

UNHCR’s mandate in relation to assistance to refugees and other people of concern

UNHCR’s mandate for assistance derives from its Statute, in particular paragraphs 8, 9 and 10, as well as, in accordance with the Statute, subsequent General Assembly resolutions. It is also embedded in international treaty law, notably the 1951 Convention relating to the Status of Refugees.¹ Assistance is therefore an integral part of UNHCR’s mandate with respect to refugees and returnees. Assistance also forms part of UNHCR’s role as global cluster lead in respect of protection, camp coordination and management and emergency shelter in complex emergencies.

More specifically, the Statute refers to assistance in a number of provisions and confers on the High Commissioner and his Office the authority to carry out various activities in relation to assistance:

- The High Commissioner shall “*promot[e] through special agreements with Governments the execution of any measures calculated to improve the situation of refugees ...*” (para. 8(b)).
- The High Commissioner “*[shall] assist[-] governmental and private efforts to promote voluntary repatriation or their assimilation with new national communities*” (para. 8(c)).
- The High Commissioner shall “*facilitat[e] the co-ordination of the efforts of private organizations [i.e. NGOs] concerned with the welfare of refugees*” (para. 8(i)).
- The High Commissioner “*shall engage in such additional activities, including repatriation and resettlement, as the General Assembly may determine, within the limits of the resources placed at his disposal*” (para. 9).
- The High Commissioner “*shall administer any funds, public or private, which he receives for assistance to refugees, and shall distribute them among the private and, as appropriate, public agencies which he deems best qualified to administer such assistance. The High Commissioner may reject any offers which he does not consider appropriate or which cannot be utilized.*” (para. 10).

Subsequent General Assembly resolutions – both the annual omnibus resolutions on UNHCR, as well as on assistance to refugees, returnees and displaced persons in Africa – set out in more detail UNHCR’s humanitarian assistance function (see Annex). They relate broadly to the following areas:

- Appeals for assistance
- Appreciation for the role of UNHCR in assistance and protection
- The linkages between protection and assistance

¹ See, for example, the final preambular paragraph of the 1951 Convention: “*Noting that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective co-ordination of measures taken to deal with this problem will depend upon the co-operation of States with the High Commissioner*”. The 1951 Convention and its 1967 Protocol, as well as regional refugee instruments lay down standards for the treatment of refugees, including the provision of assistance (see, for example, Chapter IV on welfare contained in the 1951 Convention). Art. 35 of the 1951 Convention and Art. II of the 1967 Protocol require states parties to cooperate with UNHCR in the exercise of its functions.

- UNHCR's coordination role in relation to protection and assistance
- Participation of women in assistance programmes
- Other resolutions relating to the global cluster lead in relation to protection, camp coordination and management and emergency shelter in complex emergencies

At least one resolution explicitly notes that this role is derived from paragraph 10 of the Statute, in respect of refugees.

Executive Committee Conclusions on International Protection also elaborate on the assistance function of UNHCR (see Annex below).

Division of International Protection
3 June 2015

Annex

I. Sample of General Assembly resolutions

General appeals for assistance for UNHCR

Sample text: “**Authorizes the High Commissioner, under paragraph 10 of the Statute of his Office, to issue an appeal for funds for the purpose of enabling emergency aid to be given to the most needy groups among refugees within his mandate;**” [538 (V), B, OP1]

Sample text: “*Calls upon* all States to promote durable solutions and to contribute generously to **the High Commissioner’s humanitarian programmes** in order to assist persons of concern to the High Commissioner in a spirit of international solidarity and burden-sharing.” (39/140, OP10)
Latest: 68/143, OP24 & 26, 18 Dec 2013

26. *Expresses deep concern* about the **long-term impact of cuts in food rations** on the health and well-being of and the Middle East, and especially its impact on children, owing to insufficient funding and increased costs. **ensure sustained support for the Office of the High Commissioner and the World Food Programme with alternatives to food assistance**, pending a durable solution; 69/152, 28 January 2014, OP26

26. *Urges* the international community, in the spirit of international solidarity and burden-sharing, to continue to fund generously the **refugee programmes** of the Office of the High Commissioner and, taking into account the **substantially increased needs of programmes in Africa**, inter alia, as a result of repatriation possibilities, to ensure that Africa receives a fair and equitable share of the resources designated for refugees; 68/143, January 2014, OP26)

