

NEW ISSUES IN REFUGEE RESEARCH

Research Paper No. 182

Anatomy of a Resolution: the General Assembly in UNHCR history

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December 2009



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ISSN 1020-7473

If any organization epitomizes the phrase, “You’ve come a long way, baby,” it may be the Office of the United Nations High Commissioner for Refugees (UNHCR). UNHCR has indeed come a long way from its original mandate as set out in the 1951 Convention on Refugees and modified by the follow-up Protocol adopted in 1967. While UNHCR was originally intended to provide legal protection and minimal humanitarian assistance to approximately one million refugees who were still displaced in the aftermath of World War II, it now deals with over 33 million people including refugees, internally displaced persons, returnees, and stateless persons “of concern to the Office.”

Whereas its primary function was to have been legal protection (and the Office still considers this its primary mission), it now provides assistance in the areas of health, sanitation, education, shelter, food delivery, special services to women, and even short-term development projects. Instead of providing this assistance in the increasingly stable atmosphere of post-World War II Europe, it now operates in areas suffering from intense conflict where the lives of its personnel are in danger.

And, rather than working primarily with governments of asylum-granting countries, UNHCR now interacts with host countries, countries of origin, donor countries, numerous UN agencies, the Interagency Standing Committee, the United Nations Development Group, the Peacebuilding Commission, the International Red Cross and Red Crescent movement and hundreds of non-governmental organizations (NGOs).

In other words, despite a limited mandate, UNHCR has become actively involved with human rights, humanitarian assistance, and the transition from relief to development. Its budget has grown to well over a billion dollars. Finally, while its original mandate had to be renewed periodically, this “temporal limitation” was removed by General Assembly resolution 58/153 (o.p. 9) “until the refugee problem is solved.”¹ How did these changes evolve and what does an analysis of these changes have to say about the United Nations system itself?

One way to explore these changes is through an examination of the annual resolutions passed by the General Assembly on the “Office of the United Nations High Commissioner for Refugees,” now more commonly referred to as the “Omnibus Resolution,” since it encompasses the wide range of activities with which UNHCR is engaged. At first glance, this might seem to be a fruitless effort. Many outside observers view General Assembly resolutions as too long, repetitive, watered down, and, given the continuing problems plaguing the world community, ineffective.

However, for UNHCR these annual resolutions and others dealing with more specific issues related to refugees or the Office outline the parameters under which it operates; thus, changes in the resolutions from one year to the next, however, minimal, may have a significant impact on or reflect major changes in the organization’s activities.

General Assembly resolutions are not the major determinant of UNHCR policy or programs. UNHCR is guided by Conclusions adopted by its Executive Committee (ExCom) during its meetings throughout the year and the policies developed by the High Commissioner and his senior management team at headquarters in Geneva. But General Assembly resolutions, which

¹ The abbreviation ‘o.p.’ refers to ‘operative paragraph’, while ‘p.p.’ refers to ‘preambular paragraph’..

usually incorporate new proposals put forward by Geneva or the Executive Committee or reflect concerns of member states, must be considered and followed by UNHCR in its future activities.

Since modifications in General Assembly resolutions, whether initiated in Geneva or New York, are often reactions to new problems that have arisen regarding refugees or the political environment in which UNHCR operates, an analysis of these resolutions also provides a brief overview of changing attitudes towards human rights and humanitarian assistance in the global community.

This project provides such an analysis, focusing on the evolution of General Assembly resolutions with particular attention to modifications or reinterpretations of the original UNHCR mandate and underlying principles, the types of people being assisted, the geographic areas being served, approaches to solutions, and cooperation and coordination between UNHCR and other UN bodies, member states, and non-governmental organizations.

Precursors to UNHCR

Refugee movements have been recorded throughout history going back well before the rise and fall of the Roman Empire, but they are generally considered a twentieth century phenomenon. World War I contributed to several refugee flows, primarily from the Austro-Hungarian, Ottoman, and Russian empires that were among the casualties of that conflict.

Additional conflicts between 1919 and 1939 brought the total number of people uprooted “to over five million people in Europe including Russians, Greeks, Turks, Armenians, Jews, and Spanish Republicans”. In response, the League of Nations appointed two High Commissioners for Refugees: first, the Norwegian explorer Fridtjof Nansen (who served from 1921-1930) and, second, James McDonald of the United States (who served from 1933-1935).

Nansen worked for the most part with refugees resulting from the aftermath of World War I. He established an office in Geneva and stressed legal protection, documentation (the Nansen passports), repatriation, and finding employment for refugees while maintaining neutrality in political disputes. McDonald was primarily responsible for arranging resettlement for Jewish refugees fleeing Germany and helped coordinate the work of voluntary agencies.

McDonald resigned in 1935, frustrated by the failure of the League of Nations to respond to further Nazi discriminations against Jews. The efforts of Nansen and McDonald established several precedents that would continue under UNHCR: the search for lasting solutions, the primary mission of protection, the policy of neutrality, and work with voluntary organizations.

During World War II, in November 1943, the allies established the United Nations Relief and Rehabilitation Administration (UNRRA) “to assist in the relief and rehabilitation of devastated areas”. The organization dealt with refugees and displaced persons in areas under allied control, though not in the Soviet zone, focusing primarily on repatriation once the war had ended. UNRRA was frustrated by its subordination to allied military forces, especially regarding the military’s willingness to repatriate people who did not wish to be returned to the Soviet Bloc.

Controversy over this issue led to a refusal by the United States to extend UNRRA’s mandate or funding beyond 1947. In July of that year a new organization, the International Refugee

Organization (IRO), was established as a non-permanent specialized agency, whose work was expected to end in 1950.

While the IRO, like its predecessor, was limited to assisting European refugees, its focus shifted from repatriation to resettlement as well as identification, registration, and care and assistance. Its enabling resolution specifically declared that “no refugee or displaced persons (with valid objections) shall be compelled to return to their country of origin”.

While the principle of voluntary repatriation was thus established, the IRO fell victim to Cold War politics. Eastern Bloc countries objected to its refusal to repatriate former citizens, while the West, in particular the United States, continued to express concerns about the financial burdens of the organization. Nevertheless, the international community recognized the need for such a body, and, after considerable debate, in December 1949 the UN General Assembly voted 36-1-11 to establish the Office of the United Nations High Commissioner for Refugees.

The Resolution (319 (IV)) was a compromise that reflected American concerns over funding and its desire for a strictly defined, temporary agency whose work would be “of an entirely non-political character”. In the resolution, the General Assembly called upon the Economic and Social Council to submit a draft resolution “embodying provisions for the function of the High Commissioner’s Office for Refugees” and recommending a definition for the term “refugee.”

Most of the functions listed in the Statute (Resolution 428 (V)) were suggested in an Annex to Resolution 319, which also put forth the principle that while the United Nations’ budget would cover administrative expenses, all other activities would be financed by voluntary contributions (o.p. 2). The Annex in paragraph 3 also foresaw the possibility of including other persons “as falling under the competence of the High Commissioner’s Office for Refugees” through “international conventions or agreements of the General Assembly.”

The Statute of the Office

The “Statute of the Office of the United Nations High Commissioner for Refugees” contained in Resolution 428 (V) was adopted on 14 December 1950. The three operative paragraphs (1) adopted an annex (the Statute itself), (2) called upon member states to cooperate with the High Commissioner in eight areas including protection of refugees, repatriation and assimilation, provision of documents, transfer of assets, and provision of information regarding refugee conditions, and (3) requested the Secretary-General to transmit the resolution and annex to non-member states.

The Statute contained three chapters. Chapter 1, General Provisions, states that the High Commissioner “shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present statute and of seeking permanent solutions for the problem of refugees by assisting governments and, subject to the approval of governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.

The first chapter also notes that the “work of the High Commissioner shall be of an entirely non-political character; it shall be humanitarian and social...” In addition, Chapter 1 states that the High Commissioner “shall follow policy directives given him by the General Assembly or the

Economic and Social Council” and that the Economic and Social Council may establish an advisory committee on refugees consisting of both member and non-member States. Finally, the chapter calls upon the General Assembly to review whether the Office should be continued after 31 December 1953.

Thus, the Statute lays out from the beginning the principles and structural relations which UNHCR has followed to this day. Its principle functions are protection and the seeking of permanent solutions to promote repatriation and assimilation (local integration or resettlement); it shall work in a non-political (impartial) manner and be humanitarian and social; it may have an advisory body (now the Executive Committee – ExCom); and the High Commissioner is subject to directives of the GA and ECOSOC.

Chapter II, Functions of the High Commissioner, describes who falls under the competence of the High Commissioner by providing a definition of what constitutes refugee status and specific examples of persons who do not qualify for such status. The primary definition is contained in sub-paragraph 6.A. (ii) which reads:

Any person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside of the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it.

Paragraph 8 of the Statute indicates the type of activities that the High Commissioner may undertake in fulfillment of his duties. They include (a) promoting the conclusion, ratification, application, and amendment of international conventions, (b) establishing agreements with governments, (c) assisting governmental or private efforts to promote repatriation or assimilation, (d) promoting the admission of refugees and (e) the transfer of their assets, (f) obtaining information from governments on conditions relating to refugees, (g) communicating with governments and international organizations and (h) private organizations, and (i) facilitating the coordination of the efforts of private organizations to help refugees.

In addition to responding to Resolution 319 (IV) with the establishment of the Office of the High Commissioner through Resolution 428 (V), the General Assembly also passed two other resolutions on refugees on 14 December 1950. Resolution 429 (V), “Draft Convention relating to the Status of Refugees,” called for a conference in Geneva to adopt the Draft Convention relating to the Status of Refugees and the Protocol relating to the Status of Stateless Persons. Resolution 430 (V), “Problems of assistance to refugees,” called upon states to assist the IRO in its efforts to help those remaining under its care.

The 1951 Convention

“The Convention Relating to the Status of Refugees,” called for in Resolution 429 (V) was adopted on 28 July 1951. The Convention “consolidates previous international instruments relating to refugees” and “lays down basic minimum standards for the treatment of refugees.” It

establishes the definition of a refugee and the principle of non-refoulement (*Convention and Protocol Relating to the Status of Refugees, UNHCR, Introductory Note, pp. 5-6*). Also, under the Convention “contracting States undertake to cooperate with the Office of UNHCR in the exercise of its functions”.

In establishing the current definition, the Convention modified the Statute definition by adding the phrase, “membership of a particular social group” to the list of reasons for which one may have been persecuted. The Convention also deletes paragraph 6B of the Statute, which states that the competence of the High Commissioner also applies to “Any other person who is outside the country of his nationality, or if he has no nationality, the country of his former habitual residence,...” without placing any restrictions as to the time of displacement or location.

Thus the Convention limits the time frame to events prior to 1951; however, the Convention gave States the option of declaring either that the events had occurred “in Europe before 1 January 1951” or “in Europe or elsewhere before 1 January 1951, “thereby broadening the possible geographic areas from which refugees might have come for those states willing to accept this point. These limitations on time and place became moot with the adoption of the 1967 Protocol to the Convention for those States who have acceded to the Protocol.

Thus, the General Assembly signaled an end to the limited era of the IRO and initiated a new organization that it hoped might not have to continue beyond 31 December 1953. Unfortunately, such hopes proved illusory. But the Statute and Convention did show foresight in the principles and goals that they established for the organization. Except for the addition of the 1967 Protocol, the vast increase in the number of people of concern to the Office, and the scope of assistance with which they are provided, UNHCR’s current operations are consistent with the original intent.

The UNHCR of today was provided for by the 1951 Statute, even if many of the member states who voted for the Statute had envisioned a much more limited role. In response to increasing numbers of people and expanding the scope of its activities within the parameters laid down by the Statute, succeeding GA resolutions on the Report of the High Commissioner grew from three to five paragraphs in the early 1950s to close to 30 paragraphs in several of the more recent Omnibus resolutions. The increased length and number of resolutions relating to UNHCR or refugees in general may say as much or more about the changing global situation as they do about UNHCR itself.

Early history: UNHCR Resolutions in the 1950s

Early resolutions regarding the Office of the High Commissioner were limited in scope. Resolution 538A (VI) “Assistance to and Protection of Refugees” contained four operative paragraphs which took note of the HC’s report, expressed satisfaction at the conclusion of the Convention Relating to the Status of Refugees,” and called upon governments to cooperate with the High Commissioner. Resolution 538B (VI), in three operative paragraphs, authorized the HC to appeal for funds to aid the “most needy groups” among refugees; recommended that states, specialized agencies, and IGOs pay attention to this problem; and appealed to states interested in migration to allow refugees to participate in projects to promote migration.

The resolution on the “Report of the United Nations High Commissioners for Refugees,” 639 (VII) (the first year that title was used), included five operative paragraphs. The first noted with appreciation the report of the HC; the last paragraph reiterated the appeal from the sixth session to allow refugees to benefit from migration projects.

