

# **NEW ISSUES IN REFUGEE RESEARCH**

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## **Forced migration and the evolving humanitarian regime**

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## Introduction

Ten years after exuberance about the end of the Cold War prompted the UN High Commissioner for Refugees (UNHCR) to declare a “decade of voluntary repatriation,” the international community is faced with a significant number of complex emergencies involving the forced movements of millions of persons.<sup>1</sup> Some manage to escape their countries and find temporary or permanent refuge abroad while an alarmingly large number remain trapped inside or are forced to repatriate before the home country conditions change in any significant manner. In the Foreword to *State of the World’s Refugees: A Humanitarian Agenda*, the UN High Commissioner for Refugees Sadako Ogata points out that “the problem of forced migration has become a much broader and more complex phenomenon than is suggested by the conventional image of a refugee camp. Indeed, refugees in the legal sense of the word now constitute little more than half of the people who are protected and assisted by UNHCR” (UNHCR, 1997).

The 1951 UN Convention Relating to the Status of Refugees defines a refugee as “a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”. In the decades since the 1951 Convention and its 1967 Protocol were adopted, there has been substantial debate about the legal norms and institutional frameworks for responding to complex emergency movements of people who fall outside of the legal definition of a refugee.

As early as 1969, the Organization of African Unity adopted a convention that expanded the definition of a refugee to include not only those fleeing persecution but also those who flee their homelands “owing to external aggression, occupation, foreign domination or events seriously disturbing public order”. Subsequently, other groups in need of assistance and/or protection have come to the attention of the international community, with many terms used to define their specific situations (internally displaced persons, war-affected populations, returnees, temporarily protected persons, stateless people, and development- and environment-induced forced migrants, etc.).

Drawing on international refugee, human rights, and humanitarian law, legal and institutional frameworks have evolved over time to cover this widening array of persons in need of assistance and protection. Humanitarian and human rights laws, in conjunction with the example set by the OAU Convention and Cartagena Declaration, have been used to expand protection for externally displaced persons who do not meet the 1951 Refugee Convention definition but would be harmed if returned to their countries. In particular, during the 1990s, largely because of changing geo-political contexts that have affected concepts of sovereignty as well as the increasing recognition of the universality of international human rights and humanitarian law, considerable progress has been made in defining standards (termed guiding principles) for protection of internally displaced persons.

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These categories of forced migrants are not mutually exclusive. More often they are overlapping. The victims of humanitarian emergencies may belong to more than one group, either at the same time or in close sequence. For example, war-affected populations often become displaced. Refugees returning from neighboring countries may become internally displaced persons if conflict continues in their home communities or if they cannot return to their homes for other reasons. If environmental damage, including mine fields, prevents their reintegration, they may be environmental migrants/refugees as well.

Status also changes over time and in ways that differ according to the policies of receiving countries. For example, most Bosnians who fled to western Europe were granted temporary protection. Some host countries permitted them to apply for asylum soon thereafter. Other countries maintained temporary protection. Following the Dayton Peace Accords, many Bosnians remained in their host countries, sometimes under the grant of asylum and other times through special grants of permanent residence. Others returned to Bosnia, sometimes under threat of deportation, or were resettled in third countries such as the United States. A portion of the Bosnian population became redefined as unauthorized migrants.

Despite the overlaps among statuses and the dynamic elements of forced migration, policy makers within and outside of the United Nations have used a classification system that permits forced migrants to be placed into specific boxes, with the assumption that standards, mandates and programmes will follow the designated classification. This pattern has been particularly the case in designating internally displaced persons as a specific classification. To a large extent, this approach has succeeded in raising the visibility of groups of forced migrants who heretofore had been either ignored or fell between the cracks in the international system.

There are limits to the approach taken to date, however. In many cases, drawing careful lines between categories of forced migrants may hinder rather than facilitate the ability of national, intergovernmental and non-governmental organizations to offer appropriate assistance and protection. Agencies may too easily avoid responsibility by citing an institutional mandate to serve a specific population. Alternately, agencies interested in intervening on behalf of a particular group may be denied the opportunity because they have no explicit mandate to do so. Further, no international organization, with the exception of the UN High Commissioner for Refugees and the International Committee of the Red Cross, is mandated both to protect and to assist forced migrants. Hence, designating a lead agency for assistance to forced migrants may leave them under the care of an organization that is not well-versed in the legal standards or experienced in the practical aspects of protection.

A better understanding of where and how categories overlap may help inform future responses to complex humanitarian emergencies that provoke large-scale displacement. This paper focuses on one important aspect of these responses: the institutional system within which the responses take place. Although mandates and responsibilities have long been on the international agenda, particularly in the context of efforts to improve coordination, the issue has garnered considerable attention during the past year. For example, during a session of the Security Council, U.S. Ambassador Richard Holbrooke questioned whether having separate institutional responses to refugees and internally displaced persons made sense. In his remarks and a subsequent opinion piece in the Washington Post, Holbrooke argued for designation of a lead agency for each

internal refugee situation, noting that “in most cases, it will be UNHCR” (Holbrooke, 2000). The UNHCR’s own report on institutional responsibilities for the internally displaced (see below for more details) acknowledged “uneven and in many cases inadequate” responses (UNHCR, 2000a).

The following section explore in greater detail the nature of forced migration, describing the various categories of migrants and the manner in which they overlap and share common characteristics and needs. The paper then goes on to outline briefly the existing international regime, with particular focus on the institutional missions and mandates of the principal international organizations responsible for assisting and protecting forced migrants. The remainder of the paper assesses three distinct approaches that have been used to improve humanitarian responses to complex emergencies involving a range of forced migrants: designation of a responsible lead agency for specific categories of forced migrants; establishment of regional mechanisms responsible for all forced migrants within designated areas; and establishment of a system-wide office for the coordination of humanitarian affairs. The paper concludes that none of these responses are without both successes and failures, and future decisions on institutional responses would benefit from taking their lessons into account.

### **Forced migration today**

For the purposes of this paper, forced migrants are defined as persons who flee or are obliged to leave their homes or places of habitual residence because of events threatening to their lives or safety. Forced migration has many causes and takes many forms. People leave because of persecution, human rights violations, repression, conflict and natural and human-made disasters. Many depart on their own initiative to escape these life-threatening situations although in a growing number of cases, people are driven from their homes by governments and insurgent groups intent on depopulating or shifting the ethnic, religious or other composition of an area. This definition of forced migrants includes persons who cross international borders in search of refuge as well as those who are internally displaced. Also of concern are persons who are at high risk of forced migration, particularly war-affected civilian populations and stateless persons.

Refugees are a subset of forced migrants who have a special status in international law, coming under the terms of the UN Convention and Protocol Relating to the Status of Refugees. As described above, legally a refugee is a person outside of his or her country who has a well-founded fear that he or she would be persecuted on return. Refugee status has been applied more broadly, however, to include others persons who are outside their country of origin because of armed conflict, generalised violence, foreign aggression or other circumstances which have seriously disturbed public order, and who, therefore, require international protection and assistance.

UNHCR estimates that there were 12 million refugees world-wide under its mandate, as of January 1998, and an additional one million asylum seekers who had not yet been granted refugee status. In this estimate, refugees include persons who have been granted temporary protection on a group basis without having to demonstrate that they met the refugee definition. Refugees can be found in all parts of the world. The 11.5 million refugees under UNHCR’s

mandate at the beginning of 1999 were distributed as follows: Africa, 3.2 million; Asia, 4.7 million; Europe, 2.7 million; North America, 660,000; Latin America, 74,000; and Oceania, 74,000. Most of the asylum seekers are in Europe and North America, where formal procedures are used to determine if applicants meet the 1951 Convention definition.

Refugees come from many different countries. Each of the following countries originated more than 250,000 refugees who were still displaced as of January 1999: Afghanistan, the former Yugoslavia, Iraq, Burundi, Somalia, Sudan, Sierra Leone, Eritrea, Azerbaijan, Angola, Vietnam, and Liberia. In addition, more than three million Palestinians, not included in UNHCR's mandate, remained displaced and eligible for aid from the UN Relief and Works Administration. In some of these cases, the refugees had been uprooted for decades whereas in others they had become refugees more recently.

The number of refugees--that is, persons outside of their home country--is at its lowest level in years. Increasingly, people in life-threatening situations are finding avenues of escape closed to them. Even when they are able to leave, an increasing number find no country willing to accept them as refugees. In such recent cases as Rwandans in eastern Congo, Ethiopians and Sudanese in Somalia and Liberians in Sierra Leone, having found asylum, the refugees were forced to flee back to their home countries because of conflict in the host country.

The decrease in the number of refugees does not mean that the number of forced migrants has reduced. There are growing number of conflicts in which civilians are targets of military activity as well as war crimes and crimes against humanity. At the same time, there has been a large increase in the number of internally displaced persons in need of international protection. The Guiding Principles on Internal Displacement offer the following descriptive definition of internally displaced persons: "persons or groups of persons who have been forced, or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of armed conflict, situations of generalised violence, violations of human rights, or natural or human-made disasters, and who have not crossed an internationally recognised state border." This description parallels the definition of a refugee contained in the OAU Convention, except that it applies to persons who have not crossed an international border. In the late 1990s, the internally displaced outnumbered refugees by two to one.

The decrease in the number of refugees reflects a second phenomenon as well, the repatriation of millions of refugees to their home countries. During the 1990s, large-scale return occurred to a wide range of countries. In Africa alone, repatriation occurred in Angola, Burundi, Eritrea, Ethiopia, Liberia, Mali, Mozambique, Namibia, Rwanda and Somalia. Other prominent repatriation destinations were Cambodia, Afghanistan, El Salvador, Nicaragua, Guatemala, and Bosnia-Herzegovina. In some cases, the movements are voluntary and secure because hostilities have truly ended and with peace could come repatriation and reintegration. Too often during the decade, though, refugees along with their internally displaced cousins returned to communities still wracked by warfare and conflict. A range of factors induces such return. Countries of asylum may be weary from having hosted the refugees and place pressure on them to repatriate prematurely. Donors may also reduce their assistance in the expectation that return will soon take place. The refugees themselves may wish to restake their claim to residences and businesses

before others take them, or they may wish to return in time to participate in elections. Families split by hostilities may be anxious for reunification.

