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A surrogate state? The role of UNHCR in protracted refugee situations

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Introduction

“Established in 1950, UNHCR was charged by the 1951 Convention relating to the Status of Refugees with the protection of their interests: full political and economic rights in the country of asylum, with the hope of eventual voluntary repatriation. As a brutal testament to its contemporary failure, at least 3.5 million of those refugees currently struggle for survival in sprawling camps in Africa and Asia... If it was originally a guarantor of refugee rights, UNHCR has since mutated into a patron of these prisons of the stateless: a network of huge camps that can never meet any plausible ‘humanitarian’ standard, and yet somehow justify international funding for the agency.”¹

In an article published in the *New Left Review*, quoted in the preceding paragraph, Jacob Stevens provides a scathing critique of UNHCR. According to his analysis, the organization’s primary interest lies in its own size and status, and not in the welfare of the refugees it is mandated to protect. By pursuing these interests, the article suggests, UNHCR has been complicit in the perpetuation of refugee situations that might otherwise have been brought to a speedy and satisfactory end.² The analysis presented in this paper, which focuses primarily but not exclusively on Africa, where the problem of protracted refugee problems has assumed the most serious dimensions, reaches a different conclusion.

The paper argues that humanitarian agencies in general, and UNHCR in particular, have been placed in the position of establishing and assuming responsibility for such “sprawling camps” in order to fill gaps in the international refugee regime that were not envisaged at the time of its establishment after the Second World War.³ It goes on to suggest that the UN’s refugee agency has been limited in its ability to address the problem of protracted refugee situations, mainly because of the intractable nature of contemporary armed conflicts and the policies pursued by other actors, but also because of the other issues which the organization has chosen to prioritize and the limited amount of attention which it devoted to this issue during the 1990s. The paper concludes by examining the organization’s more recent and current efforts to tackle the issue of protracted refugee situations, and identifies some of the key principles on which such efforts might most effectively be based.

Refugee-hosting countries

UNHCR’s relationship with host states, and the division of responsibilities it has established with refugee-hosting states, has varied over time and differed significantly from country to country. However, certain patterns of UNHCR engagement have emerged in the four decades since the 1960s, when large-scale refugee movements first began to take place in Africa and other developing regions. According to the predominant model of refugee protection and assistance that has prevailed throughout that period, UNHCR and other humanitarian organizations have assumed a primary role in the delivery and coordination of support to refugees, initially by means of emergency relief operations and subsequently through long-term ‘care and maintenance’ programmes. Host country involvement has generally been quite limited, focused primarily on the admission and recognition of refugees on their territory; respect for the principle of *non-*

refoulement (which prevents refugees from being returned to a country where their life or liberty would be at danger); and the provision of security to refugees and humanitarian personnel.

Under the terms of this arrangement, the notion of ‘state responsibility’ (i.e. the principle that governments have primary responsibility for the welfare of refugees on their territory) has become weak in its application, while UNHCR and its humanitarian partners have assumed a progressively wider range of long-term refugee responsibilities, even in countries which are signatories to the 1951 Refugee Convention and which are members of the organization’s governing body, the Executive Committee.

Such tasks have included those of registering refugees and providing them with personal documentation; ensuring that they have access to shelter, food, water, health care and education; administering and managing the camps where they are usually accommodated; and establishing policing and justice mechanisms that enable refugees to benefit from some approximation to the rule of law. In these respects, it can be argued, UNHCR has been transformed from a humanitarian organization to one that shares certain features of a state.

How did this situation arise? Primarily, this paper suggests, because the international refugee regime was forged in the specific historical context of the late 1940s and early 1950s, when the international community’s primary concern was to address refugee problems in Europe associated with the Second World War and its Cold War aftermath. Despite the devastation caused by conflict with Nazism and fascism, the states most directly concerned with those problems had considerable resources at their disposal. And in their efforts to address the refugee problem, they were assisted by the fact that large numbers of refugees in and from Europe were able to find a solution to their plight elsewhere in the world, by means of resettlement programmes to Australia, Canada, the USA, and to a lesser extent South Africa and South America.

When the focus of the refugee problem shifted from Europe to the developing regions in the 1960s, and when the international refugee regime was extended to those regions by means of the 1967 Protocol to the Refugee Convention, the circumstances were quite different. On one hand, the states most directly affected by the refugee problem had relatively few resources at their disposal, most of them being former colonial territories with typically dependent and underdeveloped economies. On the other hand, only a small (and privileged) minority of the world’s refugees could expect to benefit from the solution of third country resettlement. This was particularly the case in Africa, which between the 1960s and 1980s witnessed a succession of major new refugee emergencies, but which did not benefit from the large-scale resettlement programmes established for refugees from Indo-China.