The other three paragraphs initiated a continuing concern that has afflicted UNHCR throughout its history: paragraph 2 noted that contributions had not been sufficient for the most needy groups, paragraph 3 expressed appreciation for contributions that had been received, and paragraph 4 expressed the hope that more contributions would be forthcoming. A resolution on the “Integration of Refugees” (638 (VII)) encouraged UNHCR to explore with the International Bank for Reconstruction and Development (IRBD) what sources of funds might be available to assist refugees.

The eighth session of the General Assembly extended the life of the organization through 31 December 1958 in Resolution 727 (VIII), “Prolongation of the Office of the United Nations High Commissioner for Refugees.” The resolution on the “Work of the Office of the United Nations High Commissioner for Refugees” (728 (VIII)), in three operative paragraphs, encouraged the HC to concern himself in particular with needy groups and report on his consultations with various organizations while appealing to member and non-member states to cooperate with the High Commissioner.

The resolution for the ninth session, “International assistance to refugees within the mandate of the United Nations High Commissioner for Refugees,” (832 (IX)), discussed funding in four of its eight paragraphs but, most importantly, requested consideration of the establishment of an Executive Committee. In the tenth session, the resolution on the “Report of the United Nations High Commissioner for Refugees,” 925 (X) requested the HC to continue efforts to find solutions, supported the use of the UN Refugee Emergency Fund to reduce the number of refugees in camps and called upon states to contribute to the fund.

Thus, during the first five years of UNHCR’s existence, resolutions reflected frustrations that solutions had not been found to end the refugee situation and that contributions were not sufficient to that end, but they included no significant modifications in the nature or scope of UNHCR activities.

This changed when the UN was faced with one of its first major crises in 1956, the Hungarian Revolution. During its second emergency special session, in response to the Soviet intervention in Hungary, the General Assembly (on 9 November) adopted Resolution 1006 (ES-II) on “The situation in Hungary.” The second part of the resolution requested the Secretary-General to call upon the High Commissioner to consult with other organizations to make “speedy and effective arrangements for emergency assistance to refugees from Hungary.”

This was the first specific expansion of UNHCR’s activities. In its regular session on 21 November, the General Assembly adopted Resolution 1129 (XI) on “The situation in Hungary,” which requested the High Commissioner to continue his efforts to assist Hungarian refugees and authorized him to appeal for more funds.

The resolution on the “Report of the High Commissioner for Refugees” (1039 A (XI)), adopted on 23 January 1957, took note of the HC’s efforts to help Hungarian refugees, requested him to assess their further needs, and again expressed concern about the overall shortfall of

contributions. Resolution 1039B (XI) expressed gratitude for the work of the first High Commissioner, Dr. G.J. Van Heuven Goedhart, who had died in late 1956.

The twelfth session of the General Assembly adopted three resolutions relating to refugees. The first, 1165 (XII) “Prolongation of the Office of the United Nations High Commissioner for Refugees,” in accord with Resolution 727 (VIII), reviewed the arrangements for the office and decided to continue its operations with the next review to take place no later than 31 December 1963.

Resolution 1166 (XII), “International assistance to refugees within the mandate of the United Nations High Commissioner for Refugees,” brought an end (in resolution form) to the first phase of UNHCR operations while recognizing that new refugee situations had arisen that would require international assistance. Specifically, the resolution authorized the HC to raise additional funds needed to close refugee camps (o.p. 1b), decided that operations under the UN Refugee Fund should not be continued after 31 December 1958 except where necessary to complete projects started prior to that date, and stated that the fund should be liquidated (o.p. 3-4).

It then requested that the Economic and Social Council establish a new Executive Committee (o.p. 5). The new Executive Committee would give directives to liquidate the Refugee Emergency Fund, advise the HC in the exercise of his functions, advise him about whether it was appropriate for his Office to provide international assistance for refugee problems which remained unsolved following 31 December 1958, and authorized him to appeal for and use funds for those refugees (o.p. 5). It further authorized him to appeal for funds to assist refugees “coming within his mandate and otherwise not provided for” and provided guidelines for the use of such funds.

In other words, the resolution appeared to try and bring closure to early refugee problems, primarily those resulting from World War II, while recognizing that new refugee situations had arisen and were likely to do so in the future. The new Executive Committee reflected to some extent an acknowledgement that UNHCR was here to stay, despite periodic reviews and renewals of the mandate and gave the appearance of a more permanent structure through a reconstituted Executive Committee. The importance of financial issues at this time was reflected in the fact that each of the 10 operative paragraphs dealt in one form or another with funding.

The final resolution dealing with refugees in the twelfth session, 1167 (XII), “Chinese refugees in Hong Kong,” authorized the High Commissioner to use his good offices to encourage contributions from member states to alleviate the burden Chinese refugees in Hong Kong were placing on the government there. This represented a new role for the HC, one in which he would serve as a facilitator for funding without having the Office engage directly in providing assistance.

The thirteenth session saw a further expansion of the geographic coverage of UNHCR resulting from problems in Northern Africa. Resolution 1286 (XIII), “Refugees in Morocco and Tunisia,” recommended that the HC continue his actions on behalf of refugees from Algeria in both countries. The resolution on the “Report of the High Commissioner for Refugees,” (1284 (XIII)), welcomed a recommendation of the Executive Committee that protection activities of the Office be increased (o.p. 1), noted that the HC had been authorized to appeal for funds, and urged states and members of specialized agencies to support the HC’s program.

One other resolution, 1285 (XII), “World Refugee Year,” urged the Secretary-General and member states to support such a year in order “to focus interest on the refugee problem and encourage additional financial contributions” and promote permanent solutions to the refugee problem “through voluntary repatriation, resettlement or integration.”

The General Assembly made no significant changes in the nature of resolutions adopted during the fourteenth session. With regard to the situation in northern Africa, a virtually identical resolution was adopted on “Refugees from Algeria in Morocco and Tunisia,” 1389 (XIV), and a very similar resolution was adopted on the “World Refugee Year,” 1390 (XIV). The resolution on the “Report of the United Nations High Commissioner for Refugees” (1388 (XIV)) stressed the same themes as the year before, but did include a reference to the World Refugee Year and invited member states to improve “the legal status of refugees living on, or to be admitted to, their territory.”

The same pattern was followed during the next session. In the “Report of the United Nations High Commissioner for Refugees,” 1499 (XV), the four themes – improving refugees’ legal status, increasing facilities for voluntary repatriation, resettlement, and integration, helping the HC reach financial targets, and consulting on measures to assist groups of refugees who did not come within the competence of the United Nations – were identical to those of the 14th session. Resolution 1500 (XV) on “Refugees from Algeria in Morocco and Tunisia” urged the HC to continue his present actions and, if necessary to draw up plans to continue responsibility for them from 1 July 1961.

The Resolution on the “World Refugee Year” (1502 (XV)) was also similar to those of previous sessions, although it did refer to increased cooperation between UNHCR and the United Nations Relief and Works Agency for Palestine Refugees in the Near East. In addition, the General Assembly expressed its thanks to Mr. Auguste Lindt for the “brilliant and important work he has performed” as High Commissioner (1501 (XV)) and elected Mr. Felix Schnyder as the new High Commissioner from 1 February 1961 to 31 December 1963.

Thus, after a decade of assisting refugees and 10 sessions of resolutions, UNHCR’s role and the approach of the General Assembly had changed only marginally. Significant changes had occurred: an Executive Committee had been established as encouraged by the original Statute; the High Commissioner had been asked to use his “good offices” in new refugee situations; and the Office had worked to promote assistance in Hungary, Hong Kong, and northern Africa.

But the primary thrust of the resolutions simply repeated that UNHCR’s mission was to provide protection and promote solutions to refugee situations while calling upon member states and specialized agencies to provide funding and support for UNHCR’s efforts. The most persistent issues included in these resolutions, the recognition that refugee problems were increasing and that funding was less than what was necessary, reflected problems within the international community, but did not reflect changes in or for UNHCR itself. This situation would change somewhat as the organization entered its second decade.

UNHCR in the 1960 and 1970s

The sixteenth General Assembly session (1961) brought two of these changes. In Resolution 1963 (XVI), “Report of the United Nations High Commissioner for Refugees,” while the single

operative paragraph from the fifteenth session remained (although it was reworded and did not distinguish between refugees within or outside the HC's mandate), a new operative clause (o.p. 1) requested the HC "to continue to report to the Executive Committee of the High Commissioner's Programme and to abide by directions which that Committee might give him in regard to situations concerning refugees."

The resolution on "Refugees from Algeria in Morocco and Tunisia" (1672 (XVI)) remained essentially the same, but a new flow of refugees from Angola to the Congo led the General Assembly to ask the HC to use his good offices to assist them and to work in close liaison with the UN in the Congo to provide emergency assistance ("Problem raised by the situation of Angolan refugees in the Congo," 1671 (XVI)).

The situations in northern Africa (Morocco and Tunisia) and the Congo had improved enough that neither area had a resolution devoted to it in the seventeenth session. However, a resolution on "The problem of Chinese refugees in Hong Kong," (1784 (XVII)) resurfaced in familiar form with the General Assembly asking the HC to continue to use his "good office, in agreement with the governments concerned, to provide assistance".

In the major resolution relating to UNHCR itself, "Continuation of the Office of the United Nations High Commissioner for Refugees," (1783 (XVII)), the GA decided to continue the Office for a five-year period from 1 January 1964 (o.p. 1) and repeated its sixteenth session request that the HC "continue to report" to the Executive Committee and abide by its direction.

During the eighteenth session, Resolution 1959 (XVIII), "Report of the United Nations High Commissioner for Refugees," dropped the phrase "continue to report to" the Executive Committee, but did request that the HC continue to provide international protection to refugees and pursue his efforts on behalf of those "within his mandate and of those to whom he extended his good offices, by giving particular attention to new refugee groups, in conformity with the relevant resolutions of the General Assembly and the directives of the Executive Committee of the High Commissioner's Programme."

Requests for assistance from member states and specialized agencies (o.p. 2) remained virtually identical to previous resolutions. In addition, a preambular paragraph 5 commended NGOs "for their untiring activity on behalf of refugees throughout the world." The only other resolution relating to UNHCR adopted during the session was on the "Membership of the Executive Committee of the High Commissioner's Programme," (1958 (XVIII)) which called for enlargement of the committee from 25 to 30 members.

The nineteenth session was one of the most unusual sessions of the General Assembly. First, the session itself was delayed until 1 December at the request of approximately 50 member states who wished to postpone the session until after the conclusion of the Second Conference of Heads of State or Government of Non-Aligned Countries that met in Cairo in October 1964.

Second, when the Session did meet, no resolutions were adopted during the session to avoid any possible confrontations over the question of the applicability of Article 19 of the UN Charter, since the Soviet Union had not paid its dues as a result of Soviet displeasure regarding UN actions in the former Belgian Congo. Consequently, the Report of the High Commissioner was not discussed during the nineteenth session.

The twentieth session returned to normal and took up of what would become a continuing issue for the UN system, refugee flows in Africa. Resolution 2040 (XX), “Assistance to Refugees in Africa,” commended the HC and other IGOs and NGOs for their efforts and asked member states and specialized agencies for assistance. Resolution 2039 (XX), “Report of the United Nations High Commissioner for Refugees,” continued its traditional request for the HC, member states, and specialized agencies to continue their efforts to assist refugees and called upon member states for financial assistance.

During the twentieth session the General Assembly also elected Prince Sadruddin Aga Khan new High Commissioner and expressed its appreciation to Mr. Schnyder who had resigned his position. The General Assembly also dedicated UN Day in 1966 to the cause of refugees in Resolution 2038 (XX).

The twenty-first session marked major changes in the discussion of UNHCR’s role. Resolution 2197 (XXI) on the “Report of the United Nations High Commissioner for Refugees” added a preambular paragraph noting the increasing refugee problems in Africa and other developing countries. It also provided a more extensive discussion of the HC’s role in seeking solutions in paragraph 1: in terms of voluntary repatriation he was to use any steps he considered “appropriate and in conformity with the humanitarian character of his mandate”; with regard to resettlement in countries of asylum he was to provide maximum aid to the host countries “especially developing countries”; and specifically for developing countries he was to [assure] that “plans for the economic and social integration of refugees ... are properly coordinated” with programmes of competent UN organs and specialized agencies.

The remaining two paragraphs asked the UN organs and specialized agencies themselves to take refugee needs into account when considering development plans (o.p. 2) and called for support from member states and specialized agencies (o.p. 3).

However, the most important change regarding UNHCR involved the adoption of the “Protocol relating to the Status of Refugees,” (2198 (XXI)). The General Assembly, in order to provide equal status to those who had become refugees since 1951, took note of the 1967 Protocol that extended such protection and requested “the Secretary-General to transmit the text of the Protocol to the States mentioned in Article V thereof, with a view to enabling them to accede to the Protocol.”