Deteriorating conditions in the asylum country, rather than changes in the home country, provoke the most troubling type of repatriation. To give two examples: early in the 1990s, increased fighting in Somalia prompted the return of Ethiopian refugees to still insecure areas; later in the decade, fighting in Zaire (Congo) forced the repatriation of thousands of Hutus to Rwanda. This form of repatriation is troubling for two reasons: one, premature return can endanger the refugees who may move from one insecure situation into another; two, such forced return undermines the entire concept of asylum, that is, a place where refugees can find protection from danger and persecution.

Forced repatriation because of emergencies in host countries occurs among non-refugees as well. For example, when Iraqi forces invaded Kuwait, massive numbers of foreign workers fled the country. Although most of the economic migrants could avail themselves of the protection of their home countries, the logistics of their return overwhelmed Jordan, the principal country of transit, as well as the international community. Because many of the foreign workers were returning to countries that had their own political and economic problems, concerns that the returnees would have destabilizing effects were well founded.

A highly complex type of forced migration results when borders change, leaving populations in place but living in countries in which they are not welcome or do not feel welcome. For example, massive relocations have occurred in the Commonwealth of Independent States, with millions of ethnic Russians moving to the Russian Federation and smaller numbers of other ethnic groups returning (or, in some cases, moving for the first time) to the country of their nationality.

The disintegration of the Soviet Union also precipitated an increase in statelessness and disputed nationality, which it was feared would in turn lead to mass displacements. Statelessness derives from many factors, as explained by UNHCR:

Governments may amend their citizenship laws and denationalise whole sections of society in order to punish or marginalize them or to facilitate their exclusion from the state's territory. The formation of new states, resulting from decolonization or the disintegration of a federal polity, may leave thousands or even millions of people stateless or with a disputed claim to citizenship. Large-scale statelessness may also arise in the context of mass expulsions and refugee movements, especially when the population concerned has lived in exile for many years without acquiring citizenship (UNHCR: 1997).

Statelessness can be found in many parts of the world, but its abrupt growth in the former Soviet Union brought new attention to this issue. Estonia and Latvia, for example, introduced new nationality laws that granted citizenship only to those residents and their descendants who were citizens at the time the Soviet Union occupied these countries in 1940. People who took up residence after that date could naturalise, but only upon showing proficiency in the local

language. This requirement barred many ethnic Russians from becoming citizens. More than 1.2 million people were left stateless in the two countries.

Statelessness is both a cause and consequence of forced migration. Stateless persons generally enjoy fewer rights than those who are citizens of a sovereign state. When they are also distrusted minorities within the country in which they reside, stateless persons often experience discrimination and may be the targets of violence and repression. These factors may cause them, in turn, to take flight. Statelessness is a consequence of forced migration in situations where refugees lose their former nationality but do not qualify for a new one. This may occur for seemingly benign reasons. For example, their country of origin may confer citizenship through “jus solis,” birth on its territory, whereas the country of asylum may confer citizenship through “jus sanguine,” that is, by descent. The children born to refugees will qualify for neither citizenship, not having been born in their parents’ home country and not sharing the nationality of the host country.

Environmental degradation and natural disasters uproot another type of forced migrant. Unlike the refugees and displaced persons described above, environmental migrants generally do not need protection from persecution or violence, but like refugees, they are unable to return to now uninhabitable communities. Most environmental migrants move internally, some relocating temporarily until they are able to rebuild their homes and others seeking permanent new homes. Some environmental migrants, however, cross national boundaries.

Development projects may also induce or force large-scale migration. Involuntary relocations occur, for example, as a result of the building of dams for irrigation or hydropower, highway construction, and urban renewal. Some governments have tried to redistribute residents from over- to under-populated regions, sometimes compelling relocation through force (Martin, 1991).

Not all environmental or development-induced migrants are of concern to the international community. In many cases, national governments are willing and able to assist and protect those displaced because of environmental factors or induced to move because of development projects. They have policies and procedures in place to consult with the victims and help those forced to move to relocate. They provide compensation for property taken in the interests of development. In other cases, governments are overwhelmed and request aid from outside to help with this process. In still further cases, the international community becomes concerned because the national government is unwilling to provide aid or its policies are instrumental in causing harm to its population. Sometimes, the location for a project requiring relocation is chosen to lessen political opposition or to repress an ethnic or religious minority. These situations may differ little from displacements caused by more overt political factors and conflict.

In some respects, the increasing number of forced migrants reflects the limitations of globalization. At the same time that supranational mechanisms for economic and political cooperation are taking hold, extreme nationalism is reemerging in many parts of the world. Some countries have split peacefully into component national groups (e.g., the Czech Republic and Slovakia) with each part then negotiating access to such regional conglomerates as the European Union or the North American Treaty Organization. Far too often, however, nationalism has turned rabid with ethnic group pitted against ethnic group in determining the national identity

(e.g., Rwanda or the former Yugoslavia). In certain extreme cases, sovereignty itself has been compromised as no group can amass the strength or legitimacy to maintain order (e.g., Liberia or Somalia). Intense fighting erupts, with targeted attacks on civilians, massive population displacements, “ethnic cleansing” of opposing nationalities and even genocide.

In the post-Cold War era, the opportunities to respond to humanitarian crises are greater than ever before though still difficult. While the international community could provide aid and sometimes protection to those who left their countries in the decades after World War II, addressing root causes or bringing aid to victims still inside their countries was limited. That surrogate Cold War conflicts triggered many humanitarian emergencies only complicated matters. At the height of super-power rivalry, intervening in the internal affairs of a country allied with either the United States or the Soviet Union could have provoked a massive military response from the other. It was unlikely that the Security Council would authorize such actions.

Today, humanitarian intervention has taken place in countries as diverse as the Sudan, Iraq, Bosnia, Somalia, Haiti, Kosovo and East Timor. The forms of intervention range from airlifted food drops to outright military action. The results have been mixed. Aid reached heretofore inaccessible people in many of these cases. The deployment of peacekeepers lessened immediate reasons for flight and permitted some repatriation to take place. The root causes of displacement have not generally been addressed, however, and internally displaced populations often still remained out of reach. Moreover, safe havens established to protect civilians have too often been vulnerable to attack.

Yet, the willingness of countries to intervene on behalf of internally displaced and other war-affected populations represents major change, seen no less in day-to-day activities than in these heralded interventions. The United Nations has promoted Guiding Principles on Internal Displacement, drawn from existing human rights and humanitarian law, to provide a more comprehensive framework for protecting and assisting internally displaced persons. Classic notions of sovereignty, which formerly precluded such action, are under considerable pressure. International human rights and humanitarian law have growing salience in defining sovereignty to include responsibility for the welfare of the residents of one’s territory. To quote Francis Deng, the Representative of the UN Secretary General on Internally Displaced Persons, and his colleague Roberta Cohen, in arguing for greater international attention to internally displaced persons,

Since there is no adequate replacement in sight for the system of state sovereignty, primary responsibility for promoting the security, welfare and liberty of populations must remain with the state. At the same time, no state claiming legitimacy can justifiably quarrel with the commitment to protect all its citizens against human rights abuse.... Sovereignty cannot be used as justification for the mistreatment of populations (Cohen and Deng: 1998).

Non-intervention clearly does not prevail when the actions of a sovereign state threaten the security of another state. What is new is the recognition that actions that prompt mass exodus into a neighboring territory threaten international security. In a number of cases, beginning with



Resolution 688 that authorized the establishment of safe havens in northern Iraq, the Security Council has determined that the way to reduce the threat to a neighboring state is to provide assistance and protection within the territory of the offending state. Even more significant, the international community has also determined that massive human rights abuses merit international action, even if other states face no security threats.

This emerging redefinition of sovereignty has led the United Nations to think anew about its role in other respects. As Kofi Annan, the UN Secretary General, describes: “the United Nations is increasingly called upon to adopt a comprehensive approach aimed not only at keeping the peace but also at protecting civilian populations, monitoring human rights violations, facilitating delivery of needed humanitarian assistance, and promoting lasting solutions that include reintegration, development, and transitions to democracy.”

### **Mandates and responsibilities**

To gain a better sense of organizational mandates requires understanding of three distinct phases of forced migration: prevention, responses and solutions. The following discussion of roles and responsibilities describes activities pertaining to early warning and prevention of forced migration; emergency responses and longer-term assistance and protection for refugees and displaced populations; and resolution of humanitarian emergencies via programmes for repatriation, including post-conflict reconstruction, local integration and resettlement.

Described below are organizations working within and in coordination with the United Nations system. The discussion begins with the United Nations itself and then discusses two other agencies with significant responsibilities regarding forced migrants: the International Committee of the Red Cross and the International Organization for Migration. The discussion includes organizations traditionally involved in humanitarian operations as well as new sets of international actors, drawn from the human rights, development and military communities, which have growing involvement in complex humanitarian emergencies. Also briefly discussed are the roles of four other essential actors who act (or do not act) in concert with the international institutions: regional organizations, national governments, non-governmental organizations, and the forced migrants themselves. Not included are other prominent players, such as the media, who bring attention to issues of forced migration but are not themselves part of the humanitarian system for assisting and/or protecting the displaced.

### **OCHA**

The UN Office for the Coordination of Humanitarian Affairs was created in 1997 to replace the Department of Humanitarian Affairs. OCHA is headed by an Under-Secretary General for Humanitarian Affairs who is also the Emergency Relief Coordinator (ERC). As ERC, the head of OCHA is responsible for coordinating humanitarian agencies, which is largely achieved by chairmanship of the Interagency Standing Committee, which brings together all major humanitarian bodies. The Under Secretary is also the Secretary General’s principal adviser on humanitarian issues and provides an important interface between the humanitarian community

and the intergovernmental organs of the United Nations. This is achieved by the Under Secretary's functions as the convener of the Executive Committee for Humanitarian Affairs (ECHA) and through the chairmanship of the IASC. The ECHA provides a forum for the humanitarian community and the political and peacekeeping departments to discuss humanitarian crises and issues. Resident in-country humanitarian coordinators all report directly to the Emergency Relief Coordinator.