In the initial phase of the post-colonial period, the people and politicians of Africa demonstrated a significant degree of hospitality towards people who were fleeing from conflict in nearby and neighbouring states. Many of the new arrivals came from countries that were locked in struggles for national liberation and independence - struggles that received strong support from the countries to which they fled, and which played a central

role in the emergence of pan-African ideologies and the establishment of the Organization of African Unity (OAU) in 1963.

Symbolizing this sense of solidarity, in 1969 the OAU established its own Refugee Convention, which broadened the refugee definition included in the 1951 Refugee Convention and made it more relevant to the political circumstances of the African continent. Thus the 1951 Convention limited refugee status to people who had left their own country because of “a well-founded fear of persecution” for reasons of race, religion, nationality, membership of a particular social group or political opinion. By way of contrast, the OAU Convention stated that “the term ‘refugee’ shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence.”

By the time that the OAU Refugee Convention came into force in 1974, the political and material conditions which had underpinned such expressions of solidarity with the continent’s refugees were already being undermined. First, significant changes were taking place in the number of refugees that the continent was obliged to accommodate. While there were only around a million refugees in Africa at the beginning of the decade, the figure climbed inexorably in the years to come, reaching approximately six million by the end of the 1980s. Throughout this period, the speed and scale of the continent’s refugee movements also increased, placing additional strains on the countries and communities where the new arrivals settled.

Second, the capacity of those countries to accommodate an ever growing number of refugees was declining. While their relative prosperity in the early years of independence had allowed them to exercise a degree of generosity to refugees, the newly independent states of Africa now began to suffer from a wide range of interrelated ills: unfavourable movements in the terms of trade for raw materials and oil, high levels of population growth combined with low rates of economic growth; the progressive introduction of structural adjustment programmes that curtailed public services and employment; environmental degradation, the emergence of the HIV-AIDS pandemic; as well as the economic mismanagement and political instability that were both a cause and a consequence of such problems.

Third, the refugee movements witnessed in Africa and other developing regions began to assume a new character. No longer the victims of liberation struggles, a growing proportion of the world’s refugees were now forced from their homes by armed conflicts and power struggles taking place within (and to a lesser extent between) independent states. Rather than being considered as victims of “external aggression, occupation and foreign domination,” refugees were increasingly regarded as a source of political instability and social tension, particularly when, as a result of their nationality, ethnic origins or political allegiance, they were associated with one of the parties to the conflict which had forced them to flee.

Finally, the last two decades of the 20th century witnessed a growing sense amongst the developing countries that they were obliged to bear a disproportionate share of responsibility for the global refugee problem. During the Cold War years, donor countries

regarded generous humanitarian assistance programmes as a means of supporting client states and elites, while simultaneously winning the hearts and minds of recipient populations. But in the unexpectedly tumultuous period that followed the demise of the bipolar world, the refugee policies of donor states were, as the following section explains, driven by other considerations.

The industrialized states

During the 1980s and 1990s, the industrialized states became increasingly preoccupied with the task of reducing the number of people from other parts of the world who were seeking to enter and remain on their territory. Unable to enjoy security or sustainable livelihoods in their own countries, and deprived of any opportunity to move to the industrialized states in a legal and safe manner, growing numbers of citizens in Africa, Asia, the Middle East, Latin America and European countries outside of the European Union attempted to enter the world's more prosperous states, many of them submitting asylum applications once they had reached their destination.

In response to these developments, the countries of Western Europe, North America and the Asia-Pacific region introduced a vast array of measures specifically designed to prevent or dissuade the arrival of these would-be refugees: visa restrictions, carrier sanctions, interdiction and detention, limitations on social welfare and the right to work, as well as restrictive interpretations of the 1951 Refugee Convention.

While a limited number of the industrialized states (essentially Australia, Canada and the USA) continued to admit refugees by means of organized resettlement programmes, these countries were the exception that proved the rule. As far as the states of the South were concerned, the countries of the North had turned their back on the notion of 'burden-sharing' (or as many humanitarian organizations prefer it to be known, 'responsibility-sharing'), a principle which had hitherto underpinned the international refugee protection regime.

Such concerns were reinforced when the industrialized states began to express growing interest in notions such as 'regional solutions', 'protection in regions of origin' and 'extra-territorial processing', all of which could be (and were) interpreted as efforts to ensure that refugees and asylum seekers were confined to the poorer and less stable regions of the world that were already accommodating the vast majority of displaced and exiled people.

