 1996; Macrae and Bradbury, 1998). Many aid operations responding to chronic political emergencies have been experiencing sustained declines in their funding over recent years. In this context, there is a need to monitor quantity and quality of coverage of basic services and of standards of nutrition, and to use such information to lobby for more resources when these standards are not met.

4. Exploring 'developmental' space in chronic political emergencies: implications for reintegration

4.1 *Reintegration: beyond a technical and managerial response*

Commenting on current debates regarding the ethics of humanitarian action, Hugo Slim has noted that

the international community has a tendency to colonize, and this tendency is no less apparent in its moral debates where all too often it has shown signs of making all the moral problems of the world its own. ... [T]his has sometimes meant that relief agencies and their critics have tended to overstate the moral burden on humanitarianism. (Slim, 1996, page 2)

Current debates regarding the role of international assistance in reintegration and rehabilitation show a similar tendency. In these difficult environments, the aid community (including both relief and development agencies) is assuming responsibility for an increasingly broad range of objectives. In the case of UNHCR, this means no longer being there 'simply' to meet basic survival needs and to monitor protection of returning refugees, but making increasing claims regarding its role in longer-term peace-building and development.

This 'colonisation' of the issue of return and rehabilitation by the aid community, including UNHCR, has been enabled, and indeed encouraged, by donor governments as part of a wider process by which responsibility for non-strategic countries has been delegated from the political to the aid sphere (Ellis, 1996; Macrae, 1999).

In accepting increasing responsibility for the management of conflict, not simply responding to its effects, the aid community treads a difficult line. On the one hand, it needs to demonstrate clearly its role to donors by emphasising its ability to influence the internal causes of conflict. This requires being increasingly ambitious in its claims. On the other, the terms on which it does so are formulated in a way which is

essentially apolitical and technocratic in order to avoid alienating both donor and recipient governments.²¹

In this context, there is a tendency for the problem of conflict, and the problem of providing aid in politically unstable countries, to be defined in essentially technocratic and managerial terms.²² In this respect, a review of the evolution of UNHCR's policy with respect to reintegration shows a striking consistency in its analysis of the definition of the problem of reintegration. Two themes predominate.

From 1992 onwards there has been consistent recognition of the problem of identifying effective partners which will sustain UNHCR's interventions.²³ In particular, there has been disappointment with the performance of UNDP (UNHCR, 1994c). This has driven UNHCR to seek alternative developmental partners, and in particular to solicit the support of the World Bank for the reintegration agenda (Wolfensohn and Ogata, 1998). While clearly an important strategic alliance, the move to work more closely with the World Bank implies that the World Bank does not share many of the structural features of UNDP which precluded the latter sustaining reintegration projects initiated by UNHCR.

Arguably, however, all official development assistance agencies suffer from an inability to work effectively in 'quasi-states'. This structural problem derives from the uncertain legitimacy of many governments in conflict-affected states, their weak public institutions and the absolute poverty of the formal economy.

A more recent preoccupation, and the experience of Rwanda seems to have been particularly formative here, has been concern regarding under-funding and the difficulty in securing adequate and appropriate resources to finance the expanded programme of repatriation and reintegration assistance that has emerged since the mid-1990s.

While important, both these strands of debate represent a somewhat aid-centric analysis of the problem of repatriation and reintegration. It is striking, for example, that the recent UNHCR-World Bank consultations over the past year have focussed almost exclusively on the issue of aid instrumentation, and the creation of a specialist new fund to respond to the needs of post-conflict situations – a half-way house between relief and development aid (Center on International Cooperation, 1999).

What this signals is less a fundamental reform of the aid system, based upon an analysis of the emerging post-Cold War political order, than the reassertion of an

²¹ And indeed to conform with the economism that has dominated development studies and assistance, particularly since the 1950s.

²² Leftwich (1994) makes a similar point regarding the 'technicisation' of the governance agenda.

²³ Interestingly, a 1997 UNHCR policy paper on 'Reintegration in the transition from war to peace' explicitly sought to end the idea of handover, recognising that it implied continued adherence to what it saw as the outdated relief-development continuum model. However, the 1999 Operational Framework document implicitly assumes the idea of handover, stating: 'UNHCR's involvement should end as soon as possible, and at the latest after the completion of the transition phase. The programmes will then be progressively handed over to national, regional and local line departments with the support of the agencies involved in longer-term development of the country', page 21, emphasis added.

existing consensus regarding the relationship of relief and development aid, albeit with improved technocratic procedures. Such modifications cannot accommodate the removal of two of the key pillars which have guided and continue to inform development assistance. Both the goal of development (sustainability) and its tactics (through the vehicle of a modern state) are in jeopardy.