An important function of the OCHA is that of ensuring that humanitarian issues that fall into the lacunae between existing institutional mandates are addressed. The ERC is for example responsible for coordinating the protection of internally displaced persons. OCHA is currently promoting the operational application of The Guiding Principles on Internal Displacement, while the issue of internally displaced persons is a standing item on the agenda of the IASC Working Group.

Another key role is the development of funding appeals. Under DHA, the UN began to issue consolidated appeals for each emergency, with all of the UN agencies presenting their requests. In a new development, in December 1998, United Nations Consolidated Appeals for Emergencies for 1999 were jointly launched for 23 countries in Geneva under the auspices of OCHA. Almost all appeal countries are in the midst of conflict situations or in the immediate post-conflict phase of rehabilitation, reconstruction and reconciliation, and many of the beneficiaries are uprooted people. By simultaneously requesting funds for the principal emergency situations throughout the world, this approach "seeks to provide an enhanced strategic overview and establish the operational goals and activities of the international humanitarian community". Recognising that the consolidated appeals process takes time to assemble, the United Nations may draw upon an emergency fund in the interim.

## UNHCR

The Office of the UN High Commissioner for Refugees has explicit responsibility for refugees. The original mandate of UNHCR focused on protection, with particular concern for repatriation and resettlement, but not direct assistance to refugees. Over time, however, UNHCR has been called upon increasingly to provide assistance to persons under its mandate. Moreover, the General Assembly has asked UNHCR to use its good offices in assisting and protecting a wide range of persons, particularly those fleeing armed conflict. With adoption of the OAU Convention and other regional accords that broadened the definition of refugees to include such persons, the role of UNHCR in refugee crises, writ large, was assured.

Neither the 1951 refugee convention nor the statute creating UNHCR explicitly covers those who are internally displaced even if they would be refugees if they could cross an international boundary. From at least the 1970s, however, UNHCR has aided persons still within their home countries. Often, implementing programmes for returning refugees prompted UNHCR to offer its good offices to the internally displaced as well. This was the case in southern Sudan in the early 1970s when UNHCR assisted about 180,000 returnees and about 500,000 internally displaced persons (Holborn, 1975). UNHCR also assisted displaced people in Cyprus, in this case, acting

as the Secretary General's Special Representative and Coordinator for United Nations Humanitarian Assistance for Cyprus.

Although UNHCR exercises its mandate on behalf of the internally displaced, the agency has considerable discretion in determining if and when to do so unless specifically requested by the General Assembly. UNHCR itself noted the:

wide-ranging variations in terms of UNHCR's role in assisting and protecting internally displaced persons within comparable phases of conflict and displacement. These include, for example, variations from a one-time relief assistance package in Rwanda to around-the-clock engagement in Bosnia-Herzegovina; or from direct involvement with mixed populations of returnees and internally displaced in Sri Lanka to only very indirect involvement in a similar situation in Sierra Leone or in the Sudan (UNHCR, 1994).

In March 2000, UNHCR issued a position paper clarifying its relationship to internally displaced persons. The agency makes clear its interest in this population arises from its humanitarian mandate on behalf of persons displaced by persecution, situations of general violence, conflict or massive violations of human rights. This mandate places upon UNHCR "a responsibility to advocate on behalf of the internally displaced; mobilise support for them; strengthen its capacity to respond to their problems; and take the lead to protect and assist them in certain situations" (UNHCR, 2000a). Stopping short of asserting an operational responsibility for all internally displaced persons, UNHCR set out six requirements for its involvement: "a request or authorisation from the Secretary General or a competent principal organ of the UN; consent of the state concerned, and where applicable, other entities in a conflict; access to the affected population; adequate security for staff of UNHCR and implementing partners; clear lines of responsibility and accountability with the ability to intervene directly on protection matters; and adequate resources and capacity" (UNHCR, 2000a).

The policy paper specifies that UNHCR will be ready to take the lead where its protection and solutions expertise is particularly relevant, or where involvement with the internally displaced is closely linked to the voluntary repatriation and reintegration of refugees. Recognition is given that the linkages between refugees and the internally displaced can be complicated: "Countries of asylum may be more inclined to maintain their asylum policies if something is done to alleviate the suffering of the internally displaced, reduce their compulsion to seek asylum and create conditions conducive to return. On the other hand, UNHCR's activities for the internally displaced may be (mis)interpreted as obviating the need for international protection and asylum" (UNHCR, 2000a).

At present, a majority of internally displaced persons remain outside of UNHCR's mandate. Comparing statistics on "persons of concern to UNHCR" with statistics on the total number of refugees and displaced persons is illustrative. In 1998, for example, UNHCR estimated that about 22 million people fell within its mandate; about 13 million were refugees and asylum seekers, another 3.5 million were returnees and almost 6 million were internally displaced persons and returnees. At the same time, the Representative of the Secretary General on

Internally Displaced Persons estimated a total internally displaced population that was almost four times as large.

While the role of UNHCR regarding responses and solutions, at least to refugee crises, had evolved fully by the 1960s, its role with respect to prevention is more recent. As late as 1986, the report of a Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees made no specific reference to UNHCR playing a role in this respect. By contrast, the report called upon the development organizations of the United Nations to give greater support to projects that directly or indirectly averted new flows of refugees. By the 1990s, however, UNHCR's participation in prevention activities had been established and the High Commissioner herself gave prominence to this role.

The emphasis given to prevention is evident in the Conclusion on International Protection adopted by UNHCR's Executive Committee. Recognising that the refugee experience is closely linked to the degree of respect by States for human rights and fundamental freedoms and the related refugee protection principles, the Executive Committee reaffirmed the importance of educational and other programmes to combat racism, discrimination and xenophobia, to promote tolerance and respect for all persons and their human rights, to advance the rule of law and legal and judicial capacity-building, and to strengthen civil society and sustainable development.

## OHCHR

A newer UN player regarding forced migration issues is the Office of the High Commissioner for Human Rights. OHCHR intersects with these issues through its monitoring activities and its field-level operations to promote the rights and safety of refugees and displaced persons. The Office also supports the mandates of the Representative of the Secretary General on Internally Displaced Persons and Special Rapporteurs of the Sub-Commission on such related issues as population transfers, freedom of movement and forced evictions.

OHCHR has a field presence in numerous countries affected by forced migration, including Burundi, Angola, the Democratic Republic of Congo, Georgia (Abkhazia), Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Colombia, Gaza (Occupied Territories/Palestine) and Cambodia. The field operations enable monitoring of the rights of returnees and displaced persons. They also support the ability of the country and thematic special rapporteurs, where applicable, to monitor and report on the situation of refugees and displaced persons. A manual on human rights monitoring being developed by OHCHR includes chapters on monitoring in camps of refugees and displaced persons and during the return process.

OHCHR also supports the work of the Representative of the Secretary General for Internally Displaced Persons. Appointed in 1992 at the request of the UN Commission on Human Rights, the Representative has a mandate to monitor displacement problems world-wide, undertake country missions, establish dialogues with governments, develop an international legal framework, promote effective institutional arrangements at the international and regional levels, identify preventive and protection strategies, focus attention on the needs of internally displaced women and children, and publish reports and studies in an effort to increase international

awareness of the problem. The most noted product of this work is a set of Guiding Principles on Internal Displacement that are rooted in existing international human rights, humanitarian, and, by extension refugee law. Although they do not themselves have the standing of an international convention, the Guiding Principles are gaining wide recognition as a framework for increasing the protection of internally displaced persons.

Since 1992, the Representative has engaged in dialogue with governments and human rights, humanitarian and development agencies to raise awareness of the global problem of internal displacement. He has visited 13 countries with serious problems of internal displacement, published reports on these situations, and made recommendations for improving the conditions of the displaced. His visits have often mobilised public attention at the national level to the needs of internally displaced persons and in certain cases spurred the creation of mechanisms and institutions to deal with the problem at that end.

The Representative also has launched a series of workshops on internal displacement aimed at improving understanding of the problems confronting internally displaced persons on the ground, and of the strategies needed at the national, regional and international levels to help address their plight. More specifically, the workshops have facilitated valuable discussion on the promotion and dissemination of the Guiding Principles.

## UNICEF

The United Nations Children's Fund (UNICEF) "is mandated by the UN General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential." UNICEF's Executive Board reaffirmed in 1992 that UNICEF should "continue providing emergency assistance to refugee and displaced women and children, particularly those living in areas affected by armed conflict and natural disasters." The work of UNICEF on behalf of displaced populations is grounded in such human rights instruments as the Conventions on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

The lives of children, who are always the most vulnerable, are at special risk and their rights are compromised in the highly volatile situations that characterise mass exoduses. UNICEF emergency programmes reflect a commitment to addressing the particular vulnerabilities of women and girls in emergency situations, and also its belief that women constitute an essential, often untapped, force for overcoming the damages of war, conflict and disruption. In her 1999 speech to the Executive Committee of UNHCR, UNICEF Director Carol Bellamy emphasised that UNICEF takes "a holistic approach that combines humanitarian relief with long-term development objectives." The Memorandum of Understanding between UNHCR and UNICEF supports joint undertakings to protect the rights of unaccompanied children; to provide education and psycho-social services for displaced children; to assure children the right to an identity and a nationality; and to halt the forced recruitment of children into armed forces and groups.

During the past two decades, UNICEF also has provided logistical and policy support to a number of emergency operations in favour of displaced persons. In 1979, at the height of the

Cambodian crisis, UNICEF assumed responsibility for the UN Border Relief Operation for Cambodians along the Thai-Cambodian border (while UNHCR fulfilled its mandate for Cambodian refugees within Thailand). Almost a decade later, UNICEF's director, James Grant, was named the head of Operation Lifeline Sudan, which provided aid to Sudanese displaced persons through programmes based in Khartoum as well as cross border programmes into resistance held territory.

## UNDP

The United Nations Development Programme<sup>2</sup> (UNDP)'s mission is "to help countries in their efforts to achieve sustainable human development by assisting them to build their capacity to design and carry out development programmes in poverty eradication, employment creation and sustainable livelihoods, the empowerment of women and the protection and regeneration of the environment, giving first priority to poverty eradication". UNDP describes itself as having three key roles in reference to mass exoduses: prevention, coping and recovery. UNDP's efforts to address poverty in an equitable way aim to reduce the socio-economic disparities that give rise to situations that cause displacement. Relieving people's vulnerabilities reduces the potential for human rights abuse and renders people less subject to forced displacement.