In this context, it was no coincidence that developing countries also began to introduce more restrictive refugee policies. Confronted with the circumstances described above, countries of asylum in Africa and other developing regions responded in a number of related ways: by restricting the rights of refugees on their territory, by accommodating them in closed and semi-closed camps rather than open rural settlements; by depriving them of opportunities to become self-reliant and to benefit from the solution of local integration; and, most significantly for the analysis presented in this paper, by suggesting that they would only admit and refrain from the *refoulement* of refugees if the needs of such populations were fully met by the international community. By the mid-1990s,

UNHCR was, as Jacobs suggests, left to run “a network of huge camps,” the inhabitants of which had little or no prospect of finding an early solution to their plight, primarily because the armed conflicts which had driven them from their homes went unresolved.

And they went unresolved for two principal reasons. First, because they were symptomatic of a new and intractable form of warfare that had emerged in many of the world’s failed and fragile states – a form of warfare in which communal identities and the struggle for land and resources played a more important role than ideological differences, and in which militias, warlords and bandit groups replaced conventional armies and military formations. Often described as ‘internal armed conflicts’, such wars actually involved a mixture of local, national, regional and international protagonists. This trend has been witnessed most graphically in the central portion of sub-Saharan Africa, which for much of the past decade has been afflicted by an interlocking series of conflicts, stretching from Somalia and Sudan in the east to Liberia and Sierra Leone in the west.

A second reason for the failure to resolve such conflicts is to be found in the selective application of the doctrine of ‘humanitarian intervention’. Coming to prominence in the years that followed the end of the Cold War, this doctrine suggested that traditional notions of state sovereignty could no longer stand in the way of international action in situations where large numbers of civilians had been placed at risk by human rights violations, armed conflicts and complex political emergencies. In practice, however, the world’s most powerful states were generally reluctant to invoke this principle in the deadly conflicts that afflicted Africa. As one of the authors of this paper has pointed out elsewhere:

An instructive comparison can be made with Northern Iraq, Bosnia, Kosovo and East Timor - four armed conflicts which produced (eventually) a decisive response from the world’s more prosperous states, enabling large-scale and relatively speedy repatriation movements to take place. In each of these situations, the US and its allies had strategic interests to defend, not least a desire to avert the destabilizing consequences of mass population displacements. In Africa, however, the geopolitical and economic stakes have generally been much lower for the industrialized states, with the result that armed conflicts - and the refugee situations created by those conflicts - have been allowed to persist for years on end.⁴

The role of UNHCR

Hitherto, this paper has suggested that the world’s protracted refugee situations are to a large extent the outcome of actions taken and not taken by states - both those in developing regions that host the vast majority of the world’s refugees, and those in the industrialized world that play a leading role in the United Nations and the international refugee protection regime.

But what role has been played in this scenario by the leading multilateral actor in that regime, namely UNHCR? The allegation made by Stevens - that the “derelictions of

UNHCR” have actively contributed to the problem of protracted refugee situations - is one that deserves to be taken seriously, despite the intemperate language in which it is written. It would be naïve to ignore the fact that the organizational culture of the UN can be one that encourages ‘safety first’ approaches that are acceptable to states, and which provides inadequate incentives for the rethinking and reorientation of long-established activities. It is the contention of this paper, however, that the role assumed by UNHCR in protracted refugee situations is to be found primarily in other factors.

Competing priorities

As indicated by the title of the book published by former High Commissioner for Refugees Sadako Ogata, the 1990s constituted “the turbulent decade” for UNHCR.⁵ During this period, throughout which she directed the organization, UNHCR was confronted with three enormous and simultaneous challenges. The first was to assist with the return and reintegration of the many refugees who had been forced into exile during conflicts that were rooted in Cold War politics, but which had now come to an end, such as Cambodia, El Salvador, Mozambique, Nicaragua and South Africa. The second was to respond to the spate of new crises and refugee emergencies provoked by the unexpectedly violent nature of the post-Cold War world, including those witnessed in the Balkans, the Great Lakes region of Africa and West Africa. The third was to address the rapid growth in the number of people from poorer and less stable parts of the world who were moving to and seeking asylum in the industrialized states, and who were generally unwanted by the receiving states.