The aid system, already suffering the effects of declining international support, has responded to this conceptual and operational crisis in a pragmatic and defensive manner. The pragmatic quality of its response is explored further in section 4.3. Its defensive character is indicated by the fact that there has been no review of the continuing relevance of the predominant development aid paradigm in countries characterised by chronic political instability, and in particular experiencing crises of statehood. Thus, despite the persistent failure of the political and aid continua to deliver either peace or development in countries such as Angola, Sri Lanka and whole regions such as the Greater Horn of Africa, the Balkans and large chunks of Central Asia, the organising objective of current reintegration debates remains premised on the presence of a benign state, willing and able to implement neo-liberal policy reform.

4.2 Escape from ‘la-la land’: developing a politically informed response

Aiding ‘quasi-states’ more effectively is contingent upon ensuring that aid strategies are based upon a clearer and more explicit analysis of the national and international political context. Such an analysis needs to review both the political economy of recipient countries, and of aid itself. Both are risky undertakings for any single aid body to undertake, particularly within the UN; arguably both are also crucial for the survival of the system as a whole.

4.2.1 The political economy of war, peace and aid

Part of an interview with a UNHCR staff member is worth citing here. Referring to a country where the UN-brokered peace process had steadily broken down, he noted how UN operational aid agencies became trapped in what he called ‘la-la land’, where the political reality bore less and less resemblance to the formal and formulaic politics of an internationally-brokered transition. Operational agencies such as UNHCR had significantly more access to the country concerned, and were seeing daily the effects of deteriorating security conditions on their operations and on their constituents. Yet, as a UN agency, UNHCR’s ability to reorient its programme and prepare for a major collapse in the peace process was limited, since this would have signalled the failure of the political process.

It is this constitutional inability to formulate an independent political analysis, and to (be seen to) act upon it that constitutes an important constraint to the efficacy of UNHCR’s conceptual and programmatic approach to reintegration. It is perhaps this which explains the growing gap between the Office’s own policy guidelines (UNHCR, 1999), which continue to assume the voluntariness and desirability of return, and the findings of UNHCR’s and others’ review of actual reintegration experience (UNHCR, 1994c; UNHCR, 1997c; Chimni, 1999). Symptomatic of this is

the persistent glossing over of the very substantive distinction between post-conflict situations and chronic political emergencies.

The blurring of these distinctions, and of the corresponding distinction between relief and development aid, has major implications for the definition of the mandates, modalities and principles according to which aid is disbursed (see section 4.3). It is also significant in terms of the technical efficacy of rehabilitation interventions, which are unlikely to prove either sustainable or appropriate in the absence of an informed political analysis. In the absence of extensive fieldwork it is difficult to gauge more precisely how and whether field staff negotiate room for manoeuvre in the face of such structural obstacles to developing political analysis.

What is more evident from a review of the Office's global policy documents is that the rationale for its engagement relies upon a model of conflict which largely emphasises the internal causes of conflict, and in particular identifies the risks of conflict in situations of underdevelopment.

Such a model risks being partial and ahistoric, failing to acknowledge, for example, the continued and historic role of neighbouring and other countries in fomenting and fuelling conflict through arms transfers and covert operations. It underplays the fact that it is not the poor per se who usually constitute the leadership of warring parties. The complexity of the conflict dynamic is thus lost, as is in particular the fact that, as well as losers, war also yields substantial political and financial rewards for some groups (Keen, 1991). Confronting these 'winners' tends to be overlooked by political and aid actors alike, but remains a critical challenge. While poverty is associated with conflict, the causal link between poverty and violence is far from as straightforward as often implied.

4.2.2 *The political economy of aid*

The pragmatic²⁴ character of the international response to the reintegration problem is revealed by the apparent acceptance of aid actors of the increasing encroachment of donor government foreign policy goals into programme design. This is signalled, for example, by the fact that UNHCR's adoption of the repatriation and reintegration agenda has coincided with the changing priorities of donor countries seeking to reduce the number of refugees in their home countries (Chimni, 1999), as well as the broader need for the aid community to provide a new rationale for its work (see section 2.2.1).

Documents produced by the Office of the UNHCR and its collaborating partners, frequently acknowledge the political factors which determine the type and scale of donor support for reintegration activities (Ogata and Wolfensohn, 1999). Less often mentioned is the fact that these political decisions imply a highly selective response, which compromises the neutrality and impartiality of the aid system. As a UNHCR report suggests, confronting this selectivity requires aid agencies being proactive in defining the conditions which would inform their decisions regarding when they initiate and withdraw from reintegration and rehabilitation efforts (UNHCR, 1997c).