UNDP's special programme initiatives seek to attenuate circumstances that may promote flight, for example, through promoting a small arms reduction programme in Albania and by supporting preventive diplomacy in the Central African Republic. UNDP works to sustain development during crises and to rekindle development initiatives at the earliest opportunity, through joint planning and implementation with UNHCR and other agencies. However, disparate funding strategies of donors and other factors continue to foster artificial gaps in international assistance that impede a swift transition from relief to development.

## *WFP*

The mission of the World Food Programme (WFP) is "to provide food aid: to save lives in refugee and other emergency situations; to improve the nutrition and quality of life of the most vulnerable people at critical times in their lives; and to help build assets and promote the self-reliance of poor people and communities, particularly through labour-intensive works programmes". Emphasising that access to adequate food is a basic human right, WFP follows a threefold strategy in situations of forced migration.

First, with respect to advance planning for potential emergencies, activities include vulnerability analysis and mapping, contingency planning and assessment of logistical capacities and intervention options. Second, WFP has strengthened its efforts with respect to the inputs required for immediate response to large-scale population movements and other types of humanitarian emergencies. Third, to improve emergency management, WFP has taken steps to decentralise its operations through increased delegation of authority to the field.

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<sup>2</sup> The role that UNDP field personnel play as Resident Representatives of the UN system is discussed under coordination.

### *DPKO and the military*

UN authorised peacekeeping operations, supervised by the Department of Peacekeeping Operations (DPKO) play a role in assisting and protecting forced migrants. Some peacekeeping operations have a specific mandate to protect the delivery of humanitarian assistance by UN agencies and other organizations, as in Somalia and former Yugoslavia. Others (like UNIFIL in southern Lebanon) have provided limited humanitarian assistance (help in medical emergencies, dealing with injury and damage caused by fighting and/or natural disasters) to people in the area they cover, although this was not specifically part of their mandate. Mine clearance is another important function performed by peacekeepers.

The role of the military in humanitarian operations remains a major issue of controversy and some contention. On the one hand, military activities precipitate humanitarian emergencies and the militarization of refugee camps is of great concern, generating fears that the presence of even neutral forces will further politicise responses. On the other hand, military units have proven highly efficient in delivering assistance and, in some cases, access would not have been possible without their presence. Tensions sometimes arise from confusion about roles and relationships. As an evaluation of peacekeeping operations in Rwanda points out, in many cases “the humanitarian agencies and the military had a lack of understanding of each other's mandates, roles and procedures” (United Nations, 1996).

An increasingly important actor, whose active involvement in issues of forced displacement is relatively recent, is the Security Council. Certainly, for some time, the Security Council has debated and issued resolutions regarding humanitarian assistance and protection for forced migrants. Resolution 688, which authorised military intervention in northern Iraq to enable humanitarian assistance to be delivered to displaced Kurds, represented a new phase in this process with the Security Council making clear that the refugee movements towards Turkey and Iran represented a threat to international peace and security. Subsequent resolutions authorised humanitarian intervention on behalf of forced migrants in Somalia, Haiti, Bosnia and elsewhere. In 2000, the Security Council, under the Presidency of the United States, organised a session dealing explicitly with assistance and protection of internally displaced persons.

### *The Red Cross movement*

A major actor outside of the United Nations whose mandate covers some but not all forced migrants is the International Red Cross and Red Crescent movement. The International Committee of the Red Cross predates the United Nations, having been founded in 1863. It is an “impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance”. It directs and coordinates international relief activities in situations of conflict; promotes adherence to humanitarian law and universal humanitarian principles. ICRC has also served as a neutral arbiter during negotiations for cease-fires and end to hostilities.

ICRC's activities derive from the 1949 Geneva Conventions and Protocols, the principal instruments of humanitarian law. Since most conflicts today are within States, Article 3 common to the four Geneva Conventions is particularly pertinent. It prohibits a range of actions against civilian populations, including violence to life and person, cruel treatment and torture, taking of hostages; and outrages upon personal dignity, in particular, humiliating and degrading treatment. Civilians benefit from this protection as long as they do not take a direct part in hostilities. The displacement of the civilian population may only be ordered if its safety or imperative military reasons require it, and only after all possible measures have been taken to ensure it will be received under satisfactory conditions [P. II, 17].

The Geneva Conventions and, by extension, the work of ICRC applies to all civilians affected by conflict, not just to those displaced by it. They do not, however, serve as vehicles for protection of individuals fleeing their home communities because of other life-threatening situations. Where civil strife or repression creates displacement, but does not rise to the level of armed conflict, ICRC's mandate and the applicability of the Geneva Conventions are limited.

Under the umbrella of the International Federation of Red Cross and Red Crescent Societies, at the field level, national societies are often instrumental in delivering assistance to forced migrants.

#### *Other actors*

The International Organization for Migration plays an increasingly important role in addressing issues arising from forced migration. IOM is involved in all phases of complex forced migration emergencies, providing technical and operational expertise in such areas as transportation, health, and other services for migrants. In particular, IOM's work in post-conflict societies aims to facilitate return and reintegration of affected populations, accelerate restoration to normalcy, avoid further mass outflow of people, empower key local authorities in the management of local resources to reconstruct the social structure, and help create an atmosphere of peace, reconciliation and trust so that national experts and professionals living outside the country may return and help in the overall reconstruction of the country. Typical projects include assistance to vulnerable returnees, including elderly, women and children, reinsertion of demobilised combatants, registration of returnees, tracing and family reunification, migration information and referral services, and support for micro-economic development activities for affected communities.

International organizations are by no means the only actors involved in assistance and protection of forced migrants. Regional intergovernmental organizations sometimes play important roles.<sup>3</sup> The Organization of African Unity (OAU) adopted its own convention that broadens significantly the definition of a refugee to include not only those fearing persecution but also those fleeing other dangerous situations. Sub-regional bodies, such as the Economic Community of West African States (ECOWAS), also become involved; in Liberia and Sierra Leone,

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<sup>3</sup> For a fuller treatment of regional responses to internal displacement, see Roberta Cohen and Francis Deng, *Masses in Flight: The Global Crisis of Internal Displacement*, Washington, DC: Brookings Institution, 1998.



ECOWAS deployed the Economic Community Monitoring Group (ECOMOG) to serve as a peacekeeping force and ensure delivery of humanitarian assistance. In the Americas, the Cartagena Agreement, though without the force of a treaty, mirrors the broadened definition of a refugee found in the OAU Convention. The Inter-American Commission on Human Rights has taken the lead regarding internally displaced persons, appointing a special rapporteur, a voluntary position that marks the first such appointment at the regional level. In Europe, Organization for Security and Cooperation in Europe (OSCE) also focuses on forced migration, most notably as a co-sponsor of the conference on refugees, displaced persons and other forms of involuntary displacement in the Commonwealth of Independent States (CIS).

No less important are national governments and, in certain situations, insurgencies. Most persons forced to leave their homes because of conflict, natural disasters and other reasons receive assistance and protection from their own governments. Others are under the protection of insurgencies that effectively control the territory in which the forced migrant resides. The Guiding Principles on Internal Displacement spell out the responsibilities of governments and insurgencies in these situations. National governments also play important roles with respect to refugees and returnees. Although UNHCR has a special mandate regarding refugees precisely because they are without the protection of their own governments, international law makes clear that countries of asylum have obligations as well. In reality, assistance and protection, including physical security, is offered by government agencies, military and police forces of the receiving state. Similarly, national governments offer important services to refugees who return to their home countries. The work of the national authorities in all of these cases of forced migration is generally augmented by provincial and municipal governments.

Non-governmental organizations (NGOs) are the backbone of the humanitarian system for assisting and, to a lesser degree, protecting forced migrants. As partners with UNHCR and other international organizations, international and local NGOs provide a wide array of services including food delivery, health and mental health care, sanitation, shelter, nutrition, education and training, income-generating and social services. In providing the principal staffing at the field level, NGOs offer protection by their very presence. While relief-oriented NGOs are most prevalent in working with forced migrants, development and human rights agencies also are present, mirroring the work of their counterparts in the United Nations. The involvement of development NGOs is particularly seen in dealing with forced migration in the post-conflict period.

The final actors in the humanitarian system are the forced migrants themselves. In thinking about humanitarian issues, there is a tendency to see refugees and other displaced populations as victims, rather than active participants in the humanitarian system. Although the forced migrants may, in fact, have been the subjects of armed attacks, rapes and other violence and human rights abuses, it is a mistake to underestimate their capacity for self-assistance or the role that they play in determining their own future. Yet, mechanisms to elicit the participation of forced migrants in the decision-making process are generally inadequate. For example, forced migrants tend to be excluded from inter-agency coordination groups that focus on international organizations, governments and non-governmental organizations.

## The evolution of the international system

As this brief review of mandates indicates, a number of institutions with differing mandates take part in humanitarian operations. Three principal problems result from this complicated regime:

- lack of coordination that makes emergency responses slow and inefficient and hampers efforts to solve the underlying causes of forced migration;
- 
- gaps in response when no organization has an explicit mandate to assist or protect a given category of forced migrant; and,
- 
- overlapping mandates that hinders smooth handover of responsibility as the emergency phase of a crisis ends and longer-term issues require attention.

The impetus for recent reforms of the international system for handling complex migration emergencies stemmed from the first problem: frustration about the UN's ad hoc, slow responses to several crises during the late 1970s and 1980s. Within rapid succession, the United Nations was faced with massive population movements in South-East Asia, the horn of Africa and Afghanistan. In each case, some movements occurred within the countries in crisis whereas others involved refugee flows to neighbouring countries. The movements reflected a complicated set of factors as well, with conflict, famine, and/or massive human rights violations taking their toll on the civilian populations.

The second problem - gaps in the system - has more recently received attention. It was with regard to internally displaced persons that the most troubling gap in the international system became manifest. Deng and his colleague Roberta Cohen write in their seminal study, *Masses in Flight*: "An array of UN agencies, humanitarian organizations, and non-governmental organizations (NGOs) have come forward to provide protection, assistance, and development aid when governments have been unable or unwilling to meet their responsibilities.... None of these organizations, however, has a global mandate to protect and assist the internally displaced. Their action is ad hoc. As various agencies pick and choose the situations in which they wish to become involved, many internally displaced persons may be neglected" (Cohen and Deng, 1998b).