Appreciation for assistance and protection role of UNHCR

“*Expressing appreciation for the leadership shown by the Office of the High Commissioner, and commends the Office for its ongoing efforts, with the support of the international community, to assist African countries of asylum, including by providing support to vulnerable local host communities, and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa*” (e.g. GA 67/150, 2012, OP 6),

11. **Notes the current activities of the Office of the High Commissioner related to protection of and assistance to internally displaced persons**, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard; (69/152, 28 January 2014, OP11)

12. *Encourages* the Office of the High Commissioner to continue responding adequately to emergencies, in accordance with its mandate and in cooperation with States, notes the measures taken by the Office to strengthen its capacity to respond to emergencies, and encourages the Office to pursue its efforts to further strengthen its emergency capacity and thereby ensure a more predictable, effective and timely response; 69/152, 28 January 2014, OP12

13. *Also encourages* the Office of the High Commissioner to work in partnership and in full cooperation with relevant national authorities, United Nations offices and agencies, international and intergovernmental organizations, regional organizations and non-governmental organizations to **contribute to the continued development of humanitarian response capacities at all levels, and recalls the role of the Office as the leading entity of the cluster for protection, camp coordination and management and emergency**

shelter in complex emergencies; 69/152, 28 January 2014, OP13

6. *Expresses its appreciation* for the leadership shown by the Office of the High Commissioner, and commends the Office for its ongoing efforts, with the support of the international community, to assist African countries of asylum, including by providing support to vulnerable local host communities, and **to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;** (68/143, January 2014, OP6)

13. *Calls upon* the international community, including States and the Office of the High Commissioner and other relevant United Nations organizations, within their respective mandates, to take concrete action to meet the protection and assistance needs of refugees, returnees and displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight, facilitating durable solutions for refugees and displaced persons and supporting vulnerable local host communities; 68/143, January 2014, OP13)

20. *Calls upon* the Office of the High Commissioner, the international community and other entities concerned to continue and, where appropriate, to intensify their support to African Governments through appropriate capacity building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities, in particular those Governments that have received large numbers of refugees and asylum seekers; 68/143, January 2014, OP20

28. [...] **notes the current activities of the Office of the High Commissioner related to the protection of and assistance to internally displaced persons,** including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard; 68/143, January 2014, OP28

Linkage between assistance and protection:

Reaffirms the **importance of timely and adequate assistance and protection for refugees, returnees and displaced persons,** also reaffirms that assistance and protection are mutually reinforcing and that **inadequate material assistance and food shortages undermine protection,** notes the importance of a rights- and community-based approach in engaging constructively with individual refugees, returnees and displaced persons and their communities so as to achieve fair and equitable access to food and other forms of material assistance, and expresses concern in regard to situations in which minimum standards of assistance are not met, including those in which adequate needs assessments have yet to be undertaken; 66/135, OP15, 19 Dec 2011; 67/150, OP14, 20 Dec 2012; 68/143, OP14, 18 Dec 2013

Participation of women in UNHCR assistance programmes:

*Other resolutions stress the need for the **participation of women in the implementation of assistance programmes** and request Member States, UNHCR and other organizations to ensure such participation. Another provision urges the UN system to review protection and distribution mechanisms and recommends actions that protect against the misuse of humanitarian assistance.*

See, 35/135, OP5 11 Dec 1980:

5. *Urges* the High Commissioner to work with host country Governments to encourage the participation of women, including refugee women, in the administration of refugee assistance programmes, notably the provision of essential food, shelter and medical services in countries of asylum and to promote their participation in training and orientation programmes in countries of asylum and resettlement;

II. Sample of Executive Committee Conclusions

General

46 (n) Recognized that international protection is best achieved through an integrated and global approach to protection, **assistance**, and durable solutions, **and invited the High Commissioner to develop further his efforts in this regard**, (...).