The common feature of these challenges was that they all entailed movements of people – movements that were large, rapid and highly visible, and which therefore attracted a great deal of attention from the international community and the global media. With their attention focused on these high-profile and highly politicized situations, UNHCR and other humanitarian actors were able to give less attention to protracted situations in which refugees were moving in no direction, but who had effectively become trapped in long-term camps and settlements.

Funding

The relatively low priority given to protracted refugee situations in the years that followed the end of the Cold War was reflected in and reinforced by funding patterns. Reluctant to intervene militarily in many of the world’s most serious refugee-producing crises, eager to ensure that refugees and asylum seekers remained within their regions of origin, and under popular pressure to ‘do something’ about the emergencies that were being played out on television screens across the industrialized world, donor states were now prepared to make unprecedented amounts of funding available to the humanitarian community.

But relatively little of that funding was earmarked for the more stable and static refugee situations that existed in Africa and other parts of the world, a problem that was in some senses compounded by the fundraising and media relations strategies pursued by the

humanitarian community. Images of destitute refugees seeking urgent protection and assistance in countries of asylum proved to be an effective means of attracting international attention and resources, as did images of exiled communities who were going home to begin a peaceful and productive life in their country of origin. By way of contrast, relatively little attention was given to those refugees whose immediate past and indefinite future entailed the monotony of life in a camp.

Time for solutions?

A logical response to this scenario above would have been for the international community to recognize the semi-permanence of many refugee situations in the developing world, to assist the populations concerned to attain progressively higher levels of self-reliance during their time in exile, and to promote a process of local development that provided opportunities and brought benefits to refugees and citizens alike. In reality, however, this approach proved very difficult to implement.¹

With the number of refugees in low-income regions of the world steadily expanding, from the 1970's onwards, UNHCR made repeated efforts to promote a developmental and solutions-oriented approach to refugee assistance, incorporating the principles outlined in the preceding paragraph. Perhaps the most prominent example of such efforts was to be found in 'ICARA 2' (Second International Conference on Assistance to Refugees in Africa), an initiative co-sponsored by UNHCR and UNDP in 1984, under the evocative slogan 'Time for solutions'.

But such initiatives met with very limited success. Host governments were generally eager to retain the visibility of the refugee populations they hosted and to discourage those people from settling permanently on their territory. They consequently preferred the exiles to be segregated from the local population, in camps funded by donor states and administered by UNHCR. They were concerned that if development aid were to be targeted at refugee situations, it would lead to reduction in the level of international assistance available for their regular development programmes and that it would imply their agreement to the long-term or permanent settlement of the refugees concerned. Meanwhile, such states were still struggling to respond to a succession of new humanitarian emergencies, such as that caused by the 1984 famine in the Horn of Africa, which occurred almost immediately after the ICARA 2 conference. At a time when massive numbers of people were on the move and in urgent need of life-saving assistance, the notion of 'Time for solutions' began to seem very optimistic.

This situation was reinforced by the administrative structures to be found in most donor states, which embodies a clear separation between humanitarian assistance on one hand, and development aid on the other. For these countries, refugee crises such as that witnessed in the Horn of Africa were primarily 'humanitarian' in terms of their nature and required response. As a result, even if those crises persisted for years and transmuted in the process from 'refugee emergencies' to 'protracted refugee situations', they were generally addressed from the limited perspective of emergency relief.

Programme objectives and design

As a result of the considerations outlined above, in the 1990s the objectives and design of the world's long-term refugee programmes received relatively little attention. Indeed, the concept commonly employed to describe these operations, namely 'care and maintenance programmes', was indicative of the rather low level of ambition which the international community brought to the issue of protracted refugee situations during this period.

A defining characteristic of the 'care and maintenance' model was the extent to which it endowed UNHCR with responsibility for the establishment of systems and services for refugees that were parallel to, separate from, and in many cases better resourced than those available to the local population.⁶ In doing so, this model created a widespread perception that the organization was a surrogate state, complete with its own territory (refugee camps), citizens (refugees), public services (education, health care, water, sanitation, etc.) and even ideology (community participation, gender equality). Not surprisingly in these circumstances, the notion of state responsibility was weakened further, while UNHCR assumed (and was perceived to assume) an increasingly important and even preeminent role.