Even where there is no neglect, the absence of clear mandates can lead to mixed messages and approaches. An evaluation of peacekeeping operations in Rwanda highlight such a problem:

While UNHCR took the lead role in providing assistance to refugees, there was no clear assignment of responsibility vis-à-vis the internally displaced. UNHCR and UNAMIR (the peacekeeping operation) adopted different approaches in their dealings with IDPs. Whereas UNAMIR saw the need to facilitate the early closure of IDP camps and also provided transport to IDPs wishing to return to their home communes, UNHCR gave precedence to conditions of return, as well as counselling and preparing the returnees to go home with materials ready to start a new life. Some humanitarian agency personnel also

felt that within the integrated operations centre more emphasis was being placed on operations leading to eventual camp closure, without critically examining the question of who had responsibility to defend IDP rights with the Rwandese Government (United Nations, 1996).

The third problem is seen most starkly in the post-conflict stage of humanitarian emergencies when forced migrants are able to return home. Despite continued discussions about the need for a smooth transition from relief to development, institutional barriers still impede actual implementation of such approaches. A Roundtable organised by UNHCR and World Bank in 1999 concluded that “a response to the needs of post-conflict societies organised along two artificially compartmentalised lines, namely the ‘emergency/humanitarian’ and ‘long-term developmental,’ did not do justice to the fluidity, uncertainty and complexity that characterised war-torn societies” (Brookings, 1999).

The UN has put in place somewhat different organizational responses to address these problems. They fall into three principal categories: 1) designation of responsible lead agencies or operations; 2) regional coordination approaches; and 3) system-wide coordination efforts. These three approaches are not mutually exclusive. In many crises, all three approaches overlap.

### **The ‘lead agency’ notion**

The United Nations has designated lead agencies to assist (and sometimes protect) specific categories of forced migrants, often, as discussed below, dividing organizational responsibility for refugees and those remaining within their home country. In some cases, an existing organization was given the lead for those in--country whereas in other cases, new semi-autonomous operations were created to take on the responsibility. More recently, the UN has designated a single lead agency to assist and/or protect all forced migrants in specified geographic locations. The experience with lead agencies has a lengthy history. The brief review that follows focuses on three major emergencies drawn from three different decades: Bangladesh, Cambodia and Bosnia follows.

#### *Bangladesh*

Displacement within and from east Pakistan in the years leading up to the establishment of Bangladesh set the pattern for dual lead agencies, UNHCR for refugees and another designated lead for those remaining within the home country. As movements escalated, in April 1971, the Secretary General designated UNHCR to be the Focal Point for all UN activities on behalf of refugees from east Pakistan in India, who eventually numbered in excess of nine million persons. UNHCR coordinated with UNICEF, WFP and the World Health Organization, setting up a unified funding appeal. In the near term, emergency operations took precedence, but UNHCR emphasised that it would also seek longer-term solutions to the crisis.

In June 1971, the Secretary General established a counterpart UN East Pakistan Relief Operation (UNEPRO) to coordinate humanitarian assistance to the internally displaced and others requiring

international aid. The Secretary General made clear that UNHCR and UNEPRO operations were distinct, but he noted that with repatriation, the two would become more intertwined. The terms of reference for UNEPRO were spelled out in a letter from the Secretary General to the government of Pakistan, which agreed to its presence. Interestingly, the Secretary General, using his good offices under the UN Charter, established both the Focal Point and UNEPRO prior to any General Assembly resolution. It was not until December 1971 that the General Assembly adopted Resolution 2790 endorsing the humanitarian operations. By then, conflict had broken out between Pakistan and India, necessitating the withdrawal of most UNEPRO staff. The Secretary General kept a small contingent in Dacca, however, so that the United Nations would be in a position to resume humanitarian operations when conditions permitted (Ramcharan, 1983).

Fearing the humanitarian consequences of the conflict, the Secretary General also appointed a Special Representative to seek a solution to the growing crisis. The Special Representative shuttled between Delhi, Islamabad and Dacca, focusing in particular on concerns about minorities in the seceding territory and the ability of Bengalis in Pakistan to move to the newly constituted Bangladesh. These activities paved the way for the eventual repatriation of the nine million refugees from India.

#### *The Thai-Cambodian border*

Divided responsibilities for refugees and other affected populations persisted in addressing the crisis in South-East Asia at the end of the decade. In Thailand, UNHCR assumed responsibility for assisting and protecting Vietnamese and Laotian refugees and worked with third countries to guarantee resettlement. With regard to Cambodians, however, more complicated organizational arrangements developed. Thailand permitted about 150,000 Cambodians who arrived in Thailand before January 24, 1980 to enter UNHCR administered camps. The remaining 750,000 Cambodians who massed along the border were consigned to an essential no-man's zone. They did not receive designation as refugees and UNHCR did not request or gain access to them. Rather, UNICEF and ICRC, designated the Joint Mission by the Thai government, assumed responsibility for food distribution, medical care and other assistance to the border population. At the same time, the Joint Mission was responsible for relief aid inside Cambodia.

At the end of 1981, when about 250,000 Cambodians remained in border encampments, UNICEF turned over its responsibilities to the World Food Programme. The UN Border Relief Operation, directed by the UN Resident Representative in Bangkok who also served as the WFP representative, was established to assist the border population. Through the next decade, UNBRO operated the displaced persons camps, even after a series of Vietnamese attacks prompted the movement of the camps onto what was clearly Thai territory. It was not until the withdrawal of Vietnamese troops and the signing of peace accords that responsibility for the displaced populations was consolidated, with UNHCR taking the lead in assisting the repatriation of the border population to whom it had previously had no access.

The decision to divide responsibility reflected deep-seated political considerations in addition to differences of view as to the best way to manage the emergency. The border camps were highly

militarised, closely allied with the resistance forces, including the Khmer Rouge, that were fighting the Vietnamese installed government in Cambodia. UNHCR early on set out the conditions under which it would assume responsibility for the camps: that the camps be moved away from the border, be demilitarised, and UN access be unrestricted. A senior UNHCR official later said that the agency laid out these conditions because they did not want to assume responsibility for the border population, many of whom were still under the dominance of the Khmer Rouge (Robinson, 1996). Major donor governments shared a reluctance to give UNHCR the responsibility, not only because of an interest in maintaining the Cambodian resistance but also because of concerns about UNHCR's capabilities. The US Ambassador to Thailand wrote:

[UNHCR] had a mentality which saw itself as a small agency providing protection against refoulement, staffed by people who had been working for 30 years on European problems and were totally unprepared for this new thing ... handling large emergencies. (Robinson, 1996).

By contrast, UNICEF and ICRC initially assumed an activist stance. As the Joint Mission, they pledged to provide assistance in a neutral and impartial manner, both cross border from Thailand to the displaced population along the border and through the Phnom Penh government to Cambodians in the interior.

The operational arrangements had both strengths and weaknesses. The Joint Mission succeeded in getting substantial amounts of food into a starving Cambodia, in part because it was operating on both sides of the border. As one analysis held:

Had one set of organizations attempted to administer the border programme while another set administered the Phnom Penh programme, the Vietnamese might have simply closed access to the border completely. The Phnom Penh authorities might have refused to allow a programme to begin through Phnom Penh. By coordinating both programmes, the Joint Mission kept the negotiation process going (Mason and Brown, 1983).

These same analysts, however, questioned whether both programmes "might have been freer to develop more adequate responses to their particular problems if different organizations had run the two channels." They concluded, though, that even in retrospect the actual effects were difficult to deduce (Mason and Brown, 1983).

The longer-term consequences of designating the border Cambodians as displaced persons rather than refugees were significant although it is unclear that UNHCR would have succeeded in enhancing their protection had it had lead responsibility. The major problem was one of security. During the decade of displacement, regardless of which side of the border they were technically based, the border Cambodians remained at significant security risk. The camps themselves were unsafe. Although UNBRO tried to separate civilians and military units, the camps were heavily

militarised with arms flowing within them.<sup>4</sup> Rape, robbery and other crimes of violence were reported every day. Vietnamese troops, as well as rival Cambodian factions, frequently attacked the camps and forced them to relocate. The military factions that controlled the camps prevented the civilian population from leaving the camps to return to their homes or seek asylum elsewhere. At the same time, forced recruitment into the military occurred routinely.

There was little, if any, political will to demilitarise the camps or to move the civilians to a more secure environment. Although some efforts were made to separate civilians from military, and to distribute relief in a manner that would reduce the likelihood it would be diverted to military hands, the essential character of the border camps as resistance centres remained in tact. The only innovation to enhance security was the introduction of private security forces hired by UNBRO to identify ways to reduce crime within the camps. Its report led to various reform, including replacement of Thai military forces with a civilian security force known as the Displaced Persons Protection Unit, establishment of a Cambodian police force, and education and training programmes.

### *Bosnia*

Responding to displacement within and from the former Yugoslavia, the United Nations broke this pattern of divided responsibility. The Secretary General assigned UNHCR lead agency responsibility for refugees and internally displaced persons, recognising that UNHCR already had a sizeable presence in all of the republics of the former Yugoslavia. Under this mandate, UNHCR was to operate not only in safe countries of refuge but also in the midst of conflict and ethnic cleansing. In keeping with its broad role, UNHCR proposed the ‘Comprehensive Response to the Humanitarian Crisis in the Former Yugoslavia’ which was adopted in July 1992. The plan included respect for human rights and humanitarian law, preventive protection, humanitarian access to those in need, measures to meet special humanitarian needs, temporary protection measures, material assistance, and return and rehabilitation (Cutts, 1999).

UNHCR interpreted its lead agency responsibility broadly to include “prime responsibility for logistics/transport, food monitoring, domestic needs, shelter, community services, health, emergency transition activities in agriculture and income generation, protection/legal assistance, and assistance to other agencies in sectors under their responsibility” (quoted in Cunliffe and Pugh, 1996). Coordination responsibilities involved policy-making, the dissemination of information, allocating tasks according to sectoral expertise, coordinating field activities, acting as an interface between the other UN agencies, NGOs, UNPROFOR, the European Commission’s Humanitarian Office, NATO and the military and political representatives of the belligerents (Cunliffe and Pugh, 1996). At the height of the crisis, more than 250 international humanitarian organizations operated under UNHCR coordination, with ICRC the only major agency operating independently.