The adoption of the 1967 Protocol stabilized UNHCR’s position as far as General Assembly resolutions were concerned during the next four sessions (XXII-XXV). As in previous years, resolutions adopted during those sessions expressed concerns over the increasing number of refugees in Africa, requested the High Commissioner to continue to provide protection and assistance and to work toward solutions, while calling for support and additional funding from member states.

The resolution for the 22nd session (2294) did ask the HC to work more closely with UNDP and also extended the mandate of the HC for five more years beginning on 31 December 1968. During the 23rd session, Prince Sadruddin Aga Khan’s term as High Commissioner was extended for five years beginning 1 January 1969. The resolution on the High Commissioner’s Report for the 24th session noted with satisfaction that there had been an increase in the number of states contributing funds and acceding to the 1951 Statue and 1967 Protocol; it also expressed

appreciation for the Organization of African Unity's adoption of a Convention Governing the Specific Aspects of Refugee Problems in Africa (10 September 1969).

The next year, Resolution 2650 (XXV) followed up on the OAU Convention by including the phrase "whether groups of refugees or individual refugees" in describing those of concern to the Office. (The OAU convention had included as refugees those forced to flee as groups from internal conflict or disasters as well as those who as individuals fit the 1951 Statute definition.)

In addition, Resolution 2650 noted the importance of interagency cooperation and rural settlement of refugees in developing countries to achieve durable solutions. Further, the resolution repeated the previous year's appreciation for the increase in the number of contributing countries and accessions to the Statute and Protocol, reflecting in part the increased number of member states resulting from the granting of independence to former colonies.

The 26th session resolution on the High Commissioner's Report (2789 (XXVI)) noted the efforts to promote rural settlements and expressed its satisfaction with the HC's participation in the "new country programming system adopted by UNDP" and the "efficient manner" with which the staff carried out its humanitarian tasks, but included no new operative items. Unfortunately, the extensive, new refugee situation in East Pakistan necessitated a two-part resolution (2970) on "United Nations humanitarian assistance to East Pakistan" that identified the High Commissioner as the focal point for assistance to those refugees.

The 27th session resolution on the Report of the High Commissioner (2956 A&B) was virtually identical to the 26th session, although part B did authorize the High Commissioner to use up to US \$1 million annually for emergencies from the Emergency Fund (established in 1957, resolution 1166), provided that no more than \$500,000 be used in any one year for a single emergency.

A second resolution (2957) continued the Office for five years from 1 January 1974, and a third (2958) called for assistance to Sudanese refugees returning from abroad, commending the High Commissioner for "his efficient role in the coordination of relief and resettlement operations of refugees and other displaced persons."

In the next session, although the phrasing was different, there were no significant changes in the operative paragraphs of the resolution on the High Commissioner's Report (2956). A preambular paragraph did refer to the "increasingly useful cooperation between the High Commissioner and other members of the United Nations system, resulting in better coordination of action and greater efficiency in fields of common interest" (p.p. 5).

This reference to coordination was a more specific comment on the theme of cooperation among UN bodies than those which had appeared in previous resolutions. The only other action taken on refugee issues during the 28th session was the re-election of Prince Sadruddin Aga Khan to an additional five-year term as High Commissioner.

Resolution 3271A on the HC's Report for the 29th session, in addition to traditional comments, highlighted increasing problems in Africa by requesting the HC "to facilitate the voluntary repatriation of refugees from Territories emerging from colonial rule." Part B of the resolution expanded the amount the HC could allocate from the Emergency Fund.

A second resolution (3272) established a Group of Experts to elaborate a draft Convention on Territorial Asylum as suggested by the Executive Committee of the High Commissioner's Programme. Finally, Resolution 3274 requested the Office of the UN High Commissioner to "undertake the functions foreseen under the Convention on the Reduction of Statelessness in accordance with Article II after the Convention has come into force" and further decided to review the High Commissioner's opinion on whether the body envisaged in that article should be established.

No significant changes occurred in the 30th or 31st session resolutions on the Report of the High Commissioner (3370). However, a second resolution (3455) in the 30th session did recognize the need for assistance to refugees in Indo-China, and a third (3456) called for a conference of plenipotentiaries to adopt the Draft Convention on Territorial Asylum developed by the Group of Experts, which had been established by resolution 3272 in the 29th session.

While the situation in Indo-China did not result in a resolution during the 31st session, a flow of student refugees from South Africa to Botswana, Lesotho, and Swaziland led to resolution 31/26, "Emergency assistance for South African refugee students." The resolution called for the Secretary-General to organize assistance with help from a variety of UN bodies including UNHCR.

Other than considerable rephrasing of the points traditionally included in the resolutions, the only major additions in the resolution on the Report of the High Commissioner during the 32nd session (32/67) were a preambular paragraph that expressed concern over "the infringements of the basic human rights of refugees and the urgent need on the part of Governments to ensure their effective and continued protection," and operative paragraph 2 that included Asia and Latin America along with Africa as areas where increasing numbers of refugees needed humanitarian assistance.

Resolution 32/68 continued the Office for five years from 1 January 1979. Resolution 32/70 commended the efforts of the High Commissioner to assist refugees in southern Africa from Namibia, South Africa and Zimbabwe and requested continued support for his efforts from UN and other agencies and NGOs, and requested also that the High Commissioner continue his cooperation with the OAU. Finally, Resolution 32/119, on "Assistance to South African student refugees," also commended the efforts of the Secretary-General and High Commissioner in that area and urged continued support from UN bodies, governments, and NGOs.

The concern expressed over infringements on refugees' human rights in the 32nd session was expanded in the 33rd session (33/26), suggesting the existence of a growing problem in that area. Preambular paragraph 5 deplored "the fact that refugees often face the threat of *refoulement*, arbitrary detention and the denial of asylum" and noted that "it is necessary to ensure their basic human rights, protection and safety,..." As in the 32nd session, operative paragraph 2 included Africa, Asia, and Latin America as areas of concern.

The remainder of resolution 33/26 was essentially the same as previous sessions as was the follow-up resolution on "Assistance to South African student refugees" (33/164). An additional resolution, 33/165, called upon states to grant territorial asylum and all the rights and benefits accorded to refugees for those persons fleeing South Africa who refused to serve in the military or police forces used to enforce *apartheid*."

The 34th session saw nothing new in the operative portion of the resolution on the HC's report (34/60), but did welcome the "conclusions and achievements of the Conference on the Situation on Refugees in Africa" held at Arusha in May of 1979 and "noted with satisfaction" the results of "the Meeting on Refugees and Displaced Persons in South-East Asia" convened by the Secretary-General in Geneva in July of 1979 (p.p. 8, 9).

The convening of these meetings reflected the growing problems of refugees in those areas and the recognition by UNHCR, the Secretary-General, and member states that greater efforts and funding were necessary to provide assistance and deal with the problem of burden sharing.

This point was reinforced in two other resolutions. First, Resolution 34/61 on the "Situation of African Refugees" took note of a resolution on refugees in Africa adopted by the OAU in July 1979. The General Assembly commended on-going efforts and called for further assistance in this area. Second, the crisis in Kampuchea was reflected in a resolution on the "Report of the Secretary-General on the Meeting on Refugees and Displaced Persons in South-East Asia" (34/62).

The resolution on student refugees from South Africa (34/174) remained substantially the same as earlier years. However, a new topic appeared in the form of resolution 34/161, "Women refugees." *Recognizing* the urgent needs and problems of women refugees the world over," and "*Conscious* that the situation of women refugees has not been systematically studied" (p.p. 2, 3), the General Assembly decided that the situation of women refugees should be included as an item in the provisional agenda for the World Conference of the United Nations Decade for Women and requested the HC to prepare a report and make recommendations on this issue.

Thus, by the 34th Session there had been changes in several aspects of the role of UNHCR and the global refugee situation: refugee problems had expanded significantly in Africa and Asia; concerns over refugee situations had led to the holding of major conferences in both regions; expressions of concern over human rights violations had grown more frequent in General Assembly resolutions; and a specific category of refugees, refugee women, had been singled out for special attention. These patterns would continue in the coming years.

UNHCR in the 1980s

Serious refugee problems, especially in the Horn of Africa, led to a significant increase in UNHCR activities and General Assembly resolutions in the 1980s. The omnibus resolution on the Report of the High Commissioner (35/41) grew to 11 operative paragraphs from five in the previous session. The preambular portion of the resolution included a recognition of the need to provide assistance to refugee and displaced "women and children" (p.p. 6), concern over *refoulement* (p.p. 7), and concern over "instances of physical attacks on asylum seekers at sea and of military attacks on refugee camps in southern Africa" (p.p. 8).

The operative paragraphs made specific reference to the upcoming conference on Assistance to Refugees in Africa (which was to be organized by the Secretary-General in cooperation with the Secretary-General of the OAU and the High Commissioner as noted in Resolution 35/42), and expressed concern over refugees in Zimbabwe and the treatment of boat and land cases in South-East Asia. Operative paragraph 10 highlighted the increasing importance of coordinating humanitarian efforts by taking note of the High Commissioner's contributions to "the

improvement of the co-ordination and effectiveness of the action of United Nations bodies and other relevant organizations in providing humanitarian assistance to refugees and displaced persons of concern to his Office.”

The concerns over women and children were given further emphasis by two other resolutions. The first, 35/135 on “Refugee and displaced women,” expressed concern over the problems of women and children and emphasized the need to provide emergency relief and health care programs while increasing the role of women in decision-making in refugee centers or camps. The second, 35/187 on “Refugee and displaced children,” marked the first specific resolution dealing with children and stressed that “among the problems posed by the plight of refugee populations, the problem of children is especially anguishing” (p.p. 2).

Part B of Resolution 35/41 on the High Commissioner’s Report expanded the emergency fund to \$10 million overall and provided for up to \$4 million in any one case. The expansion of the emergency fund reflected the increase in refugee emergencies. During the 35th session, resolutions were adopted on refugee situations in Somalia (35/180), Sudan (35/181), Djibouti (35/182), Ethiopia (35/183), and the now annual “Student refugees in southern Africa” (35/184). These new responsibilities placed a heavy burden on UNHCR, one that was pointed out in 35/41, which took note of the efforts of the High Commissioner “to adapt the management of his services to their vastly increased tasks” (o.p. 2).

UNHCR’s efforts to aid refugees were recognized outside the organization as well when it was awarded the 1981 Nobel Prize for Peace. Unfortunately, the awarding of the prize was not accompanied by a decrease in refugee problems, as was apparent from the resolutions adopted during the 36th Session. The resolution on the HC’s Report (36/125) continued to express concerns over *refoulement* and attacks on refugees on the high seas and in refugee camps in southern Africa.

The resolution also reiterated the General Assembly’s concerns about refugee women and added a new category when it commended the High Commissioner’s efforts “on behalf of disabled refugees on the occasion of the International Year of Disabled Persons” (o.p. 9). The resolution also noted the increased number of refugees in Africa, Asia, Latin America and Europe.

Additional resolutions repeated many of those from the 35th session including the “International Conference on Assistance to Refugees in Africa” (36/124) and those on refugees in Somalia (36/153), Sudan (36/158), Ethiopia (36/161), and the students in southern Africa (36/170). Previous resolutions on women and children were not repeated during the 36th Session.

There were no significant changes in this pattern over the next three sessions, the 37th through the 39th. Resolutions on Djibouti, Ethiopia, Somalia, Sudan and the students in southern Africa were adopted each session, although the resolutions on Sudan in the 38th and the 39th sessions commended the efforts of the High Commissioner and the International Labour Organization in creating income-generating activities for refugees in the Sudan. An additional area was added in the 39th session when a resolution on Chad (39/106) asked the High Commissioner to cooperate with the UN Disaster Relief Coordinator in providing assistance to those people displaced as a result of a severe drought.

The resolutions on the International Conference on Refugees in Africa in the 37th and the 38th sessions called for a second conference, which was held in Geneva in 1984. A 39th Session

resolution (39/139) endorsed the Declaration and the Programme of Action adopted at the conference and called for cooperation among the Secretary-General, the OAU, the High Commissioner, and the UNDP.

There were also few changes in the annual resolution on the Report of the High Commissioner (37/195) except for the deletion of references to women, children, and the disabled. Resolution 37/196 called for the continuation of the High Commissioner's office for another five years from 1 January 1984.

No significant additions were made to Resolutions during the next two sessions (40th and 41st), but some old patterns reemerged or were given greater emphasis. On the report of the High Commissioner during the 40th session (40/118), the High Commissioner was commended for his "programmes for refugee and displaced women, especially those undertaken to secure their protection and to help them to become self-sufficient through educational, vocational and the income-generating projects" (o.p. 9).

Refugee women and children were referred to in both the 40th and the 41st session resolutions. The High Commissioner was also given warm appreciation for adopting "the practice of development-oriented assistance" as recommended by the Second Conference on refugees in Africa and urged to continue that process in cooperating with the World Bank and UNDP. This point was reiterated during the 41st session, although in a more generic form without referring to specific UN bodies.