Some interesting evidence in this respect can be found in the work of two anthropologists who worked amongst Burundian Hutu refugees in Tanzania. Undertaking research in the Kigoma region of the country, Liisa Malkki found that the refugees lionized UNHCR and demonized the Tanzanian authorities and host population, practically equating their hosts with their Tutsi opponents in Burundi's civil war. In their discourse, the Hutus drew parallels between UNHCR and the Belgians in Burundi, perceiving them both as 'benign foreigners' that would shield them from their enemies.⁷

Somewhat similar dynamics were witnessed by Simon Turner, who undertook fieldwork amongst Burundian refugees living in Tanzania's Lukole camp. According to Turner, UNHCR's identity had blended with that of *wazungu* (white people) and the international community at large. Refugee women are quoted as saying that "UNHCR is a better husband," in the sense that the organization provides for the household what a Hutu man would normally provide for his family. Turner goes on to argue that traditional social structures often break down in this context, with UNHCR assuming the role of the patriarch. According to one refugee man he interviewed, "there is a change. People are not taking care of their own life. They are just living like babies in UNHCR's arms."⁸

These circumstances created some serious dilemmas for UNHCR. If the organization was to compensate for the limited capacity of host states by assuming a wide range of responsibilities, it could help to ensure that refugees received the protection and assistance to which they were entitled, but it could also absolve host states of their international obligations. But if UNHCR was to insist upon the principle of state responsibility and to limit its own operational involvement in protracted refugee situations, how could it safeguard the welfare of the people it was mandated to protect?

As a senior UNHCR official remarked in a personal communication with the authors, "many a UNHCR manager has pushed so hard to get reticent and phlegmatic governments involved in refugee administration that in the end they throw their hands up

in the air with frustration.” Indeed, much of the refugee legislation adopted by host states in Africa and other developing regions throughout the period under review, as well as the practical arrangements established for protection activities such as refugee registration, documentation and status determination, are the result of UNHCR’s ‘gap-filling’ efforts.

Recent developments

As the preceding section of this paper has explained, UNHCR became involved in a growing number of protracted refugee situations during the 1990s, many of which involved the confinement of refugees to camps where they enjoyed little freedom of movement and had few opportunities to establish sustainable livelihoods. For the majority of people who found themselves in such situations, the options of voluntary repatriation, local integration and third country resettlement all remained a distant dream.

Regrettably, that continues to be the case for large numbers of refugees around the world. Since the turn of the new millennium, however, three related factors have enabled UNHCR and other members of the international community to become more engaged with the problem of protracted refugee situations and to ask whether it can be approached in alternative ways.

First, while a number of new refugee emergencies erupted (most notably those involving Iraq and the Darfur region of Sudan), the scale and frequency of such crises generally diminished from 2000 onwards. This trend, combined with large-scale voluntary repatriation movements to countries such as Afghanistan, Angola, Liberia, Sierra Leone and Somaliland, led to a progressive reduction in the size of the world’s refugee population and enabled UNHCR to refocus its attention on issues such as protracted refugee situations which had assumed a lower priority during the previous decade.

Second, UNHCR was confronted with growing evidence with respect to the negative consequences of protracted refugee situations, especially those in which the populations concerned experienced deteriorating conditions of life and could not look forward to a brighter future. Refugees who found themselves in such situations were more likely to engage in onward movements, leaving their camps in order to take up residence in an urban area or to seek asylum in more distant parts of the world. They were more likely to be susceptible to exploitation and to engage in negative survival strategies such as theft and other forms of criminality, the manipulation of assistance programmes, and by becoming victims of sexual exploitation. And they were also more likely to become attracted to political and military movements whose activities conflicted with the strictly humanitarian nature of refugee status and of UNHCR’s mandate.

Third, the issue of protracted refugee situations became the subject of new research and lobbying efforts, led by UNHCR. Thus in 1999, the organization’s Evaluation and Policy Analysis Unit launched a Protracted Refugee Situations Project which published a wide range of reports and papers on this issue. This led in turn to the establishment of a web-based initiative titled the Refugee Livelihoods Network, which encouraged practitioners and researchers to share ideas and information on the steps that could be taken to promote self-reliance in long-term refugee situations.² Similar themes were subsequently taken up

by other organizations, including the US Committee for Refugees and Immigrants, which launched a vigorous ‘anti-warehousing campaign’, and by a number of academic groups which established research projects on similar themes.

Prompted by these developments, from 2000 onwards, UNHCR began to adopt a more assertive and proactive role in relation to the protracted refugee situations than had been possible during the previous decade. A new High Commissioner, former Dutch Prime Minister Ruud Lubbers, launched a series of initiatives (‘Convention Plus’, ‘Development Assistance to Refugees’ and ‘Development through Local Integration’) all of which were indicative of a new institutional focus on the durable solutions dimension of the organization’s mandate. At the same time, UNHCR brought the issue to the attention of the agency’s governing body, the Executive Committee, organized a special meeting of African states to consider how the problem might be more effectively addressed, and began for the first time to collect and publish statistics on protracted refugee situations.