61 (e) Emphasizes the close nexus between international protection, international solidarity, material assistance and the provision of solutions through voluntary repatriation, integration in countries of asylum, or resettlement, and calls upon the **High Commissioner to continue his efforts to ensure that protection measures are fully integrated into assistance and durable solutions programmes**;

g) Notes that countries of first asylum carry the major burden of refugees, displaced persons and asylum-seekers, and calls on the international community and the **High Commissioner** to continue efforts to share the task of **providing assistance** and solutions and to pursue the search for mechanisms that provide solutions appropriate for the groups involved;

71 (x) Calls upon the High Commissioner to make every effort to ensure that the needs of refugee children, particularly unaccompanied minors, are fully met in **UNHCR's overall protection and assistance activities**, (...).

79 (h), 81 (j) and 85 (o) (...) calls upon Governments, **UNHCR** and the international community to continue to **respond to the asylum and assistance needs of refugees** until durable solutions are found.

93 (b) Recommends that the reception of asylum-seekers should be guided by the following general considerations:

(ii) Asylum-seekers should have access to the appropriate **governmental and non-governmental entities when they require assistance so that their basic support needs, including food, clothing, accommodation, and medical care**, (...) are met.

102 (n) Notes UNHCR's global priorities relating to refugee children; calls on States to support the efforts of UNHCR in ensuring that the needs of refugee children, particularly unaccompanied and separated children, are fully met through their identification and registration, and through **UNHCR's overall protection and assistance activities**,(...)

102 (x) (...) looks forward to elaborating in partnership with UNHCR the details regarding how, without prejudice to **its core mandate for refugee protection and assistance**, UNHCR can respond to these commitments including on financial, administrative and operational implications;

108 (d) Stresses the importance of UNHCR's being granted access to asylum applicants and refugees in order to enable the Office to carry out its protection functions in an effective manner, and urges States and other parties to be guided by their duty to cooperate with the **High Commissioner in the performance of his humanitarian protection and assistance functions**, which can only be effectively accomplished if he has access to camps and settlements of his concern;

Refugee Women

39 (g) Called upon States to continue to support UNHCR programmes established with a view to securing protection for refugee women, and **UNHCR assistance programmes for refugee women**, especially those aimed at helping refugee women become self-sufficient through educational and income-generating projects;

Children and Education

47 (p) Recognized the need of refugee children to pursue further levels of education **and recommended that the High Commissioner consider the provision of post-primary education within the general programme of assistance**;

(s) Reaffirmed the need to promote continuing and expanded co-operation between **UNHCR** and other concerned agencies and bodies active in the fields of **assistance to refugee children** and protection, including through the development of legal and social standards;

Victims of sexual violence

73 (f) Recommends that refugee victims of sexual violence and their families be provided with adequate medical and psycho-social care, including culturally appropriate counselling facilities, and generally be considered as persons of special concern to States and to UNHCR with respect to assistance and the search for durable solutions;

Disabled

110 (g) Encourages States, **UNHCR** and partners to enable children and youth with disabilities to access appropriate protection, **assistance** and education, and to ensure the inclusion of women and girls with disabilities, **protected and assisted by UNHCR**, in programmes to prevent and respond to sexual and gender-based violence and other forms of exploitation;

IDPs

71 (s) and 75 (j) Recalls paragraph 14 of General Assembly resolution 47/105 and, in this connection, reaffirms its support for the **High Commissioner's activities**, on the basis of requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, in providing **humanitarian assistance and protection to internally displaced persons** in specific situations which call for the Office's particular expertise (...).

Emergency assistance

15 (f) Such States should consult with the Office of the United Nations High Commissioner for Refugees as soon as possible to ensure that the persons involved are fully protected, are given **emergency assistance**, and that durable solutions are sought;

22 II B 2. It is therefore essential that asylum seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards (...)

(c) **they should receive all necessary assistance** and be provided with the basic necessities of life including food, shelter and basic sanitary and health facilities; in this respect the international community should conform with the principles of international solidarity and burden-sharing;

100 (j) Recommends that States, **UNHCR** and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation: (i) the provision of emergency **financial and technical assistance** and other forms of support where necessary, including to humanitarian organizations assisting refugees;

Piracy

20 (f) Urged Governments to co-operate with each other and with UNHCR to ensure that all necessary assistance is provided to the victims of such criminal attacks;

Civilian character

48 4. (d) States have a duty to co-operate with the **High Commissioner in the performance of his humanitarian protection and assistance functions**, which can only be effectively accomplished if he has access to camps and settlements of his concern.