Not surprisingly the agency was criticised for spreading its capacities too thinly and for succumbing to foreseeable conflicts in its mission to protect refugees, on the one hand, and aid

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<sup>4</sup> UNHCR faced similar problems in camps in eastern Zaire that were controlled by militant Hutus who had been involved in genocide in Rwanda.

those still entrapped in their home country, on the other. By Spring 1992 UNHCR found itself operating, for the first time, in a war situation where it had to make heart-wrenching decisions between facilitating people's departure from life threatening circumstances and being, in effect, an accomplice to the invidious war objective of ethnic cleansing. UNHCR eventually took a compromise position:

During the early stages of the war in 1993, UNHCR was involved in carrying out a mass evacuation of residents from Srebrenica. However, this led to heavy criticism that UNHCR was assisting ethnic cleansing, and as a result, both UNHCR and ICRC adopted policies (also followed by UNPROFOR) of only assisting with mass evacuations in special "emergency" cases (Cutts, 1999).

As the agency increased its efforts regarding internally displaced persons, UNHCR had to change its approach, which was reactive, exile-oriented and refugee-specific, to one that was proactive, homeland oriented and holistic (Mooney, forthcoming). In the former Yugoslavia, this initially took the shape of in-country preventive protection. The shift was criticised by commentators who regarded this new emphasis on in-country solutions as an unacceptable politicisation of the agency's activities. Concern was evinced that the agency was bowing to the demands of its donor states, which wished to contain any imminent flow of refugees at the expense of potential asylum-seekers (Mooney, forthcoming).

Even more seriously, there were practical problems with attempting to provide protection inside a country at war. Attacks on the safe havens established in Srebrenica and elsewhere were merely the most egregious violations of the safety of those under UNHCR mandate. Compromising its effectiveness, UNHCR became identified with and shared the blame for mishaps by any of the agencies operating under its umbrella as lead agency. As UNHCR itself observed, "The coordination of humanitarian efforts with political and military actions in refugee-producing conflicts is not without its difficulties...It blurs traditionally distinct roles and, if mismanaged, could compromise the strictly neutral character of humanitarian aid, which is the best guarantee of access to people in need" (quoted in Cunliffe and Pugh).

As the Bosnian operation grew, and negotiating humanitarian access with the warring parties grew in complexity, UNHCR granted licenses and identification cards to an increasingly diverse array of organizations. In some cases, UNHCR gave identification documents to donor government officials representing countries that the Serbs, in particular, saw as biased in favour of the Bosnian Federation. UNHCR itself was perceived as hostile when it openly criticised one side or the other for human rights violations against refugees and internally displaced persons.

The relationship with UNPROFOR was particularly noteworthy, given the peacekeeping operation's responsibility to assist in "creating conditions for the effective delivery of humanitarian aid" and protecting six internationally created safe zones. The relationship was something of a mixed blessing. As one commentator observed:

Although UNPROFOR did much to improve security for humanitarian personnel, there were times when it did the opposite. The Bosnian

Serbs, in particular, were very hostile to UNPROFOR after it called for punitive NATO air-strikes against them, and UNHCR's close cooperation with UNPROFOR often had the effect of further jeopardising its attempts to present itself as impartial. On a number of occasions, UNHCR convoy teams complained that the presence of UNPROFOR escorts had the effect of drawing fire onto them, and that they would be safer with no military escort (Cutts, 1999).

The single lead-agency model for refugees and internally displaced, with UNHCR as that agency, presented organizational strengths as well as challenges. The organizational arrangement permitted a more comprehensive policy approach. For example, from an early point, UNHCR sought to ensure that the policies of receiving countries did not contribute to further ethnic cleansing. UNHCR urged States to offer temporary protection to those fleeing Bosnia to send a clear message that the international community expected the refugees to repatriate. Because this policy comported with the European reluctance to offer permanent admission, most European countries readily agreed to this formulation.

Equally important, unlike the situation in many conflict zones, in the former Yugoslavia, the needs of the internally displaced and other war-affected populations received early and appropriate attention by an agency with the experience to carry out the aid programme.

The fact that UNHCR was able to deliver almost a million tonnes of food, medical supplies and other urgently needed items in the midst of an active armed conflict, was in itself a remarkable achievement. Humanitarian organizations did an enormous amount to alleviate human suffering. Many Bosnian civilians who are alive today would not have survived without them (Cutts, 1999).

Although humanitarian assistance was a poor substitute for the political will needed to address the underlying causes of the tragedy in Bosnia, in many parts of the world, neither humanitarian aid nor long term solutions are forthcoming for those still trapped in their home countries.

## **Regional approaches**

A second approach to enhancing international attention for all forced migrants involves the establishment of regional mechanisms. Looking at an emergency in a regional context, with focus on countries of origin as well as countries of destination, permits a more comprehensive assistance effort. Two types of regional approaches have been used. The first establishes a regional body with operational coordination responsibility, while the second convenes all regional parties concerned with a crisis to work cooperatively in solving it.

### *Operational coordination*



The Office of Emergency Operations in Africa (OEOA) is perhaps the best example of the first approach. Drought and famine in east Africa, complicated by continuing civil wars in the most affected countries, produced massive movements of people. In response to what the Secretary General referred to as “an extraordinary emergency of catastrophic proportions,” (United Nations, 1986) millions moved internally while hundreds of thousands sought refuge outside of their borders, affecting neighbouring states also suffering from the drought, and in some cases, conflict: more than 35 million people in some 20 African countries were affected by the emergency, and of these almost 10 million abandoned their homes and lands in search of food and water (United Nations, 1986).

The OEOA was created in December 1984 in an effort to bring a higher level of political visibility and organizational coherence to UN relief efforts in Africa which had, until this point, taken a more country-by-country approach (Deng and Minear, 1992). In response to the “pitiful lack of coordination” of international humanitarian efforts, the OEOA was organised to function in a rather unconventional way under the leadership of two outstanding personalities. The Secretary General asked Bradford Morse, Director of the UN Development Programme, to coordinate the UN relief operation. Maurice Strong, an experienced UN administrator, took on day-to-day responsibility for the new operations.

The central functions of the OEOA were to promote international coordination and Cupertino in the response of the UN system to the emergency in Africa; to facilitate the gathering and dissemination of timely, coherent and comprehensive information on the scope and evolution of the emergency; to promote and support resource mobilisation efforts on behalf of the affected countries; and to expedite the delivery of emergency supplies by the international donors, both governmental and non-governmental (United Nations, 1986; Deng and Minear, 1992).

In order to satisfy its mandate of assisting the Secretary-General “in ensuring effective coordination of the assistance and support of the United Nations for [the] African countries which have been so cruelly and tragically affected by catastrophic drought and famine,” the OEOA developed a management and operational structure aimed at maximising a collaborative, problem-solving capability that became known as the Africa Emergency Response System.

The system functioned on four interrelated levels. The first coordination mechanism convened the executive directors of the UN agencies most active in the relief efforts – UNDP, UNHCR, UNICEF and WFP – to provide policy guidance in consultation with OEOA’s director and executive coordinator.

A small secretariat at UN headquarters in New York served as a second mechanism of coordination. In addition to supporting the work of OEOA’s director and executive coordinator, the secretariat administered four operational units: field liaison and operations; monitoring and evaluation; public information and external relations; and liaison with non-governmental organizations and the private sector.

The third cooperative arrangement was found in the series of emergency operations groups at the field level. Under the chairmanship of the UNDP, resident coordinators designated in most African countries to administer OEOA assistance and, in the case of Ethiopia and the Sudan,

where the magnitude of the disaster was unmatched, the Special Representatives of the Secretary General appointed to coordinate emergency assistance, field-based emergency operations groups comprised of representatives of the Economic Commission for Africa (ECA), FAO, UNDP, UNDRO, UNHCR, UNICEF, WFP and WHO, met regularly in consultation with the host Governments, to assess emergency requirements and priorities and to discuss these assessments and other emergency-related problems with local representatives of bilateral programmes, non-governmental organizations and other concerned parties. Information compiled by emergency operations groups regarding assistance requirements at the field level was forwarded directly to the OEOA secretariat for inclusion in OEOA's monthly status reports and in other statements of emergency need.

The fourth component of Africa Emergency Response System and the key to the effectiveness of the OEOA in performing its coordination functions, was the African Emergency Task Force. Although administratively independent of the OEOA, the African Emergency Task Force convened high-level representatives of ECA, FAO, UNDP, UNDRO, UNHCR, UNICEF, WFP and WHO in a forum in which OEOA policies were discussed, refined and translated into operation directives, or conversely, where practical problems from field operations could be addressed and resolved (Deng and Minear, 1992).

Assisting the affected African countries to mobilise resources to meet their emergency needs constituted one of OEOA's most important functions. OEOA provided leadership and focus to the multiplicity of resource mobilisation efforts, through current needs assessments and constant contact with the African Governments and key donor organizations concerned. The OEOA's openness to providing broad support for mobilising resources to meet Africa's emergency needs from all possible sources, regardless of which organization was to be responsible subsequently for implementing the related emergency programmes and activities, fostered African Governments and donor organizations' acceptance of OEOA leadership (United Nations, 1986). The OEOA's establishment of consolidated appeals administered by the UN further facilitated coherent resource mobilisation. Under the leadership of Morse and Strong, who commanded great respect within the international system and had far-reaching connections in the public and private spheres, OEOA was able to generate tremendous fund-raising momentum, raising US \$4.6 billion in emergency assistance and accelerating multilateral and bilateral relief operations in the region (Deng and Minear, 1986).

The resource mobilisation process was not, however, successful in every respect. Donors proved to be far more responsive to needs for food aid and for logistical requirements that could be provided out of existing stocks than to the funding of critical needs for medical and health supplies, drinking water and sanitation facilities, cash for internal transportation requirements and essential agricultural and pastoral inputs.