These initiatives had a number of important operational outcomes. Working in cooperation with the governments concerned, UNHCR established a Self-Reliance Strategy for refugees in Uganda and launched the development-oriented Zambia Initiative for refugees living in that country. The organization sought to reinforce the rights and improve the material circumstances of long-term refugees in countries such as Kenya, Tanzania and Thailand by means of a new Strengthening Protection Capacities Project.

Under the leadership of another new High Commissioner, Antonio Guterres, a former Prime Minister of Portugal, UNHCR also began to explore the opportunities for local integration for refugees in areas such as West Africa, a solution that had been largely ignored in the preceding decades. While these different initiatives have not been an immediate or unqualified success, and have indeed attracted some criticism, they nevertheless provide some tangible evidence of a new commitment on UNHCR’s part to addressing the problem of protracted refugee situations.¹⁰

Elements of a humanitarian strategy

Now that the plight of the world’s long-term exiles has assumed a more central place on the international humanitarian agenda, what can be done to formulate a more effective and equitable response to the issue of protracted refugee situations? The final section of this paper offers some suggestions with respect to the approaches that might be pursued if this question is to be answered in a positive manner.

Promoting interaction between refugees and local populations

First and foremost, here is a continued need to revisit established approaches to refugee protection and assistance, especially the care and maintenance model, which tends to maximize the role of UNHCR and other humanitarian organizations, but which minimizes that of host states and other actors. Ideally, exiled populations should not be obliged to live an isolated existence in internationally-administered enclaves, but should

be able to engage in positive interactions with people and communities living in the same area. Of course, the establishment of safe and demilitarized areas where refugees can benefit from life-saving forms of protection and assistance may be required in the early days of an emergency, but the negative aspects of separation often begin to outweigh the advantages as time goes on.

The adoption of alternative approaches to the administration of protracted refugee situations will not be easy. As earlier sections of this paper have suggested, large and long-term refugee camps have become the norm in many parts of the world because of the interacting priorities of host governments, donor states and humanitarian organizations. Recent advocacy efforts intended to challenge the practice of 'warehousing' have also tended to gloss over the fact that refugees themselves are sometimes averse to leaving their camps or to forging closer connections with the local population. Refugee camps, even if the services they offer are minimal, provide an important safety-net for many refugees, especially the more vulnerable members of the population. Remaining in a camp may also have perceived benefits for refugees who hope to participate in an organized resettlement or voluntary repatriation programme, as well as for political activists who wish to mobilize the refugee population in support of their cause or to give their cause greater international visibility.

Despite these constraints, a number of steps could be taken to approach the issue of protracted refugee situations in a more constructive manner. The delivery of services to refugees and local people could be structured in a way that avoids the establishment of separate and parallel systems, thereby improving the interaction that takes place between the two groups. Refugees could be offered better access to local markets for both the sale and purchase of goods, an approach that would boost the local economy and demonstrate the positive impact of the refugees' presence. As was recognized as long ago as the ICARA 2 conference, refugee-populated areas as a whole should be properly incorporated into national and local development plans, so as to avert the establishment of camps that are disconnected from the surrounding state and society.

Humanitarian and human rights agencies might organize bridge-building seminars between refugee and local populations and, if necessary, conduct conflict-resolution sessions between the two groups. There is a common assumption that such initiatives are not needed and that refugees in developing regions invariably share the language and culture of their local hosts. But this is not always the case. Moreover, refugees and local populations may actually have complex histories and strained social or political relations as a result of their proximity. In such situations, a process of mutual adaptation will be required, supported by efforts to ensure that the local community is receptive to the refugees' presence, and that the refugees themselves feel secure in their country of asylum.

Such efforts need not entail a great deal of expense, but they do require some initiative on the part of the humanitarian community and some political will on the part of the host country authorities. Refugees in Ghana, for example, have been issued photo identity cards, bearing the seal of both the authorities and UNHCR. As a result, they state that they feel more secure in the country and more confident in their interactions with the host community and local officials. They also experience less harassment when they

encounter the police, which has facilitated their freedom of movement outside their camp and boosted their potential for self-reliance.