²⁴ See, Chimni (1999) for a discussion contrasting pragmatic versus principled approaches to reintegration.

Such definitions would be important in countering the trend identified by Chimni (1999) and others, whereby there is increasing acceptance by the international community that refugees return to their countries of origin despite conditions there remaining very difficult. These pressures, from donor and host governments, require aid agencies to condone earlier return and to undertake measures which suggest that there is a process of political transition in play (UNHCR, 1997c; Kreimer *et al.*, 1998). In so doing, not only is the efficiency and effectiveness of aid potentially compromised, so too are the principles and mandates of aid organisations.

4.3 *Plugging the principle-reality 'gap'*

Refugees are coming under increased pressure to return home, often to environments which remain insecure politically and militarily. These pressures arise from a combination of an increasing reluctance of host countries to provide asylum, dwindling aid funds to support refugee populations, and/or instability in host countries. For UNHCR this environment poses many dilemmas. The basic principles which should inform its programming are increasingly difficult to adhere to and, seemingly, even to defend. As the Office extends its work into the developmental sphere, so these dilemmas become more acute because it must work with the very authorities who may also threaten the human rights of returning refugees. The premise of reintegration assistance, as currently formulated by UNHCR, is that the government is a key partner, and that a major objective is to build the capacity of national institutions (Bonafacio and Lattimer, 1992; UNHCR, 1998a).

This raises important dilemmas regarding the terms of its engagement with national authorities, and in particular how UNHCR interprets its mandate for capacity-building. It was of some surprise, for example, that in the *Practical guide to capacity-building as a feature of UNHCR's humanitarian programmes* (UNHCR, 1998a) no guidance was given as to whose capacity should be built. Given that as well as providing the solution, state and also civil institutions are also often responsible for mass violations of human rights, the lack of an analysis of protection issues is a significant omission. A similar comment might be made with regard to the policy on QIPs and indeed the more recent UNHCR *operational framework for repatriation of reintegration activities in post-conflict situations* (Bonafacio and Lattimer, 1992; UNHCR, 1999).

The lack of fieldwork prevented scrutiny of the protection aspect of reintegration programmes.²⁵ However, a more general review of UNHCR's approach to reintegration suggests that the Office lacks the legal or ethical framework offered by international refugee law or equivalent humanitarian principles to guide its interventions in this area of its work.

The need for such principles is evident to allow for consistent programming approaches, and in particular as a basis for engagement and advocacy both with authorities in recipient countries and with other developmental aid agencies. Such

²⁵ But see, Chimni (1999) in UNHCR's New Issues in Refugee Research series, Working Paper No. 2.

principles might address such issues as respect for human rights, equitable and impartial distribution of resources across ethnic and religious groups. They become particularly important when protection work in reintegration situations emphasises building the capacity of the state, through judicial reform for example (UNHCR 1998c).²⁶ Once again this strategy raises the question of how UNHCR sees its relationship with the state in countries of origin as opposed to its mandate in relation to the protection of returnees. While clearly not inseparable, there are obvious potential conflicts when the state continues to threaten the rights of returnees.

Also important is to ensure that UNHCR's aid partners, including NGOs, are fully aware of the principles which guide its reintegration work, and that these are reflected in UNHCR's contracts with implementing partners. Induction for UNHCR's NGO partners, including the legal requirements for voluntary repatriation, might be useful in this regard. Systems for monitoring NGOs' adherence to humanitarian and technical principles and standards would be required to make such an approach meaningful.

In addition to principles to help navigate the political environment, there is also a need to promote consistency with respect to the technical standards of operations. Such standards, and mechanisms to monitor them, are necessary to ensure that the withdrawal of humanitarian agencies does not lead to a decline in populations' access to basic goods and services, as is often the case (Macrae and Bradbury, 1998). They could be used to inform the development of criteria regarding withdrawal, as suggested by UNHCR's 1997 'Review of UNHCR's phase out strategies' (UNHCR, 1997c). This review argued that such standards would help to avoid the pitfall of the timetable for reintegration being driven by artificial deadlines imposed by a political process, not by operational factors. It would be important for any such standards to be set at a meaningful level, and for them to include protection criteria, in order to make them meaningful. This does not necessarily sit comfortably with the objective of ending UNHCR's involvement as soon as possible (UNHCR, 1999).