Thus, while development issues and cooperation with other UN agencies in the area had been referred to many times in previous resolutions, these activities began to receive more attention as the burden of refugee situations placed increased pressure on host countries. UNHCR found itself increasingly committed to promoting development activities in cooperation with development agencies in its refugee operations; this was a logical outgrowth of refugee situations, but one which was not explicit in UNHCR's original mandate.

Concerns over the safety of refugees continued to receive strong emphasis as well; three paragraphs in the 40th session resolution and five in the 41st (41/124) were devoted to this issue. The concerns raised by the General Assembly included armed attacks on refugees, the rescue of refugees at sea, the treatment of refugees in host countries including long periods of detention, the need for fair and expeditious procedures to determine refugee status, and their overall safety. These concerns most likely reflected pressures stemming from the large numbers of refugees and, in some cases, their extended stay in refugee camps.

The 40th Session did include a resolution thanking retiring High Commissioner Poul Hartling for the "effective and dedicated manner" in which he performed his duties. Other resolutions devoted to refugees followed the pattern established at the beginning of the decade: resolutions were devoted to the Second Conference on Refugees in Africa, as well as Chad, Djibouti, Ethiopia, Somalia, Sudan, and the students in southern Africa with the addition in the 41st session of a resolution on "Measures of Assistance provided to South Africa and Namibian refugee women and children" (41/123).

This pattern continued through the 42nd Session, but with increased concerns in some areas and the addition of two new regions. Resolutions on the Second Conference on Refugees in Africa, and refugees or displaced persons in Chad, Djibouti, Ethiopia, Sudan, and the students in

southern Africa were consistent with previous General Assembly decisions. However, the resolution on Somalia (42/127) reflected worsening conditions in that country and spelled out more explicitly some of the problems being caused by the refugee presence, which imposed pressure on “public services, in particular education, health, transport and communications, and water supplies” and on the environment “which had resulted in widespread deforestation, soil erosion and the threat of destruction to an already fragile ecological balance” (p.p. 7-8).

The resolution also called upon UNDP to take a leading role (as required by the Second International Conference on Refugees) in developing refugee-related projects in close cooperation with the High Commissioner and the World Bank and listed specifically the other organizations who were to prepare projects and activities in consultation with the government of Somalia for a comprehensive programme of action: FAO, ILO, WHO, UNESCO, UNICEF, UNEP, and WFP (o.p. 7-8).

This more explicit statement of the need for interaction among various UN agencies reflected the growing complexity of refugee problems and their impact on host countries. While many previous General Assembly resolutions had recognized the impact of refugee situations on host countries, the need for burden sharing, especially in Africa, and the need for cooperation and coordination among UN agencies, member states and NGOs, this resolution was one of the first to spell out explicitly the extensive involvement necessary to deal with refugee crises.

Continuing concerns about the impact of apartheid in South Africa led to the calling of an international Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa to be held in September of 1988. The General Assembly welcomed the decision by UNHCR’s Executive Committee to convene the conference in a resolution on that issue (42/106). In addition, a new flow of refugees and displaced persons in Malawi led to a resolution on that situation (42/132).

Another geographic region was added by Resolution 42/110 on “Assistance to refugees, returnees and displaced persons of Central America,” but this resolution actually marked some degree of success as it commended the efforts of the High Commissioner and countries in the region for developing agreements and a process for returning refugees and displaced persons.

Three resolutions were adopted regarding UNHCR itself. Resolution 42/108 continued the Office for an additional five years from 1 January 1988; 42/130 enlarged the Executive Committee to 43 members; and 42/109, on the Report of the High Commissioner, was consistent with the previous session, although it did express greater concern over violations of the *non-refoulement* principle and, for the first time, devoted separate paragraphs to refugee children and women (o.p. 6, 7).

The 43rd session resolution on the Report of the High Commissioner (43/117) followed a similar pattern but included a more extensive discussion of development concerns in both the preambular section and three operative paragraphs (o.p. 15-17), including support for the Project Planning Fund, which had been noted in the UNHCR Executive Committee Report from its 39th Session. The resolution also noted the connection between the problems of refugees and stateless people, called for states to assist the latter (o.p. 9) and welcomed the High Commissioner’s initiatives to promote and disseminate principles of international law and protection (o.p. 18).

Resolutions on Chad, Djibouti, Ethiopia, Malawi, Somalia, Sudan, and students in southern Africa during this session remained similar to previous ones. An additional resolution on Afghanistan, “The situation in Afghanistan and its implications for international peace and security” (43/20), reflected a changed atmosphere resulting from the end of the Cold War; the major powers were now able to agree on a resolution relating to refugees from Afghanistan following Soviet withdrawal from that country. Three paragraphs (o.p. 7, 10, 12) referred specifically to refugees, millions of whom had fled to Iran or Pakistan.

The resolution on the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa (43/116) endorsed the Oslo Declaration and Plan of Action on that issue and requested the Secretary-General, the High Commissioner and the Administrator of UNDP to carry out the tasks assigned to them by the Declaration (o.p. 2, 5). An earlier preambular paragraph noted “the absence of an operational mechanism within the United Nations system dealing specifically with the problems of assistance to internally displaced persons” (p.p. 9), an issue that would assume greater relevance for UNHCR in the next few years and would become part of the omnibus resolutions on the High Commissioner’s Report.

An additional resolution on the International Conference on Central American Refugees (43/118) requested the High Commissioner to organize the conference, to be held in May of 1989, in close cooperation with UNDP and other bodies. The resolution also noted that tripartite commissions, “composed of representatives of the country of asylum, the country of origin and the Office of the High Commissioner,” constitute an ongoing mechanism for solving refugee problems, an approach used successfully in other refugee situations.

Another conference was the subject of Resolution 43/119, the International Conference on Indo-Chinese Refugees, which called upon states, agencies, regional bodies, IGOs, and NGOs to support the conference to be convened by the Secretary-General in early 1989. Finally, as far as the 43rd session was concerned, the General Assembly adopted a resolution on “Human rights and mass exoduses” (43/154).

The Assembly noted that it was *deeply disturbed* over the “scale and magnitude of exoduses of refugees and displacements of populations” and the level of suffering of refugees and displaced persons, and it further noted that it was “*conscious* of the facts that human rights violations are one of the multiple and complex factors causing mass exoduses” and the burdens they caused, especially on developing countries. While not referring specifically to UNHCR, it did recall the recommendations of the Group of Governments Experts on International Cooperation to Avert New Flows of Refugees that “the principle organs of the United Nations should make fuller use of their respective competencies under the Charter of the United Nations for the prevention of new massive flows of refugees and displaced persons.”

This was one of the first resolutions to express explicitly the relationship between human rights violations and refugee flows and reflected a growing concern about the need for UNHCR and other UN bodies to be active in a broader human rights context.

The 44th session did not witness new geographical areas of concern, but did reflect deepening crises in already existing situations. Resolutions on Malawi, Djibouti, Chad, student refugees in Southern Africa, Somalia, Sudan, and Afghanistan covered familiar territory, but the last three expressed additional concerns over the severity of the problems (Sudan), the need to suspend the

delivery of humanitarian assistance (Somalia), and the presence of landmines which inhibited the return of refugees (Afghanistan).

International conferences continued to play a major role in addressing refugee problems. The General Assembly welcomed UNHCR activities and the adoption of various Plans of Action regarding the plight of refugees in Southern Africa (44/136), Indo-Chinese refugees (44/138) and refugees in Central America (44/139). All of these recognized the need for additional support from member states, UN bodies, and NGOs; 44/139 also expressed concerns over ecological issues and a reduction in the UNHCR budget for the region and called for continued cooperation between UNHCR and UNDP.

The expanding relationship between refugee issues and other areas of human rights was also reflected in two other resolutions that referred to UNHCR or refugees as part of the overall document: "Implementation of the International Plan of Action on Aging and related activities" (44/67) and "Universal realization of the right of peoples to self-determination" (44/80). The resolution on "Human rights and mass exoduses" (44/164) also emphasized that relationship but was not significantly different from previous resolutions on that topic.

With regard to the Report of the High Commissioner (44/137) the resolution expressed concern about family security (p.p. 10) and the unprecedented financial crisis facing the Office and stressed the need for member states to protect the institution of asylum and ensure appropriate procedures (o.p. 3-5). The resolution also expressed appreciation for efforts to follow-up or carry out the decisions of various conferences on refugees and displaced persons. In a separate decision (44/312), the General Assembly elected Mr. Thorvald Stoltenberg as High Commissioner for a four-year term beginning on 1 January 1990.

As in the 44th session, several resolutions during the 45th session included references to refugees as part of their overall coverage: "Humanitarian assistance to victims of natural disasters and similar emergency situations" (45/100), "Promotion of international co-operation in the humanitarian field" (45/102), "Instrumental use of children in criminal activities" (45/115), and "Universal realization of the right of peoples to self-determination" (45/131).

These resolutions further reinforced the notion that refugee issues were intimately related to other human rights concerns. This notion was also supported by the resolution on "Human rights and mass exoduses" (45/153), which again called upon United Nations organs to make fuller use of their respective competencies in carrying out humanitarian assistance and called upon the High Commissioner and others to participate in early warning activities.

Other resolutions during the 45th session repeated support for carrying out the decisions of international conferences and dealt with refugee situations in Afghanistan, Chad, Djibouti, Ethiopia, Malawi, Somalia, Sudan, and students in southern Africa. Liberia and Mozambique joined the areas of concern with their own resolutions (45/141 and 45/232 for Liberia; 45/227 for Mozambique).

In addition, Resolution 45/266 ("Financing of the United Nations Mission for the Referendum in Western Sahara") referred to UNHCR's role in that process by noting the importance of the repatriation program to be carried out by UNHCR (p.p. 6), which was also charged with compiling a census of refugees as part of the overall mission.

Finally, 45/140, on the Report of the High Commissioner, while similar in most respects to preceding resolutions, included comments on refugee and “other migratory flows” (o.p. 2) and the need to “note the difference between refugees and persons seeking to migrate for economic and related reasons” (p.p. 15). The resolution also placed greater stress on inter-agency cooperation in operative paragraphs 13 and 14.

It called upon the High Commissioner “to sustain his efforts in assuring greater inter-agency cooperation in responding to the needs of refugees and ... in seeking to complement the humanitarian endeavors of the Office of the High Commissioner with development initiatives from specialized agencies” (o.p. 13) and welcomed ECOSOC resolution 45/78, which called upon the Secretary-General to initiate a “system-wide review to assess the experience and capacity of [UN organizations] in the coordination of assistance to all refugees, displaced persons and returnees and the full spectrum of their needs...” (o.p. 14).

Thus, as UNHCR moved towards a “celebration” of forty years of existence, its areas of concern now included several countries of Africa, Asia, and Latin America; it was now regularly asked to focus on special groups among refugees including women, children, and the aged; it was routinely expected to assist with displaced persons who were not part of the original mandate (though the mandate allowed for additional groups to be included); and it was expected to coordinate its programmes with the development plans of UNDP and member states and to coordinate its activities with other agencies in the area of humanitarian assistance.

New approaches and increased calls for coordination

The 46th session marked a number of significant changes both within UNHCR and in the nature of resolutions relating to the Office. Mrs. Sadako Ogata was elected to the post of High Commissioner as of 1 January 1991. Her tenure was accompanied by changes in the structure and focus of the Office. In addition, the end of the Cold War, while offering new hope for long-term cooperation among member states, also unleashed unforeseen and new varieties of conflict that led to increases in the number and complexity of refugee movements and other displacements.

Preambular paragraph 4 of the Omnibus resolution (46/106) reflected the High Commissioner’s new approach to address refugee situations as it welcomed her threefold strategy in that area: enhancement of emergency preparedness and response mechanisms, a concerted pursuit of the preferred durable solution of voluntary repatriation and the promotion of solutions through preventive measures.

Another preambular paragraph (p.p. 7) noted that “the relationship between human rights and refugee flows merits further consideration.” A new operative paragraph (o.p. 3) recognized the need for “vigorous promotion of existing protection principles, as well as full and open debate on new directions for protection....” Operative paragraphs 6 and 7 took note of the general conclusions of the 42nd session of ExCom on international protection, in particular refugee status determination, and the decision to establish a new post of coordinator for refugee children.

The resolution also commended the High Commissioner on the Guidelines on the Protection of Refugee Women (o.p. 8). Later paragraphs strengthened or revised the language on coordination, referring to an ExCom decision on interagency-cooperation (o.p. 15) and, as usual, called for

additional funding, although greater emphasis was placed on support from donors other than member states, particularly the private sector.