Supporting the role of the state

As the preceding example demonstrates, UNHCR and other humanitarian actors should be instrumental in supporting the role of the authorities in relation to protracted refugee situations. Of course, such a role must be based on a strict respect for the principles of refugee protection, and must therefore be supported by practical initiatives that encourage and enable host states to uphold their obligations under international and regional refugee law, as well as human rights and customary law. As noted earlier, UNHCR has a particularly important role to play in the establishment of national refugee legislation that is in accordance with the 1951 Refugee Convention, and in supporting capacity-building efforts that enable the agents of the state, including the police, military, judiciary and local government officials, to adhere to such legislation. More generally, UNHCR should lose no opportunity to underline the twin principles of state responsibility and international solidarity, pointing out that the latter is a necessary condition of the former in low-income countries with significant refugee populations.

Humanitarian actors could play a more active role in ensuring that relevant stakeholders understand the responsibilities and authority of the state which has admitted them to its territory. The ubiquity of UNHCR's personnel, offices, vehicles and logo in many long-term refugee camps often leads to confusion on this matter, a situation exacerbated by the fact that many government assets also carry the prominent inscription, 'donated by UNHCR'. When coupled with the physical separation of refugee camps, it is hardly surprising that refugees, local people and government officials should perceive such locations as extra-territorial entities, administered by an international organization with greater visibility, resources - and even legitimacy - than the state.

Recognizing the difficulties and dangers associated with this situation, in 2003, Kenya's newly appointed Home Affairs Minister Moody Awori referred to the "hands-off refugee policy" pursued by the previous administration, observing that this approach "caused more harm to our hospitable people." "It should," he said, "be the responsibility of the Government to undertake refugee issues seriously."¹¹ In many countries, the failure of governments to "undertake refugee issues seriously" has been based on an assumption that exiled populations do not strive to meet their own needs and invariably have damaging consequences for the local economy, environment and security, and that to avert such outcomes refugees should be induced to return to their country of origin, even if it is not safe for them to do so.

Rather than reinforcing such assumptions by references to the 'dependency syndrome' and the 'negative impact' of refugee movements, UNHCR and its humanitarian partners should challenge and change them by means of public and private advocacy efforts. In this respect, the collection and analysis of empirical data is essential. UNHCR could, for example, devote more effort to supporting research on the efforts that refugees make to establish their own livelihoods, on the difficulties that they encounter in this process, and on the opportunities that are opened up when host government policies provide refugees

with greater freedom of movement, better access to land and increased opportunities to engage in the local economy.

Communicating UNHCR's capacities and limitations

Efforts to reorient UNHCR's role in protracted refugee situations must also, as one of the organization's staff members has suggested, be based on "a clear statement of the limits of humanitarian action." Such an approach, he goes on to suggest, "may help governments understand (and even assume) their political responsibilities."¹² If it is to pursue such an approach and is to engage in the careful management of the expectations placed on it, UNHCR must recognize the dangers of overstating its own capabilities. In the competition for 'brand recognition' and 'market share', UNHCR has emphasized the extent to which the world's refugees rely on the services which it provides. Given the realities of humanitarian funding, UNHCR will have to tell both sides of the story. The organization should underline its strengths and successes, while simultaneously acknowledging its limitations and emphasizing the need for other actors to play their part in addressing the problem of protracted refugee situations.

Such efforts should be directed not only at host governments, donor states and the international media, but also at refugees themselves. In many long-term refugee situations, there is an information vacuum which breeds misinformation and inflated expectations. It should become a high priority for UNHCR to communicate systematically and clearly to refugees the terms of their rights, entitlements, obligations and future options, as well as the extent to which the organization can realistically support them in these respects.

Working with other actors

In order to address the outsized role of UNHCR in protracted refugee situations, there must be a broader recognition that the organization is not the only member of the humanitarian community or the UN system that has a substantive role to play in this area. When people flee from their own country, cross an international border and acquire the status of refugee, they naturally become of direct and immediate concern to UNHCR. But in becoming refugees, they do not cease to be of concern to other actors within and outside the UN - actors whose mandate and activities lie in areas other than humanitarian relief, such as socio-economic and community development, education and training, agriculture and micro-finance. The search for effective responses to protracted refugee situations should not be regarded as the fiefdom of UNHCR, but as a responsibility to be shared with - and amongst - these other actors.

Hitherto, UNHCR's ability to engage with these other actors has been limited.¹³ As explained in an earlier section of this paper, this is partly because of the artificial way in which the international aid machinery is structured. But it also derives from UNHCR's mandate-driven preference to retain the leading role in refugee situations. Thus when the UN's Emergency Relief Coordinator established an ambitious process of humanitarian reform in 2005, designed to establish a better coordinated response and a more effective

division of labour amongst the organizations concerned, UNHCR successfully insisted that refugee situations be excluded from the exercise.