Beyond OEOA's coordination framework and resource mobilisation efforts, critical factors in the organization's success were its establishment of effective information gathering systems, its maintenance of close, regular contacts with the media, effective in directing attention and stimulating international response to the African emergency, and the organization's recognition of the importance of the private sector and, in particular, non-governmental organizations and popular movements (Deng and Minear, 1986).

When OEOA's mandate ended in October 1986, good rains had returned to most of the area, the food crisis had eased, and relief needs were abating. Serious emergencies continued only in Mozambique, Angola, Ethiopia and the Sudan, where civil strife rather than the weather was the chief catalyst.

### *Policy coordination*

In the late 1980s, the second approach to regional coordination was tested in South-East Asia and Central America and then, in the 1990s, in the former Soviet Union. In each case, an international conference laid the framework for a more comprehensive approach to forced migration that included refugees, displaced persons and returnees.

South-East Asia. The Comprehensive Plan of Action (CPA) brought the source and asylum countries in South-East Asia together with UNHCR and donor governments to spell out a new strategy to address continuing movements within the region. The CPA was comprehensive in several ways. It outlined a comprehensive strategy to deal with all facets of the Indo-Chinese movements, from screening to repatriation. The CPA involved all countries in the region, including the countries of origin and the countries of asylum. And, finally, the CPA dealt with all types of migration, from the *bonafide* refugee to the rejected asylum seeker

Months of negotiations produced a comprehensive strategy that guaranteed access to asylum screening procedures to determine if new arrivals met refugee criteria, resettlement of long-staying populations and those determined to be refugees in the new procedures, and assisted and monitored repatriation of those whose claims to asylum were rejected. In addition, the CPA aimed to discourage organised clandestine departures from Vietnam and Laos and promoted orderly departure mechanisms as an alternative (Robinson, 1996) .

The return provisions generated the most controversy. The signatories agreed that every effort should be made to encourage voluntary return by those denied refugee status but "if, after the passage of reasonable time, it becomes clear that voluntary repatriation is not making sufficient progress towards the desired objective, alternatives recognised as being acceptable under international practice would be examined." Although a large part of the Vietnamese who repatriated volunteered or, at least, acquiesced in their return, countries within the region resorted to forced repatriation for others who resisted return. By 1993, more than 44,000 Vietnamese had returned home and the clandestine outflow from Vietnam had reduced to a trickle.

One of the more innovative aspects of the CPA was the role of UNHCR in the return programme. Although the returnees had been determined not to meet the refugee criteria, UNHCR nevertheless assisted and protected them upon repatriation. Recognising that it had no clear mandate to exercise on behalf of these "non-refugees," the Secretary General designated the High Commissioner as his "Special Representative to coordinate and monitor the returnees programme to Vietnam" (cited in Robinson, 1996). Initially, UNHCR provided cash grants to the voluntary returnees, but later had to cut back on this assistance because some returnees re-entered countries of asylum to obtain additional cash grants. UNHCR even took steps to encourage return by limiting assistance to the screened-out population in countries of asylum.

The agency maintained a presence in Vietnam, however, to monitor the safety of the returnees and to assist local communities in the reintegration process.

Central America. Following the Esquipulas II peace accords to end decades of fighting, the governments of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Nicaragua assembled the Conference on Refugees, Displaced Persons and Returnees in Central America (CIREFCA). CIREFCA had two major purposes: to resolve the situation of hundreds of thousands of uprooted individuals within the region and to seek pledges of funding from outside donors to support the regional initiatives. The principal countries of asylum—Costa Rica, Honduras and Mexico—assumed that most refugees would return but set out conditions for local settlement of persons who could not repatriate. The principal countries of origin—Nicaragua, El Salvador and Guatemala—set out plans for reintegration of refugee returnees as well as the thousands of internally displaced persons within their own borders.

UNHCR and the UN Development Programme were the principal United Nations agencies in the CIREFCA plan. Donors pledged \$420 million for a variety of programmes to help a total of 1.9 million people: 146,400 refugees, 61,500 returnees, 872,000 persons internally displaced in their own countries and about 900,000 Central Americans who did not have proper documentation. The Italian government, in addition, provided \$115 million to support a related programme, the Development Programme for Displaced Persons, Refugees and Returnees in Central America (PRODERE).

CIREFCA is generally considered to be an effective instrument for developing and implementing a comprehensive response to the multifaceted forms of migration within the region. UNHCR has itself identified a number of factors that explain its relative success (UNHCR, 1995). First, there was considerable political will to make the peace process work and resolution of problems of forced migration was seen as a pivotal element of peace.

Second, CIREFCA strove for broad consensus and intensive dialogue. “The Plan of Action was carefully worked out by the seven countries of the region, together with major donor states, UN agencies and the non-governmental organizations, including those based in the region.... One of CIREFCA's most important achievements was to foster a dialogue amongst the actors involved, providing a neutral forum for discussions between people who had formerly distrusted, opposed and even fought each other” (UNHCR, 1995).

Third, CIREFCA resulted in substantial contributions towards projects that aimed at the reintegration of uprooted populations. In UNHCR's view, “these resources not only allowed UNHCR and its partners to implement a wide range of practical integration programmes, but also provided the governments of the region with a strong incentive to respect the Plan of Action” (UNHCR, 1995).

Fourth, CIREFCA prompted organizational cooperation between UNHCR and the UN Development Programme in support of effective reintegration and rehabilitation of conflict-destroyed communities. The cooperation “underscored the need to support the regional peace process by means of interlocking relief, rehabilitation and development efforts” (UNHCR, 1995). CIREFCA spawned a repatriation model, the quick impact project, which served as a bridge

between the relief needs of returnees and the longer-term development needs of their communities. As the general focus shifted from relief to development, responsibility initially held by UNHCR was to shift to UNDP. Although handover problems persisted, CIREFCA provided a framework for identification of roles and responsibilities.

The CIS Conference. Soon after the break-up of the Soviet Union, it became apparent that mass migration within and between the newly independent states would pose challenges to the emerging democracies. The potential for migration reflected both positive and negative trends. On the positive side, the fall of the Iron Curtain permitted greater freedom of movement. On the negative side, ethnic and religious conflicts proliferated, and, in combination with political and economic instability, caused millions to flee their places of residence.

As early as 1993, UNHCR and IOM, in a paper presented to the Conference on Security and Cooperation in Europe, asserted that a regional approach was needed if these movements were to be addressed effectively. The paper laid out eight issues requiring inter-agency, regional cooperation: effective protection of refugees, effective management of migration, contributing to democratic and economic development, effective action against clandestine migration and exploitation, effective implementation of international standards applicable to all types of migrants as well as stateless persons, effective responses to humanitarian emergencies, effective prevention, and information (Goodwin-Gill).

The Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States met in May 1996, pursuant to General Assembly Resolution 50/151. UNHCR initiated the process, in close association with the International Organization for Migration and the Organization for Security and Cooperation in Europe (OSCE)'s Office for Democratic Institutions and Human Rights (ODIHR).

The concluding statement described the objectives of the Conference as threefold:

To provide a reliable forum for the countries of the region to discuss population displacement and refugee problems in a humanitarian and non-political way; to review the population movements taking place in the CIS countries, clarifying the categories of concern; and to elaborate a non-binding Programme of Action for the CIS countries.

The conference adopted a Programme of Action, including “measures aimed to establish national migration systems and to develop appropriate policies and operational activities. Preventive measures have been devised to address the causes of possible displacement. Strengthening international cooperation and cooperation with the relevant international organizations and non-governmental organizations is a necessary complement to measures taken by the CIS countries. The strategy also includes implementation and follow-up activities so as to ensure the sustainability of the Conference process”.

The CIS conference made explicit reference to the wide range of forced migrants likely to require attention: refugees, internally displaced persons, illegal migrants, persons in refugee-like

situations, repatriates, involuntarily relocating persons, formerly deported peoples and ecological migrants. Other categories of movements, such as labour migrants, deported persons and returning military personnel were not part of the scope of the Conference. The situation of internally displaced persons received specific attention, with the recognition that the CIS would see significant levels of internal movements that would, in turn, require international assistance:

International concern for the plight of internally displaced persons stems from the recognition that involuntary displacement increases the vulnerability of affected populations to abuses of human rights. The human rights and fundamental freedoms of internally displaced persons, as contained in international human rights and humanitarian law instruments, should therefore be fully guaranteed.

Unlike the CPA and CIREFCA processes, which occurred at the end of a decade long refugee crisis, the CIS conference was convened with the aim of preventing emergencies and, where prevention was not possible, ensuring early and effective responses to mass migration. The conference urged funding of concrete programmes towards these ends, recognising, in particular, the roles to be played by the Office of the Human Commissioner of Human Rights and the Department of Humanitarian Affairs, in addition to the core agencies, UNHCR, IOM and OSCE.

The results of the CIS Conference process have been mixed. On the positive side, the conference and its follow-up raised the visibility and interconnectedness of migration issues within the CIS. It led to practical steps to develop and implement national laws and practices to improve migration management. The follow-up activities enhanced the sharing of information and statistics. The conference and its aftermath precipitated new roles for non-governmental organizations in countries that had little in the way of civil societies.

On the negative side, though, progress in dealing with some of the fundamental issues precipitating forced migration has been constrained. In its 1998 meeting, the Steering Committee described a number of the constraints on greater effectiveness:

Lack of high level political support; lack of political solutions of conflicts; tension between democratisation and the priorities of state-building; gaps between legislation and its implementation; lack of adequate cooperation on a regional or bilateral level; global decrease in financial resources; insufficient level of involvement of international financial institutions.

The slow pace of contributions to the CIS activities presents a particular cause for concern. UNHCR requested \$44 million to support CIS related activities in 2000. By mid 1999, however, UNHCR had raised less than half of the \$32 million requested and projected a \$5 million shortfall at the end of the year. Similar funding shortfalls occurred in prior years. Having raised expectations among the CIS countries for international aid to support a comprehensive approach, the absence of continuing donor commitment undermined the effectiveness of the CIS conference process.

## **System-wide coordination**

In 1990, the Economic and Social Council requested the Secretary General to “initiate a United Nations systems-wide review to assess the experiences and capacity of various organizations in the coordination of assistance to all refugees, displaced persons and returnees, and the full spectrum of their needs, in supporting the efforts of the affected countries”. Based on this review, the Secretary General was to recommend ways of maximising cooperation and coordination among the various organizations. The Secretary General engaged a consultant, Jacques Cuenod, recently retired from UNHCR after a long and distinguished career, to prepare the study.