The emphasis on coordination was consistent with changes in the United Nations overall humanitarian structure contained in General Assembly Resolution 46/182. This resolution established the post of the Emergency Relief Coordinator (ERC), laid the ground work for the Department of Humanitarian Affairs (DHA) and the Inter-Agency Standing Committee (IASC), strengthened the Central Emergency Revolving Fund (CERF) and called for more extensive coordination efforts on the part of the UN system in the humanitarian area. These changes followed on the heels of the Gulf War and the extensive humanitarian effort to assist the Kurdish population in northern Iraq and reflected concerns about the effectiveness of the United Nations in that effort.

Additional changes at the regional level were reflected in two other resolutions during the 46th session. In what was perhaps a move towards greater efficiency in the preparation of resolutions, but perhaps more importantly a recognition of the general pattern and interrelatedness of refugee situations throughout Africa, the GA adopted Resolution 46/108 on “Assistance to refugees, returnees and displaced persons in Africa.”

The resolution recalled previous resolutions on Liberia, Somalia, Chad, Djibouti, Malawi, Sudan, Ethiopia, student refugees in southern Africa, and the Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa. The resolution took note of the need to strengthen the overall coordination of relief programs for refugees, returnees and displaced persons and devoted several paragraphs to each situation.

The operative paragraphs called for continued action and support from the Secretary-General, UNHCR, IGOs, NGOs and member states and requested the Secretary-General to assess the “environmental and socio economic impact of the prolonged presence of refugees in the host countries” (o.p. 10).

Resolution 46/107 on the “International Conference on Central American Refugees” recognized and welcomed the progress that had been achieved in dealing with the situations of refugees and displaced persons in Central America, in particular the assistance provided by Belize and Mexico. Finally, Resolution 46/105 called for enlargement of the Executive Committee from 44 to 46 states as requested by Ethiopia and Hungary.

The Omnibus resolution for the 47th session (47/105) expanded on some of the changes introduced in the previous session and brought in some new issues, reflecting disturbing developments in attitudes toward refugees and, more importantly, the tragic events occurring in the former Yugoslavia, the Middle-East and Somalia. The resolution itself went from 18 to 23 operative paragraphs.

While many of the preambular and operative paragraphs remained the same, those on women and children were more extensive. Operative paragraph 6 expressed appreciation for cooperative efforts “to eliminate all forms of discrimination, sexual exploitation and violence against female refugees and asylum-seekers and in promoting their active involvement in decisions affecting their lives and communities”; o.p. 7 noted the importance of “promoting measures to ensure protection and well-being of refugee children, in particular unaccompanied minors, in

coordination with States and other international, intergovernmental and non-governmental organizations.”

Environmental concerns were raised in a new operative paragraph (o.p. 8), which welcomed the proposal by the HC “to appoint an environmental coordinator to develop guidelines and take other measures for incorporating environmental considerations into the programmes of the Office.”

Several paragraphs spoke to the issues of refugee law, preparedness, preventive measures, addressing root causes, voluntary repatriation, integration in the country of asylum and resettlement. The phrasing and placement of these paragraphs varied considerably from earlier resolutions, a trend that recurs throughout this period.

This may reflect a difficulty member states were having in reaching agreement on how to phrase these issues. Also, while there was public agreement that voluntary repatriation was the preferred solution and that integration and resettlement, while not the preferred durable solution, were legitimate long-term responses, several delegations may have been struggling with the idea of how to word such issues so as not to encourage integration or resettlement at their own expense in order to avoid long-term commitments. This concern marked a shift from the early years of UNHCR’s protection and solution efforts where the assumption was that refugees would not want to return to their former place of residence and the emphasis was on resettlement.

While finding the appropriate phrasing to deal with UNHCR and member state responsibilities and finding solutions were on-going problems, new paragraphs reflected additional concerns that had arisen despite the end of the Cold War. Operative paragraph 14 welcomed the High Commissioner’s activities in favor of internally displaced persons (IDPs); o.p. 16 deplored “ethnic and other forms of intolerance as one of the major causes of forced migratory movements”; and o.p. 18 expressed concern over “xenophobia and racist attitudes in segments of the population in a number of countries receiving refugees and asylum seekers.”

These paragraphs appear to be a direct response to the problems occurring in the former Yugoslavia and the resulting movement and reception of refugees into western European countries. They were accompanied by another new operative paragraph that took note of the relationship between refugee flows and respect for human rights, an extension of a preambular clause from the previous omnibus resolution of the 46th session. In a welcome addition, another operative paragraph (o.p. 11) took note of “the significant voluntary repatriation movements” that had taken place in 1992.

Finally, the Omnibus resolution included a more extensive statement on coordination (o.p. 19), encouraging the High Commissioner to work closely with the USG for Humanitarian Affairs, and a more strongly worded statement on staff security and the safe delivery of humanitarian assistance (o.p. 20).

Three other resolutions were adopted during the session relating directly to refugees or the Office. Resolution 47/104 continued the Office through 31 December 1998. Resolution 47/103 on the “International Conference on Central American Refugees” reaffirmed the General Assembly’s support for the progress being made in Central America. And 47/107 continued the pattern of including various situations in Africa under the heading of “Assistance to refugees, returnees and displaced persons in Africa,” which had been initiated in the 46th session.

The current resolution added two paragraphs: a preambular paragraph “deplored acts of aggression against personnel of humanitarian organizations” and stressed the need to guarantee their safety (p.p. 11); operative paragraph 7 requested that governments, IGOs and NGOs “pay particular attention to the special needs of refugee women and children.” A previous request from 46/106 calling for assessment of the “environmental and socio-economic impact of the prolonged impact of refugees” was not included here, although a paragraph on welcoming the appointment of an environmental coordinator had been included in the omnibus resolution as noted above.

In many respects the Omnibus resolution for the 48th session (48/116) brought together the concerns that had evolved throughout previous sessions. Various operative paragraphs noted or called attention to the importance of UNHCR’s international protection role, accession to the Convention and Protocol, upholding the principles of asylum and *non-refoulement*, the security of refugees, the special needs of women and children, concerns about the environment, international solidarity and burden-sharing, durable solutions, prevention of conditions that give rise to refugee outflows, support for IDPs, the safety and security of humanitarian personnel, and the provision of adequate funding and resources.

Strong statements on upholding the principles underlying asylum were, however, accompanied by a new preambular paragraph that recognized that “in certain regions, the misuse by individuals of asylum procedures jeopardizes the institution of asylum and adversely affects the prompt and effective protection of refugees” (para. 11). The inclusion of this statement reflected some of the concerns of receiving countries who were finding it difficult to cope with large numbers of asylum-seekers arriving as a result of the increased number of post-Cold War conflicts and who, especially in the case of the United States, no longer felt obliged to grant asylum to persons fleeing former communist systems.

Other aspects of 48/116 were influenced by changes in the international system as well. Conflicts in the former Yugoslavia, the Horn of Africa, and the former republics of the Soviet Union, growing numbers of IDPs, the Vienna Conference on Human Rights, and continuing refugee situations, *inter alia*, contributed to increased awareness of the relationship between human rights violations and humanitarian concerns and the need to better coordinate the delivery of humanitarian assistance.

At least six paragraphs in the Omnibus resolution (o.p. 14-15, 18-20, 21) referred to the need for enhanced cooperation or coordination between UNHCR and UN human rights organizations, the ERC, DHA, the IASC, other UN bodies, IGOs, NGOs, and regional bodies. A new paragraph (o.p. 21) welcomed the establishment of the Partnership in Action (PARinAC) process in conjunction with the International Council of Volunteer Agencies (ICA) and non-governmental organizations. While these ideas were not new, they were given more prominent status than in prior years.

Several other resolutions on refugees were adopted during the session. Resolution 48/113 took note of a proposal to convene a UN conference for the comprehensive consideration and review of the problems of refugees, returnees, displaced persons and migrants” and called for the Secretary-General to prepare a report based on recommendations from member states. A specific resolution on “Emergency international assistance to refugees and displaced persons in

Azerbaijan” (48/114) called for assistance to Azerbaijan to mitigate some of the consequences of its ongoing dispute with Armenia.

A resolution on the International Conference on Central American Refugees (48/117) expressed support and welcomed the progress being made through the CIREFCA process in Central America and referred specifically to the transfer of the lead-agency role from UNHCR to UNDP. The now annual resolution on “Assistance to refugees returnees and displaced persons in Africa” added Eritrea to the list of countries, but otherwise remained essentially the same. Finally, Resolution 48/115 recommended enlargement of ExCom from 46 to 47 members, the *note verbale* having been submitted by Spain.

Other resolutions relating to the work of the Office were adopted during the 48th session. Resolutions on “Human rights and mass exoduses” (48/139) and “Strengthening of the coordination of humanitarian emergency assistance of the United Nations” (48/57) followed patterns of previous years. Internally displaced persons (48/135) and landmines (“Assistance in mine clearance (48/7) received their own resolutions, reflecting their increased significance on the global agenda.

As in recent sessions, the Omnibus resolution for the 49th session (49/169) mirrored the increased numbers of displaced persons resulting from various crises and the growing complexity of these situations. A much stronger version of the last preambular paragraph from the previous resolution was moved close to the beginning of 49/169 (p.p. 3): “Expressing deep concern at the immense human suffering and loss of life which have accompanied recent crises involving refugee flows and other forced displacements, as well as the magnitude and complexity of current refugee problems, which have made more difficult the accomplishment of the High Commissioner’s crucial functions of ensuring international protection for refugees and achieving timely and durable solutions to their plight,…” The paragraph reflected both the gravity of the overall situation as well as a possible sense of frustration on the part of member states and humanitarian agencies.

The complexity of the problems facing UNHCR was highlighted throughout the resolution. Three new preambular paragraphs on IDPs noted that (1) the underlying causes of involuntary internal displacement and refugee movements were similar (p.p. 13), (2) internally displaced persons and refugees were often present together so that it was “neither reasonable nor feasible to treat the categories differently,” and (3) “comprehensive approaches in consultation and coordination with the State concerned were important components of a comprehensive approach to the prevention and solution of refugee problems” (p.p. 14). Several operative paragraphs reiterated support for UNHCR’s protection mandate, called for accession to the Convention and Protocol, pointed out the need for access to fair procedures for refugees seeking asylum, and deplored threats to their safety and fundamental rights.

The difficulties facing UNHCR in carrying out this mandate were reflected in other paragraphs. Operative paragraph 12 stressed the need for access to persons in need of protection and assistance, while o.p. 16 recognized the link between humanitarian and peacekeeping operations as well as the need to preserve the impartial and purely humanitarian nature of the activities of the Office. Operative paragraph 9 pointed out that the Office’s role in promoting voluntary repatriation included assistance in reintegration and, in cooperation with the states concerned, “the monitoring of their safety and well-being upon return.” These paragraphs expressed on

paper the problems UNHCR faced in the field in delivering humanitarian assistance and ensuring international protection.

Other paragraphs reflected philosophical and cultural issues that also impinged upon the work of the Office. Operative paragraph 10 emphasized that “activities on behalf of internally displaced persons must not undermine the institution of asylum, including the right to seek and enjoy in other countries asylum from persecution...” While this statement was supportive of UNHCR’s basic mandate, it also represented a concern of the Office that its activities on behalf of IDPs not be construed in a manner that would suggest that conditions were safe for refugees in their country of origin and that they should not seek asylum elsewhere, obviating the need for receiving countries to accept them and possibly, from the country’s point of view, justifying *refoulement*.

In another extension of previous statements, the traditional paragraph on women and girls noted that activities for women in a variety of areas (e.g. education and reproductive health), must be carried out “with full respect for the various religious and ethical values and cultural background of the refugees, in conformity with universally recognized human rights” (o.p. 19). This phrasing incorporated a compromise between what academicians would term the cultural relativist and universalist views of human rights and reflected a sensitivity that would color discussions in the United Nations throughout the rest of the decade on such issues as woman’s rights, reproductive health, IDPs and humanitarian intervention in general.

There were also two significant substantive changes incorporated in 49/169, both resulting in part from the nature of post-cold war conflicts. Operative paragraph 7 introduced in resolution form the notion of “temporary protection” as an additional measure to ensure international protection, while o.p. 20 called upon the High Commissioner to fulfill her responsibilities with respect to statelessness (under GA Resolution 3275 (XXIX)). Finally, strong calls for coordination and cooperative efforts with various elements of the UN system were reiterated in several paragraphs of the resolution.

The most significant change among other resolutions related to the Office resulted from the tragic situation in Rwanda. The General Assembly adopted resolution 49/23 on “Emergency international assistance for the solution to the problem of refugees, the restoration of total peace, reconstruction of socio-economic development in war-stricken Rwanda” and 49/24, “Special assistance to countries receiving refugees from Rwanda.”

The situation in Rwanda was also included in the annual resolution on “Assistance to refugees, returnees and displaced persons in Africa” 49/174. Another issue that would become the topic of biannual resolutions made its first appearance during the 49th session in 49/172, “Assistance to unaccompanied refugee minors.”