UNHCR has an obligation to uphold its protection mandate, and thus has a legitimate concern to avoid any coordination arrangements that might compromise that mandate. At the same time, the organization cannot act in isolation from the rest of the UN system and humanitarian community. The humanitarian reform initiative has already led to a new inter-agency coordination model in non-refugee emergencies, whereby designated organizations within and outside the UN assume responsibility for specific sectors or 'clusters'. UNHCR has agreed to lead three of those clusters (protection, camp management and camp coordination, and emergency shelter) in situations involving internally displaced persons (IDPs). If the Cluster Approach really does enable the international community to pool and deploy its resources more effectively in IDP situations, then perhaps a similar arrangement could be established in relation to refugees, thereby enabling a wider range of actors to be involved in the search for solutions to their plight?¹⁴

The dynamics of the UN system would appear to be pointing in that direction. In addition to the introduction of the Cluster Approach, there is growing international support for the 'One UN' concept, which requires the different United Nations agencies to function in a more integrated manner at the country level, with a common programme and budgetary framework. At the same time, the UN has become increasingly committed to the establishment of 'integrated missions' in war-affected and post-conflict situations, bringing together the humanitarian, human rights, development, peacekeeping and political functions of the world body under the overall authority of the Secretary-General. These developments have an evident relevance to the task of resolving the problem of protracted refugee situations, both in supporting countries of asylum that have large numbers of refugees on their territory, and in supporting countries of origin from which those people have fled, and to which many will eventually return.

ENDNOTES

This paper also appears in *Protracted Refugee Situations: Political, Human Rights and Security Implications*, edited by Gil Loescher, James Milner, Edward Newman and Gary Troeller, UNU Press, 2008.

¹ Jacob Stevens, 'Prisons of the stateless: the derelictions of UNHCR', *New Left Review*, no. 42, November-December 2006.

² An incisive rejoinder to Stevens can be found in Nicholas Morris, 'Prisons of the stateless: a response to New Left Review', *New Issues in Refugee Research*, no. 141, UNHCR, Geneva, April 2007.

³ In addressing these issues, the paper draws upon the analysis presented in Jeff Crisp, 'No solutions in sight: the problem of protracted refugee situations in Africa', *New Issues in Refugee Research*, no. 75, UNHCR, Geneva, January 2003, and Jeff Crisp, 'Refugees and the Global Politics of Asylum', in Sarah Spencer (ed.) *The Politics of Migration*, Blackwell, Oxford, 2003.

⁴ Jeff Crisp, 'No solutions in sight', op cit, p. 3.

⁵ Sadako Ogata, *The Turbulent Decade: Confronting the Refugee Crises of the 1990s*, Norton, New York, 2005.

⁶ The earliest and most persistent critic of this model has been Barbara-Harrell-Bond. See *Imposing Aid: Emergency Assistance to Refugees*, Blackwell, Oxford, 1986.

⁷ Liisa Malkki, *Purity and Exile: Violence, Memory, and the National Cosmology among Hutu Refugees in Tanzania*, University of Chicago Press, Chicago, 1996.

⁸ Simon Turner, 'Angry young men in camps: gender, age and class relations among Burundian refugees in Tanzania', *New Issues in Refugee Research*, no. 9, UNHCR, Geneva, June 1999, p. 6.

⁹ For details of both initiatives, see <http://www.unhcr.org/research/3b850c744.html>.

¹⁰ See, for example, the critique of Development Assistance to Refugees and the Uganda Self-Reliance Strategy in 'Giving out their daughters for their survival: refugee self-reliance, vulnerability and the paradox of early marriage', Working Paper no. 20, Refugee Law Project, Kampala, Uganda, April 2007 (no author cited).

¹¹ Kurgat Marindany, "Govt: Refugees Starving Due to Iraq War," Eritrean News Wire, 16 April 2003 (<http://eri24.com/news2990.htm>).

¹² Nicholas Morris, 'Protection dilemmas and UNHCR's response: a personal view from within UNHCR', *International Journal of Refugee Law*, vol. 9, no. 3, 1997, p. 497.

¹³ For a more detailed examination, see Jeff Crisp, 'Mind the gap! UNHCR, humanitarian assistance and the development process', *International Migration Review*, vol. 35, no. 1, 2001.

¹⁴ UNHCR's reservations with respect to such proposals are expressed in 'Humanitarian reform and UNHCR's refugee mandate: a policy guidance note', UNHCR, Geneva, September 2008.