Cuenod took as his point of departure that the main weakness of the existing system is:

the difficulty that the United Nations entities have and the time it takes to agree among themselves on an acceptable coordination arrangement to decide on how to assess the situation, to reach a clear division of responsibilities, to work out a unitary plan of action and to get the Secretary-General to launch a joint appeal (Cuenod, 1991).

After describing the major institutions with responsibility for humanitarian assistance, Cuenod set out four groups of concern in emergencies: refugees, externally displaced persons, internally displaced persons and returnees. Emergencies requiring aid to internally displaced persons, he noted, offer the greatest challenges to the international system. No one agency within the United Nations system had specific responsibility for this population. Cuenod did not, however, propose that the Secretary General designate one entity whose mandate would be extended to provide protection and/or assistance to internally displaced persons. He argued that “as situations of refugees, displaced persons and returnees vary from each other and as the causes of forced migration within a country differ greatly, the responsibilities of each organization cannot be determined in advance and will have to be agreed upon according to basic coordination arrangements” (Cuenod, 1991).

The objectives of the coordination arrangements proposed by Cuenod were as follows:

- To make the choice of the coordination arrangement, most relevant to a given situation, as automatic as possible while also limiting the choice to a few basic scenarios with the possibility to add the flexibility required by the specificities of each situation;
- To promote a unitary approach by the United Nations humanitarian entities; and,
- To involve the United Nations development entities from the beginning of an emergency in order to promote a quick transition from relief to rehabilitation, reconstruction and development.

Cuenod recommended establishing a permanent humanitarian coordination mechanism that would operate even in the absence of new emergencies in order to follow current situations and ensure the continuum from emergency response to development.

In keeping with the Cuenod report, the Department of Humanitarian Affairs (DHA) was created pursuant to General Assembly Resolution 46/182 in 1991. Resolution 46/182 mandated the appointment of a high level official who was to coordinate and facilitate the UN emergency response, manage a central emergency fund, facilitate access by humanitarian organizations to populations in need, process requests for assistance, collect and analyse early disaster warning information, organise collective interagency needs, make consolidated appeals for funding, prepare an annual report to the Secretary General, and establish a central register of specialised personnel to employ on short notice. This high-level official would combine the functions previously carried out in the coordination of United Nations response by representatives of the Secretary-General for major and complex emergencies, as well as by the United Nations Disaster Relief Operation (UNDRO).

The Resolution also created the Inter-Agency Standing Committee (IASC), composed of the heads of the major UN humanitarian and development agencies and departments of peacekeeping and political affairs, which institutionalises the cooperation of the humanitarian coordinator with the International Committee of the Red Cross and all other concerned NGOs.

The resolution dealt with field level coordination as well. It affirmed that the resident coordinator should normally coordinate the humanitarian assistance of the United Nations system at the country level. The resident coordinator would facilitate the preparedness of the United Nations system; assist in a speedy transition from relief to development; promote the use of all locally or regionally available relief capacities; and chair an emergency operations group of field representatives and experts from the system. According to Cuny, however,

DHA's performance did not meet expectations, largely because of confusion between its coordinating role and its more operational roles and because it did not have resources or clout to require coordination. As the late Fred Cuny concluded: While DHA has the task of coordinating, they really don't bring much to the table: no money, little expertise, no stockpiles.

Cuenod, assessing the new coordination mechanisms 15 months after their creation, concluded that the office had no natural constituency to support and promote its success. "In the absence of such backing, DHA will have many critics, few friends and become the scapegoat for humanitarian failure whenever it occurs". Cuenod believed DHA could succeed but only with significant reform of its staff (many of whom had no operational emergency experience) and demonstrated leadership to assign responsibilities in the earliest stages of emergencies.

A more scathing commentary came from Thomas Weiss who said that the reforms were a "cosmetic adaptation of UN diplomatic and coordination machinery rather than any serious rethinking or restructuring of humanitarian action". Bureaucratic inefficiencies, lack of centralised authority, insufficient resources, and uncoordinated activities remained barriers to effective UN responses.



In response to criticisms of DHA, the Secretary General proposed reforms aimed at reinvigorating the institutions created under Resolution 46/182 rather than replacing the DHA system with an untried new structural arrangement. The Secretary General's *Programme for Reform* agreed that DHA took on operational activities without adequate capacities and expertise. The new Office for the Coordination of Humanitarian Assistance (OCHA) would focus instead on three core functions: policy development and coordination in support of the Secretary General, so as to ensure that all humanitarian issues, including those which fall between the gaps in existing mandates of agencies such as protection and assistance for internally displaced persons, are addressed; advocacy of humanitarian issues with political organs, notably the Security Council; and coordination of the UN's humanitarian emergency response, by ensuring that an appropriate response mechanism is established, through IASC consultation, on the ground.

## **Conclusion**

How well have these organizational responses addressed problems hampering effective humanitarian action in complex forced migration emergencies: lack of coordination, gaps in response, and overlapping mandates? The evidence is mixed. Assigning a lead agency increases the likelihood that assistance will be forthcoming to all forced migrants within certain geographic areas. It reduces institutional overlaps and failures in coordination that occur when multiple agencies take responsibility for the same populations. However, if the lead agency does not have an explicit protection mandate, it may not have the expertise or authority to address serious protection problems facing its charges. This is particularly the case regarding internally displaced persons. Further, divided responsibility can lead to different policy and operational approaches for addressing similar problems in different populations. The difference in treatment of Cambodian refugees inside Thailand and displaced persons along the Thai-Cambodian border is a case in point.

At the same time, when UNHCR has assumed responsibility for forced migrants on both sides of a border, it faces other challenges. In Bosnia, UNHCR came under considerable pressure when its seeming preference for in-country solutions, despite massive security concerns, appeared to undermine its traditional support for generous asylum policies. Nor has the lead agency concept particularly helped effect a smooth transition in the post-conflict stage when relief considerations must give way to longer-term development issues. Even during emergencies in which UNHCR has a clear mandate, such as occurred during the flight of Kosovars to Macedonia and Albania in 1999, an UNHCR evaluation concluded:

In the present decentralised, international humanitarian regime, coordination is an elusive goal. In the Kosovo case it was particularly difficult. Yet UNHCR's coordination performance varied significantly over time and place, depending on the willingness of the actors to be coordinated, relations with local or national authorities, resources, skills and appropriate deployment of UNHCR staff.

Although the evaluators argued that the problems were not inherent to the lead agency concept,

they stated that the Kosovo “case demonstrated, however, that the exact role of the lead agency is poorly defined, leading to variable expectations and interpretations. In a massive emergency, the model demanded an additional, human resource capacity dedicated to coordination” (UNHCR, 2000b).

Regional coordination processes have helped to overcome some of these problems, particularly with regard to establishing a more comprehensive policy framework for addressing all forms of forced migration. OEOA and the regional conferences in South-East Asia, Central America and the CIS succeeded in laying out common understandings of the problems facing forced migrants and the countries in which they resided. The policy prescriptions that came out of the conferences, in particular, sought to balance the interests of refugees, returnees and other displaced persons as well as the interests of host countries and countries of origin. In the case of CIREFCA, the regional process was particularly concerned with the transition from relief to post-conflict reconstruction. Nevertheless, these regional coordination mechanisms are only as strong as the funding behind them. In the case of the CIS conference, in particular, donors have not provided adequate resources to accomplish the full array of policy and programme goals. Either the conference process failed to develop a realistic set of funding requests or the donor governments failed to respond adequately to the stated need.

The system-wide coordination attempts are still too recent to make firm judgements about their effectiveness. The consolidated appeals process, in conjunction with the emergency fund, appears to be a promising way to reduce overlapping responsibilities and provide more effective coordination. As with the regional mechanisms, however, the success of these appeals will be measured by the ability of agencies to develop realistic spending plans and the willingness of donors to provide funding commensurate with need. Some progress appears to have been made as well with regards to filling gaps in the humanitarian system. With OCHA’s new focal point for internally displaced persons, the potential for quickly designating lead responsibility for these forced migrants should be enhanced. How OCHA exercises these functions still remain to be seen, however. Much of the optimism about OCHA’s potential came from confidence in its director, Sergio Vieira de Mello, an experienced, diplomatic, and widely respected emergency manager, but de Mello’s appointment as the UN administrator in east Timor leaves the office with an acting Emergency Relief Coordinator.

Some have argued that even with the best of coordination, the United Nations will be found wanting during complex humanitarian emergencies, particularly those involving internally displaced persons. Fred Cuny held that: “The problems we are facing are both systemic and structural. They have to do with mandates, personnel policies, leadership, professionalism and, to be frank, donor neglect”. He recommended changes in hiring, promotion, training and other practices designed to make the UN system operate in a more flexible and accountable manner.

James Ingram, former head of the World Food Programme, argued that as long as the various UN agencies remain individually answerable to the governments of sovereign states the UN system cannot be effective (Ingram, 1993). He suggested that a new entity outside the United Nations should be created to administer relief operations for victims of internal conflicts because the UN is not the ideal organization to negotiate access to civilian populations. ICRC could be restructured into an internationally constituted NGO to fulfil this role. The main rationale behind

this type of institution would be to separate the political functions of conflict resolution and forcible intervention from obtaining access to victims.

While the constraints of the UN system are real, it is highly unlikely that any other entity, including ICRC, would have the capacity to deal effectively with the complex forced migration emergencies seen today. Nor is it realistic or even desirable to separate humanitarian issues from the political processes needed to address the root causes of forced migration crises. While the danger is great that humanitarian assistance will be misused for military or political purposes, there is an even greater danger that aid given without regard for more fundamental solutions will keep its beneficiaries alive but with little hope for the future.

Clearly, the organizational challenges are immense. Learning the lessons of past crisis management and putting them into the context of today's demands and opportunities may help to formulate new organizational approaches. Monitoring closely the recent efforts within the UN to coordinate policy, operations and financing is also essential. A more effective capacity to prevent, respond to and solve complex forced migration crises is in everyone's best interest.

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