In a follow up to resolution 48/113 on the proposal for an international conference on refugees, the General Assembly called upon the High Commissioner to continue her efforts “to promote and develop a preparatory process, leading to the convening, not later than 1996, of a regional conference on displacement and refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the commonwealth of independent states and relevant neighboring states.”

On the other hand, there were no resolutions regarding the Central American situation. The now annual resolution on enlarging the membership of ExCom called for an increase from 47 to 50 members on the basis of proposals from Bangladesh, the Russian Federation and India (49/171)

While the 49th session had reacted to the tragic situation in Rwanda and continuing strife in the former Yugoslavia, by the 50th session some positive developments had occurred, primarily in Africa. The major crisis in Rwanda had seemingly abated, although it quickly resurfaced in the Democratic Republic of the Congo and other countries, and UNHCR had completed its successful reparation effort in Mozambique. The signing of the Dayton Accords also suggested a possible resolution of the fighting in Bosnia and Herzegovina. Coordination and cooperation among international organizations had also apparently improved.

These events were incorporated to some extent in the 50th session Omnibus resolution (50/152). There was less focus on coordination issues (e.g. no specific references to the ERC, peacekeeping operations or PARinAC), and less attention was given to internally displaced persons (o.p. 8), although this was probably compensated for by the resolutions on “Protection of and assistance to internally displaced persons” (50/159) and “Human rights and mass exoduses

(50/182), which contained several paragraphs relevant to UNHCR, refugees and displaced persons. At the same time the Omnibus resolution placed increased emphasis on statelessness (o.p. 17-19) and voluntarily repatriation, specifically the right to return (o.p. 17-19), two issues that had become more prominent as a result of the crisis in Rwanda and the former Yugoslavia.

Statements on protection, the humanitarian and non-political character of the Office, the importance of asylum, and access to fair procedures were still prominent, but there were now separate paragraphs on “the right to seek and enjoy in other countries asylum from persecution” (o.p. 4), “the importance of resettlement as an instrument of protection”(o.p. 6), and ethnic violence and “intolerance, racism and xenophobia” (o.p. 11), probably a reaction to the continuing trend in many receiving countries towards more restrictive policies in the face of massive flows of displaced persons.

The paragraph on the relationship between human rights and refugee situations (o.p. 9) was also broadened to include the idea of the importance of the rule of law, justice and accountability, calling upon the Office “within its mandate and at the request of the Government concerned, to strengthen its support of national efforts at legal and judicial capacity-building, where necessary, in cooperation with the United Nations High Commissioner for Human Rights.”

As a response to problems in refugee camps themselves, there was also a very strong statement on maintaining the “exclusively civilian and humanitarian character” of camps and promoting physical protection and access to refugees and asylum seekers (o.p. 13). There was less attention given to staff safety and security and no separate paragraph on refugee children. Finally, the last paragraph, on funding support, included the call for the international community to demonstrate “international solidarity and burden-sharing.”

Positive trends were reflected extensively in the annual resolution on “Assistance to refugees, returnees and displaced persons in Africa” (50/149). First, the resolution was much shorter than previous versions. This was achieved by omitting several preambular paragraphs that described specific situations in a variety of African countries.

Second, the resolution took note of the “regional Conference on Assistance to Refugees, Returnees, and Displaced Persons in the Great Lakes Region” (15-17 February 1995, Bujumbura) and welcomed the results of the conference, including the strengthening of cooperation between UNHCR and the OAU.

Third, the resolution noted with satisfaction “the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration carried out by the Office” (o.p. 16). Finally, the overall tone of the resolution was much more positive, with nine of the initiating phrases either welcoming, appreciating, or commending various activities or situations, compared to only three such instances in the previous year.

In other refugee-related resolutions for the 50th session, Resolution 50/151 on the “Comprehensive consideration and review of the problems of refugees, returnees, displaced persons and the related migratory movements” welcomed the establishment of a common secretariat for the preparation of the CIS Conference (UNHCR, IOM, OSCE); 50/150 dealt with “Assistance to unaccompanied refugee minors”; and 50/288 called for the enlargement of the Executive Committee from 50 to 51 members (Ireland).

The set of resolutions for the 51st Session of the General Assembly reflected changes in approaches to refugee situations as well as shifts in emphasis regarding traditional issues. The Omnibus resolution itself (51/75) underwent a number of modifications. On a structural level, it was reduced from nine to six preambular paragraphs and 24 to 20 operative paragraphs. Most of the ideas from the “missing” paragraphs were incorporated into other operative paragraphs or appeared in other resolutions.

The major concepts remained in place (the humanitarian and non-political character of the Office, accession, the right to seek and enjoy asylum, access to fair procedures, concerns about violence against refugees, access to asylum-seekers, refugees and others of concern, international protection, durable solutions, human rights concerns, coordination, the need for funding and support), but the emphasis had changed somewhat.

Three paragraphs on voluntary repatriation from the 49th session were now two, and three paragraphs on statelessness were reduced to one. On the other hand there were two paragraphs stressing the need for comprehensive approaches, one commenting on addressing root causes, preparedness, protection and durable solutions, and the other emphasizing the value of regional approaches, especially in reference to recent conferences in Africa and the CIS.

The paragraph on women (o.p. 8) extended an approach that had been adopted in the Omnibus resolution for the 50th session (o.p. 12 of 50/152). That resolution, in responding to the adoption of the Platform for Action adopted at the Fourth World Conference on Women, had called upon the High Commissioner to “support and promote efforts by States towards the development and implementation of criteria and guidelines on responses to persecution, including persecution through sexual violence or other gender-related persecution, specifically aimed at women for reasons enumerated in the 1951 Convention and 1967 Protocol, by sharing information on States’ initiatives to develop such criteria and guidelines.”

The 51st session resolution called upon “States to adopt an approach that...ensures that women whose claims to refugee status are based upon a well-founded fear of persecution, including persecution through sexual violence or other gender-related persecution, are recognized as

refugees for reasons enumerated in the 1951 Convention and its 1967 Protocol.” At the time, the head of UNHCR’s Protection Division, stated that this approach was more likely to achieve success than opening up debate on the definition of refugee status, since such a debate could very well have led to a narrowing, rather than a broadening of the definition (*conversation with Dennis McNamara*).

While the paragraph on women had been modified over the last two years from previous versions, once again the paragraph on children was absent. This was also true of earlier paragraphs on the environment and ethnic intolerance and xenophobia. As noted above, however, these ideas were incorporated respectively in the resolutions on “assistance to unaccompanied refugee minors” (51/73), “Assistance to refugees, returnees and displaced persons in Africa” (51/71), and, during the next session, “Human rights and mass exoduses” (52/132; *this agenda item was now considered biennially*).

The resolutions on “Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of the Independent States and Relevant Neighbouring States”(51/70 and 52/102) welcomed the successful conclusion of the conference and the innovative and cooperative efforts of UNHCR, IOM, and OSCE, and called for cooperation between UNHCR and the office of the High Commissioner for Human Rights on these matters.

During the 51st session the General Assembly also approved resolution 51/72 on the enlargement of the Executive Committee from 51 to 53 States (Poland and South Africa), and during the 52nd session it approved the “Continuation of the Office of the United Nations High Commissioner for Refugees for further period of five years from 1 January 1999 (52/104).

An increased role for ExCom

There was no radical shift of direction in the evolution of the Omnibus resolutions in the mid-1990s, but there was a change in the relationship between the work of the Executive Committee and the development of the Omnibus resolution during that period. Previous resolutions had welcomed the Report of the Executive Committee and occasionally referred to ExCom Conclusions, but the Omnibus Resolution for the 52nd session (52/103) was the first to actually endorse the Report in the first operative paragraph.

Such an endorsement may have enabled the General Assembly to express support for agreement reached in ExCom sessions without specifying each of the points of agreement, and made it easier to use the phrasing adopted by Executive Committee members as “agreed language” for the resolution in Third Committee. The major theme of the Executive Committee session on voluntary repatriation was included in o.p. 9 and had separate paragraph devoted to it as o.p. 12.

The resolution followed its predecessor from the 51st session by reducing the number of paragraphs (now four preambular and 17 operative.) But the idea that refugee protection is primarily the responsibility of the states was given a separate paragraph (o.p. 4); increased attention was paid both to camp safety, in particular to the need to prevent the infiltration of armed elements and identify and separate such elements from refugee populations (o.p. 7), and to the safety and security of UNCHR staff and humanitarian personnel (o.p. 8).

Operative paragraph 14 included a much stronger statement on the relationship between refugee situations and development, calling for sustainable reintegration by providing countries of origin with necessary rehabilitation and development assistance in conjunction, as appropriate, with the Office...and relevant development agencies,” and noting that UNHCR should strengthen its cooperation and coordination with relevant development agencies. A paragraph on children was included after several years’ absence, calling attention, in particular, to concerns regarding the vulnerability of refugee children and the issue of children and armed conflict. Finally, there were separate paragraphs discussing the situation of IDPs and stateless persons.

The Omnibus resolution for the 53rd session (53/125) also reflected greater coordination between the work of ExCom and the development of the resolution itself. The resolution received strong support in New York (124 co-sponsors). Apparently member state missions in Geneva communicated well with counterparts in New York, and, according to an analysis prepared by the Secretariat for Inter-organizational Services (SIOS), states were pleased that the resolution introduced “elements from the debate on international protection and the annual theme at the Standing Committee and ExCom sessions.” A few delegations wanted to include exact wording from ExCom conclusions in some of the operative paragraphs.

This resolution was almost a prototype document for the 1990’s, embodying a coherent and precise description of the major issues and principles of concern to UNHCR and the international community. The resolution’s paragraphs had little overlap or duplication, and delegations felt “that its language was positively stronger than in past years. Moreover, the text was clear, concise and focused”.

The resolution’s three preambular paragraphs preformed the necessary functions of taking note of the report of the High Commissioner and thanked her staff for their courage and dedication in carrying out their responsibilities. The 21 operative paragraphs (up from 17 the previous year) each spoke to a separate issue, for the most part using language previously agreed to in other resolutions.

The resolution did include changes from the 52nd session. Paragraph 4 took note of the 50th anniversary of the Universal Declaration of Human Rights and served as a lead-in to the reference to Article 14 of the Declaration in o.p. 5. A new paragraph on elderly refugees pointed out that 1999 had been declared the International Year of Older Persons. Elderly refugees now joined women and children on a list of “vulnerable groups,” and would continue to be included in future resolutions. Capacity-building was introduced in paragraphs 14 and 15, inspired by the GAP consultations and built around language from the previous year’s o.p.14. Paragraphs on accession and statelessness were reintroduced , responding in part to concerns raised the previous year by India and Russia respectively, who subsequently co- sponsored the resolution.

The issue of IDPs was also reintroduced. Paragraph 16 noted the need to seek” the consent of the State concerned” and that “activities on behalf of internally displaced persons must not undermine the institution of asylum.” Perhaps more significantly, the paragraph began by noting the “relevance” of the Guiding Principles on Internal Displacement, which had been compiled from international documents by the Secretary-General’s Special Representative on IDPs, Francis Deng.

The status and inclusion of the “guiding principles” eventually became a source of considerable debate during the Humanitarian Affairs Segment of the 2000 session of ECOSOC and

subsequent discussions of the Omnibus resolution during the 55th session of the General Assembly (see below). But at this point in time (the 53rd session), there were apparently no major concerns expressed about including a paragraph on IDPs.

The Omnibus resolution for the 54th session (54/146) was basically the same as that of the 53rd, although there were some additions to commemorate important events and some minor modifications to the text. Operative paragraph 4 referred to the 50th anniversary of the Geneva Conventions, o.p. 5 noted the 30th anniversary of the OAU Convention Governing Specific Aspects of Refugee Problems in Africa, and o.p. 20 recognized that 1999 had been declared the International Year of Older Persons.

The paragraph on staff safety and security (o.p. 11) welcomed the coming into force of the United Nations Convention on the Safety of United Nations and Associated Personnel and included a reference to initiatives designed to widen its *ratione persona*. In the only major substantive addition, o.p. 21 recalled that “the family is the natural and fundamental group of society” and called for measures “to ensure that the refugee’s family is protected, including measures aimed at reuniting family members separated as a result of refugee flight.” Several operative paragraphs incorporated ideas or language from the 1999 ExCom conclusions, paragraphs 20 and 21 in particular.

According to SIOS’s analysis of the process surrounding the debate on the resolution, the only major dispute centered on whether to include a reference to the Security Council debate on armed attacks and threats to the security of refugees in camps in o.p. 10. Inclusion of the reference was supported by the United States, but opposed by several developing countries; the reference was not included in the final version. Although there were some procedural problems during the negotiating process (many new delegates and a last minute change in the resolution’s coordinator), starting the negotiating process early in Geneva contributed to the adoption of a resolution that was relatively unchanged from its initial draft.