Monitoring standards of basic services and nutrition over time is important before what are usually very low levels of provision become effectively normalised and re-labelled as 'development'. Initiatives within the NGO sector such as the Sphere Project (1998) may be useful in defining such standards; until these are met, UNHCR may not wish to withdraw. Setting criteria to determine withdrawal is clearly not the same as securing funding to enable these standards to be met. However, adopting consistent criteria and developing objective indicators of basic welfare and of protection would provide much more powerful information for advocating the allocation of greater international resources than are currently available. It would

²⁶ In its contribution to the Brookings Institution discussion, UNHCR's Division of International Protection highlighted the need to clarify the division of labour for monitoring the human rights situation of returnees. It also identified a role for UNHCR and others to provide assistance to national authorities to re-establish their capacity to protect their citizens, for example through judicial reform and support for civil groups engaged in human rights promotion activities. Thus protection activities are seen as buttressing efforts towards reconciliation and peace-building by enhancing the legitimacy of the state. Importantly, however, the paper does not appear to distinguish clearly between those situations where there is a genuine commitment on the part of the state to fulfil its protection role, and those where the state continues deliberately to violate the rights of sections of its citizenry. In other words, the conditions under which UNHCR engages in the capacity building of state institutions are not clear.

quantify the gaps in provision more than is currently the case and could provide an advocacy focus for negotiations with donors, which might encourage them also to adopt such standards.

4.4 *Sustaining and broadening the debate*

In contrast to some of its sister agencies in the UN, UNHCR has been relatively proactive in seeking to broaden the debate regarding the links between relief and development aid. Specifically, it has engaged extensively with the World Bank, which itself has undertaken a broad and detailed review of its work which is influencing the evolution of new policies, instruments and organisational structures (Kreimer *et al*, 1998; World Bank, 1998a; World Bank, 1998b). These consultations and attempts to develop joint programming culminated in the Brookings process, which has also sought to engage other UN agencies and importantly the donor community.

The potential problem with many such fora is that they remain largely aid-centric, focussing on the issues of mandate, comparative advantage and instrumentation. Lacking is a more fundamental debate regarding the role of aid in the post-Cold War era and, in particular, how existing aid instruments designed in an era of unconditional sovereignty can and do work in a radically different political landscape. This a tough area of policy, one in which there remain major tensions between principle and pragmatism. Thus, the apparent renewal of concern for human rights and humanitarianism within donor countries is accompanied by declining funding and an absence of an internationally accepted framework which provides a legitimate basis for engagement in 'quasi-states'.

It is in promoting urgent debate on this issue of the implications of weak, violent and even absent states where the aid community has been less confident. While the issue is alluded to in UNHCR documents (for example, UNHCR, 1997a), it is commonly sidelined in favour of the apparently manageable technical issues of funding and coordination (Ogata and Wolfensohn, 1999).

However, unless the broader political dimensions are placed at the centre of the debate, then the technical and managerial weaknesses of aid responses will remain problematic, further undermining their credibility. At present, donor governments appear to be demanding more and more of aid agencies, while disengaging politically. This does not provide a framework for effective or sustainable aid action. More fundamentally, the basis for protection hangs critically upon the political will of the government and non-state entities in the country concerned. Where this is absent, the international response remains patchy with a consistent mechanism for global action at a nascent and controversial stage of its evolution. Further engagement with governments, including donor countries, on the protection dilemmas of reintegration and of their responsibilities in securing protection would be important.

4.5 *Conclusions*

Placing UNHCR's reintegration in the context of wider debates regarding relief-development linkages is insightful in a number of respects. The apparent difficulty of many organisations in reaching consensus regarding arrangements for inter-agency coordination in chronic political emergencies is not a primarily a result of their having markedly different analyses of their role in reintegration and rehabilitation. Indeed, there is remarkable consistency within the official aid community regarding the new function of aid in these environments. An orthodoxy is emerging whereby the objective of humanitarian aid is no longer primarily palliative, but rather that it should serve developmental and peace-building functions.

This paper has argued that achieving these developmental and peace-building objectives is likely to prove problematic for political, technical and ethical reasons. In this context, humanitarian agencies might do well to reassert their particular competence and mandate with regard to protection and human rights. Uncritical adoption of developmental and peace-building objectives risks compromising not only the technical quality of UNHCR's work, but also its mandate for protection. Ensuring that reintegration approaches are driven by an analysis of need and grounded in principle, rather than by the interests of donor and recipient governments, will be crucial in protecting the rights of returnees.

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