As with the Omnibus resolution for the 54th session, the other resolutions adopted during the 53rd and 54th sessions on the follow-up to the CIS conference (53/123; 54/144), assistance to unaccompanied minors (53/122; 54/145), and assistance to refugees, returnees and displaced persons in Africa (53/126; 54/147) followed the format of their predecessors with only a few changes in the 54th session.

The follow up to the CIS conference (54/144) called for a continuation of issues outlined in the Programme of Action beyond 2000 and the need for “Concrete proposals for a possible follow-up mechanism to the Conference for a period after the year 2000”; 54/145 on unaccompanied minors requested the Secretary-General to report on the topic in two year’s time rather than one; and the resolution on assistance in Africa (54/147) made reference to the ministerial meetings held in Khartoum, Algiers and Mauritius, where “important conclusions had been adopted relating to refugees and displaced persons in Africa” and drew attention to the need for humanitarian concerns to form part of peace settlements. Finally, the annual enlargement of ExCom was approved with an increase from 53 to 54 during the 53rd session (53/122: Mozambique), and from 54 to 57 in the 54th session (54/143: Cote d’Ivoire, Republic of Korea and Chile).

During the 55th session, two new resolutions were introduced on refugee matters: one recognized the “fiftieth anniversary of the Office of the United Nations High Commissioner for Refugees

and World Refugee Day. The second, entitled “Ad hoc Committee of the General Assembly for announcement of voluntary contributions to the Programme of the United Nations High Commissioner for refugees” (55/75), decided that the annual pledging conference could be convened in Geneva, a move the Office felt would improve the outcome of the conference. As usual, the General Assembly requested ECOSOC to elect an additional member of ExCom, bringing the total to 58 (Mexico). The resolution on unaccompanied minors, as noted above, was now being prepared on a bi-annual basis and was not present in the fall of 2000. Similarly, the Russian Federation decided not to submit a resolution on the follow-up to the CIS conference.

The “African” resolution (55/77), though now a total of 50 paragraphs (15 preambular and 35 operative), was based extensively on that of the 54th session with additional phrasing or paragraphs “designed to update and consolidate the considerable achievements” of that text. The Omnibus resolution (55/74) included a new paragraph expressing appreciation and gratitude to Mrs. Ogata for her efforts and inspiring example as High Commissioner (o.p. 3). It also contained more extensive statements on staff safety and security (o.p. 12-14), while o.p. 7 welcomed UNHCR’s proposal for global consultations on international protection.

Paragraphs on women, children, the elderly, and the family were essentially unchanged, except for the addition of the category of disabled refugees in o.p. 23. The wording in operative paragraph 20 on internally displaced persons used the exact wording of operative paragraph 17 from the previous year’s Omnibus resolution; however, the inclusion of this paragraph led to intense discussions behind the scenes before the adoption of the resolution.

These discussions on IDPs did not threaten the adoption of the Omnibus resolution, but they did lead to an unprecedented call for a vote on operative paragraph 20 by Egypt. This occurred prior to the Third Committee’s adoption of the resolution as a whole by consensus. The issue of concern to Egypt was not related to UNHCR or refugees *per se*, but rather to the resolution’s reference to the Guidelines and Principles on Internally Displaced Persons, compiled by SRSF Francis Deng. Since the Guidelines had not been approved as a separate document by any UN body, Egypt was concerned that reference to the Guidelines in the resolution might be construed as “official” acceptance and might, at some point, be used to justify action on behalf of IDPs without the consent of the country involved, thus serving as a possible means to by-pass national sovereignty.

The meaning and status of the Guidelines had also been the subject of intense debate at the previous session of ECOSOC (New York: summer 2000) and had contributed to the failure of ECOSOC to reach an agreed conclusion during the Humanitarian Affairs Segment. While many countries, in particular the EU and the United States, did not agree with the position taken by Egypt (nor did several other members of the G-77), no compromise could be reached on the issue, either during the ECOSOC session or during the debate on the Omnibus resolution in Third Committee. Hence, Egypt called for a vote on the operative paragraph, though not on the resolution as a whole, to register its concern.

The vote on the paragraph was 118-0-30 in the Third Committee (139-0-31 in the GA Plenary). Thus, no one voted against the paragraph. The resolution as a whole was adopted by consensus, as has been the case with every Omnibus resolution throughout the last several decades. But the debate in Third Committee and the process that led up to that debate suggested that some

consideration should be given to how that process unfolds in the future, a major point brought out in UNHCR's analysis of the 55th session resolution.

The vote on operative paragraph 20 was a very clear indication that many member states were sensitive to issues that might in any way impinge upon their national sovereignty or that suggested that they were in any way contributing to a worsening of the situation for refugees. These concerns made it increasingly difficult to reach consensus on certain elements of the Omnibus resolution. Even reminders that some paragraphs included "agreed language" did not satisfy some states. This was just one of a series of trends that characterized the process and substance of the Omnibus Resolutions of the 1990s (1991-2000).

Another trend reflected in the resolution was the increasing complexity of refugee situations. Despite hopes for international cooperation following the end of the Cold War, new forms and venues of conflict contributed to massive flows of refugees and internally displaced persons. This resulted in more extensive Omnibus resolutions as well as several corollary resolutions to deal with specific refugee or regional issues, such as those relating to the CIREFCA process, the CIS Conference or assistance to refugees, returnees and displaced persons in Africa.

The Omnibus resolution now consistently included more extensive discussions about solutions, physical protection of refugees and asylum-seekers, camp security, the safety of humanitarian personnel, and the special needs of vulnerable groups, although these issues had been present in earlier decades. The need for more effective coordination, comprehensive approaches, and burden-sharing was reflected in several paragraphs each year, although the emphasis shifted depending on particular situations.

Coordination within the humanitarian sector became a dominant theme early in the decade given the challenges of northern Iraq, the former Yugoslavia, Somalia, and the Great Lakes Region, which overtaxed the capacity of any individual organization to react sufficiently to those crises. The first of these (northern Iraq) and perceptions that the coordination of humanitarian assistance had been ineffective contributed to resolution 46/182 and the formation of the Department of Humanitarian Affairs (DHA).

As coordination mechanisms evolved and the concerns of member states were apparently addressed, in part through the subsequent establishment of the Office of the Coordinator for Humanitarian Affairs (OCHA), calls for the coordination of humanitarian assistance leveled off; in their place came increased calls for cooperation in the areas of human rights and sustainable development.

These changes for the most part, reflected or reacted to changes in the "real world" of humanitarian assistance. Calls for coordination, present in the 1980s, increased to meet the demands of member states for more efficient, accountable mechanisms after failures in the early 1990s. Calls for cooperation across various sectors (humanitarian assistance, human rights and development) recognized that humanitarian assistance was not a substitute for political will and that root causes must be addressed; UNHCR was clearly a leader in this area.

Similarly, the increase in the number of conflicts and the variety of actors participating in them, the sensitivity of member states to issues of national sovereignty, and changing perceptions about refugees in receiving countries led to questions about the status of UNHCR's protection role and humanitarian assistance mandate. This made it necessary to include significant reminders about

UNHCR's fundamental mission (protection), its mandate (statements on the Convention and Protocol, on statelessness, and on the legitimacy of UNHCR assistance to IDPs) and the dangers of xenophobia and intolerance. All of these topics became staples in the Omnibus resolutions by the end of the 1990s.

International agreements, conferences or conventions on issues relating to women, children and the elderly were also reflected in more detailed paragraphs regarding vulnerable groups (groups with special needs) throughout the latter half of the 1990s. In the case of children, the issue of unaccompanied minors now had its own resolution.

Not only were there trends in the evolution of the substantive nature of Omnibus resolutions, but procedural changes also emerged. Conclusions from Executive Committee sessions were referred to in resolutions more frequently and were often the source of language used in various paragraphs. Negotiations on the resolution continued to be initiated in Geneva and carried over to New York.

In some cases, though unfortunately not all, communication between member states' missions in Geneva helped prepare missions in New York for the annual debate on the Omnibus resolution. At the same time, as noted above and in the SIOS analyses, debates in New York among member states, primarily from a north-south perspective, intruded into the discussion of refugee issues, often on tangential issues, complicating the negotiating process.

Moreover, the simple fact that the number of member states had increased to 189, each with their own set of national interests and priorities, with different perceptions of refugee issues and interpretations of international instruments, with different levels of memory and understanding of the issues and past resolutions, and with frequently changing membership in delegations, added to the complexity of the process by which resolutions were initiated, negotiated and adopted. And, of course, not all delegations in New York were represented in Geneva, and they were not always willing to accept what was negotiated without their participation. These trends and concerns carried over into the resolutions adopted beginning in 2001 as UNHCR entered the next millennium.

The new millennium

One response to the concerns that had emerged at the end of the 1990s was an attempt to streamline the Omnibus resolution, an approach favored by UNHCR Headquarters and the Nordic sponsors of the resolution. It was thought that streamlining the resolution would simplify negotiations, allow for the highlighting of the key issues and principles in a set of paragraphs that would appear annually without significant change, although reserving room for comments on current issues in what some termed a "parking lot paragraph," and avoid some of the more contentious issues with agreed language that could be used in subsequent years.

This resulted in a much shorter resolution for the 56th session (56/137), with three preambular and 13 operative paragraphs compared to four and 25 respectively during the 55th session. As will appear later, however, "paragraph creep" set in after a few years, and the number of operative paragraphs now regularly numbers in the twenties.

The shortened version reflected three major modifications or deletions from the previous session. First, perhaps reflecting the sensitive nature of the issues, references to the safety and security of refugees and humanitarian staff and especially the need for safe and unhindered access to refugees and other persons of concern were dropped from the resolution. These issues were, however, included in ECOSOC and General Assembly resolutions on “Strengthening of the coordination of emergency humanitarian assistance of the United Nations”

Second, paragraphs specifically addressing women, children, the elderly and the family unit were not included. Instead, operative paragraph 6 that refers to international protection as a “dynamic and action-oriented function, carried out in cooperation with States and other partners ... to ensure protection-oriented solutions” added the phrase “bearing in mind the particular needs of vulnerable groups.” This phrase would continue to be used in subsequent resolutions and specific references to women and children would not reappear until the 60th session.

Third, and definitely reflecting the sensitive nature of the issue that had surfaced in the 2000 general debate and consideration of the Omnibus resolution, references to internally displaced persons were dropped from the resolution, although a new paragraph requested that the Office continue to fulfill the mandate “conferred upon it by its statute and by subsequent General Assembly resolutions regarding refugees and *other persons of concern ...*” (italics added).

Since UNHCR considers “persons of concern” to include internally displaced persons whom it has been requested to assist, this phrase may have sufficed for those who wanted a reference to IDPs. In addition, those wishing a more direct reference might have been satisfied by the adoption of a separate resolution on IDPs (56/184) during the 56th session. Reference to IDPs would return to UNHCR’s Omnibus resolution in the 61st session.

Despite its more streamlined nature, the Omnibus resolution continued to include the basic features of previous resolutions. The three preambular paragraphs referred to the reports of the High Commissioner (A/56/12 and A/56/12.Add 1), recalled “annual resolutions on the work of the Office (as opposed to just the previous one), and expressed appreciation to the High Commissioner and UNHCR staff.

Operative paragraphs endorsed the High Commissioner’s report; welcomed the 50th anniversary of the 1951 Convention; reaffirmed the importance of the 1951 Convention and 1967 Protocol; encouraged the High Commissioner to continue activities on behalf of stateless persons; reaffirmed the importance of international protection, including a paragraph that welcomed the upcoming Global Consultations on International Protection; re-emphasized that protection of refugees was primarily the responsibility of States; noted in several places the importance of international solidarity and burden-sharing; called upon “the High Commissioner to continue to play his catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations”; reaffirmed the “fundamental importance and the purely humanitarian and non-political character of the function of the Office”; noted the three primary solutions and that voluntary repatriation remained “the preferred solution, supported by necessary rehabilitation and development assistance, to facilitate sustainable reintegration”; emphasized the obligation of States to accept the return of their nationals...”; and recognized the need for adequate and timely resources.

The attempt to streamline the Omnibus resolution carried through the 57th session (57/187). Operative paragraph 2 served as a parking lot: it “Welcomed the important work undertaken by the Office ... in the course of the year” and noted the various conclusions adopted on “the civilian and humanitarian character of asylum,” “reception of asylum-seekers in the context of individual asylum systems,” and “the progress achieved with respect to recognizing the important contribution of host developing countries”; it also welcomed the importance attached to cooperation with the New Partnership for Africa’s Development (NEPAD), the involvement of the Office in the IASC Task Force on Protection from Sexual Exploitation and Abuse, and efforts to promote durable solutions for refugees.

Two other changes included (1) the addition of the phrase “and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees” in the usual paragraph that reaffirmed that “the 1951 Convention and 1967 Protocol thereto remain the foundation of the international regime” (o.p. 4), and (2) a merging of operative paragraphs 11 and 12 from the previous resolution (56/137) into one paragraph (o.p. 12) regarding the need for adequate and timely resources to enable the Office to fulfill its mandate regarding “refugees and other persons of concern.”

During this session the General Assembly also adopted resolution 57/186 on “Continuation of the Office of the United Nations High Commissioner for Refugees”, this continued the Office for five years from 1 January 2004. This decision became moot, however, during the 58th session (see below).

Although the Omnibus resolution for the 58th session (58/151) remained at 13 operative paragraphs, there were several changes within that structure. The second paragraph continued to serve as a parking lot and took note of ExCom conclusions “on international protection, on the return of persons found not to be in need of international protection, on protection safeguards in interception measures, and on protection from sexual abuse and exploitation.”

Paragraphs on the Ministerial Meeting of States Parties on the 1951 Convention and its Protocol and the Global Consultations on International Protection (57/187) were deleted. Their place was taken by paragraphs referring to new operational approaches: o.p. 7 welcomed the High Commissioner’s “Convention Plus” initiative, and o.p. 8 welcomed efforts to promote a “framework for durable solutions,” including the “4Rs” approach (repatriation, reintegration, rehabilitation and reconstruction). Finally, o.p. 12, on funding, began with an additional phrase encouraging the Office “to continue to improve its management systems and to ensure effective and transparent use of its resources.”

The most significant resolution for UNHCR in the 58th session was resolution 58/153 on “Implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his Office to carry out its mandate.” This resolution and its accompanying report (A/58/410) were the outcome of the “UNHCR 2004” process, which High Commissioner Lubbers had initiated to “revision” UNHCR’s role within the UN system in the coming years. While some of the changes envisaged by the report and resolution had already begun to take place (stronger linkages), its adoption provided support for such changes and brought about a few others.

The resolution welcomed the report, efforts to strengthen linkages to other parts of the UN system, including DPA and DPKO, and UNHCR’s admission to the UN Development Group

(UNDG) and related activities; it reaffirmed that international protection was the core mandate of the Office; and it reaffirmed the voluntary nature of funding while encouraging States to contribute to the full funding of the budget and encouraging the Office to expand its donor base and diversify funding sources.

In addition, the General Assembly decided to “remove the temporal limitation on the continuation of the Office ... until the refugee problem is solved,” thereby eliminating the need to renew the mandate of the Office every five years. Finally, it decided that the High Commissioner would now make only an oral report to ECOSOC on the coordination aspects of the work of the Office while continuing to present an annual written report to the GA (Third Committee), with the understanding that “every ten years, beginning at the sixty-eighth session, the report will include a strategic review of the global situation of refugees and the role of the Office, prepared in consultation with the Secretary-General and the Executive Committee.”

Many of the proposals included in 58/153 on “... strengthening the capacity of the Office to carry out its mandate” were reflected in the Omnibus resolution for the 59th session (59/170), which grew from 13 to 16 operative paragraphs. The resolution made two references to 58/153 on the “UNHCR 2004” process, and took note of ExCom conclusions on “international protection,” “international cooperation and burden and responsibility-sharing in mass influx situations,” and “legal safety issues in the context of voluntary repatriation of refugees.”

It also took note of the 20th anniversary of the Cartagena Declaration on Refugees (o.p. 5); called for “holding international consultations aimed at developing a comprehensive plan of action, as appropriate, to respond to a specific mass influx or protracted refugee situation”; welcomed progress with regard to the Convention Plus initiative, “including the development of the Multilateral Framework of Understanding on the strategic use of resettlement” (o.p. 9); and emphasized the role of the “4Rs and other programming tools to facilitate the transition from relief to development” (o.p. 11). It also recognized the desirability of “addressing, at an early stage, issues of a legal and administrative nature which are likely to hinder voluntary repatriation in safety and dignity ...” (o.p.12).

Finally, partly in response to the attacks on the Gatumba transit center in Burundi in August 2004, o.p. 14 was a strongly worded condemnation of acts that posed a threat to the security and well-being of refugees, and called upon states in cooperation with IGOs, where appropriate, to “take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers.”

In the 60th session, the Omnibus resolution (60/129) added five paragraphs to its predecessor, though some of the new paragraphs were modifications of previous versions. Operative paragraph 2, as was now the custom, took note of ExCom conclusions on “international protection,” “the provision of internal protection,” and “local integration.” The topic of local integration featured prominently in two of the new paragraphs, o.p. 15 and 16.

These paragraphs seem to reflect a compromise between the idea that local integration is a viable solution that could be offered by some host states, but one that is not feasible in others. O.p. 15 notes that “local integration in the refugee context is a sovereign decision and an option to be exercised by States ... and that it is a dynamic and multifaceted two-way process that requires efforts by all parties concerned, including a preparedness on the part of refugees to adapt to the host society without having to forego their own cultural identity and a corresponding readiness

on the part of host communities and public institutions to welcome refugees and to meet the needs of a diverse population.” O.p. 16 “... recognizes that allowing for local integration, where applicable, is an act of States that is a durable solution for refugees, which contributes to the said burden- and responsibility-sharing, without prejudice to the specific situation of certain developing countries facing mass influxes.”

Additional changes in the Omnibus included a reference to the “Mexico Plan of Action to Strengthen International Protection of Refugees in Latin America” (o.p. 5); strengthened references to the Convention Plus initiative and Multilateral Framework of Understanding on Resettlement (o.p. 10-11); acknowledgement that “the provision by States of complementary forms of protection to ensure that persons in need of international protection actually receive it is a positive way of responding pragmatically to certain situations” (o.p.14), a point that the High Commissioner had put forth in various discussions of UNHCR’s protection mandate; and a return to specific references to the protection needs of women and children in o.p. 19 where the GA affirmed the importance of “mainstreaming the protection needs of women and children to ensure their participation in the planning and implementations of programmes ... and according priority to addressing the problem of sexual and gender-based violence.” Finally, the current resolution deleted the paragraph from the 59th session that had encouraged states and other actors to address legal and administrative issues that might hinder voluntary repatriation.

The 61st session Omnibus resolution (61/137) also included several modifications, though the basic form remained the same. ExCom conclusions on “women and girls at risk” and “identification, prevention and reduction of statelessness and protection of stateless persons” were noted in o.p. 2. The annual paragraph on the 1954 and 1961 Conventions on statelessness (o.p. 4) reflected the latter conclusion with a stronger emphasis on addressing statelessness.

A new paragraph took note of the Office’s activities related to IDPs in the context of inter-agency arrangements, though noting “such activities should be consistent with relevant GA resolutions and should not undermine the mandate of the Office ... and the institution of asylum” (o.p. 5). UNHCR’s role with regard to refugees, stateless persons and IDPs was qualified in a trio of paragraphs which emphasized that “protection of refugees,” “prevention and reduction of statelessness,” and “protection and assistance to IDPs” were “primarily the responsibility of States” in cooperation with the international community (o.p. 6-8).

The resolution gave increased attention to concerns about attacks on refugees, IDPs and asylum seekers and concerns about refoulement and unlawful expulsion of refugees and asylum seekers by splitting the previous year’s paragraph into two paragraphs (o.p. 10-11), and included a new paragraph stressing the protection problems and needs of displaced women and girls (o.p. 14) in addition to the paragraph on mainstreaming the protection needs of women and children (o.p. 13). Finally, in terms of new directions, paragraphs were added on the need to address protracted refugee situations (o.p. 16) and “clarifying the role of the Office in mixed migratory flows” (o.p. 21), reflecting efforts to give increased attention to these significant issues.

Paragraphs on the 1951 Convention and 1967 Protocol, burden-sharing and capacity-building, international protection standards and delivery, the humanitarian and non-political character of the Office, partnerships, resettlement, the right to return, improvement of management systems, and the need for adequate funding remained the same, although an additional paragraph called

upon the Office to “widen its donor base ... by reinforcing cooperation with traditional governmental donors, non-traditional donors and the private sector” (o.p. 24).

The Omnibus resolution for the 62nd session (62/124) was quite similar to its predecessor, although once again it grew in length, from 25 to 30 operative paragraphs. The second operative paragraph from 61/137 was split into two paragraphs giving separate recognition to the ExCom conclusion on “children at risk” (o.p. 3). The process of “structural and management change ... including implementation of a results-based management framework and strategy” received greater attention through a separate paragraph positioned earlier in the resolution (o.p. 10).

New paragraphs were added on enhancing the Office’s emergency response capacity (o.p. 11), “the importance of achieving durable solutions” and the need “to address the root causes of refugee movements” (o.p. 18), the importance of sustainable return and reintegration (o.p. 20), and the need to address the plight of displaced persons within and outside Iraq (o.p. 26).

The Omnibus resolution of the 63rd Session (63/148) was virtually identical to that of the 62nd Session. Both the Office and the Nordic sponsor of the resolution (Norway) had hoped to return to a much shorter version of the resolution (six operative paragraphs), but member states were unwilling to make such a drastic alteration. The only change was in operative paragraph 2, which took note of ExCom’s general conclusion on international protection.

Throughout the new decade, in addition to the Omnibus resolution, the Third Committee continued to adopt other resolutions under the High Commissioner’s item: “Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced person and humanitarian questions.” These included resolutions on enlargement of the Executive Committee, “Assistance to refugees, returnees and displaced persons in Africa,” the follow-up to the CIS Conference, and a resolution on unaccompanied minors.

In addition, under other agenda items, the General Assembly adopted biennial resolutions on “human rights and mass exoduses” and “Protection of and assistance to internally displaced persons.” Finally, both the General Assembly and ECOSOC adopted resolutions on “Strengthening of the coordination of emergency humanitarian assistance of the United Nations.” All of these resolutions addressed issues of relevance to the work of the Office.

Resolutions on the enlargement of the Executive Committee were adopted each year with the number of members growing from 57 in 2000 to 78 by the end of the 63rd Session. The majority of the 21 new members came from Eastern Europe or developing countries, though New Zealand, Portugal, and Luxembourg were also elected.

The heart of the “African” resolution remained the same throughout the decade, although the number of paragraphs varied widely from a high of 58 (21 p.p. and 37 o.p.) during the 58th Session to a more modest 30 paragraphs the next year (3 p.p. and 27 o.p.). These resolutions (58/149 and 59/172) took note of various conferences and the formation of the African Union; critical situations such as in the Horn of Africa; sexual exploitation of refugees; the importance of an early registration process; the primary responsibility of states; concerns about the safety and security of humanitarian personnel; strengthening partnerships and capacity-building; the need to observe international humanitarian law; the right of return and the principle of voluntary repatriation; support for Convention Plus, the framework for durable solutions and the 4Rs; the spirit of solidarity and burden- and responsibility-sharing; the protection needs of women and

children; concerns about IDPs; the link between human rights violations, poverty, natural disasters, and environmental degradation with population displacement; and increased financial and material assistance from the donor community.

The 59th session resolution also noted that the principles of asylum were “jeopardized by unlawful expulsion or refoulement.” The next three resolutions on Africa (60/128, 61/139, and 62/125) included, inter alia, stronger references to the importance of documentation; concerns about equitable access to food and other forms of material assistance; the idea that “promoting the self-reliance of refugees from the outset will contribute towards enhancing the ability of refugee communities to become self-reliant”; reference to the “cluster approach” that encouraged the Office to explore the feasibility of taking on coordination responsibilities in the clusters of “protection of internally displaced persons, camp management and shelter ... without prejudice to its core mandate of refugee protection and assistance.” They also included references to the vulnerability of women and children, and the risks of HIV/AIDS, malaria and other diseases.

The most recent resolution (63/149) repeated most of the previous paragraphs, but also expressed appreciation for the AU’s decision to elaborate a draft convention regarding IDPs while recognizing that “host States have the primary responsibility for protection of and assistance to refugees on their territory” and that “States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction.” Thus, by the end of the 63rd session, the African resolution mirrored much of the substance of the Omnibus resolution.

The biennial resolution on the follow-up to the Regional Conference to address the problems of Refugees, Displaced Persons ... of the CIS) was adopted in the 56th and 58th sessions (56/134 and 58/154). Both resolutions stressed the importance of cooperation, capacity-building, and respect for international humanitarian law in order to address migration and refugee flows in the Commonwealth of Independent States and neighboring states. However, the discussions on these issues had run their course by the 58th session and the Russian Federation, the main sponsor, decided not to pursue the resolution further, and the Omnibus resolution in the 60th session (60/129) welcomed the “successful conclusion” of the follow-up process to the 1996 Geneva Conference relating to the CIS (o.p. 6).

Similarly, Sudan, the main sponsor of the biennial resolution on “Assistance to unaccompanied refugee minors,” decided not to continue that proposal after the 58th session. The two resolutions that were adopted (56/136 and 58/150) stressed the need to provide resources to identify, trace and reunite unaccompanied refugee minors, to respect international humanitarian law and other instruments, to prevent exploitation, and to provide support and raise awareness of their plight. The resolution in the 58th session also noted that HIV/AIDS, malaria and tuberculosis were among the risks faced by unaccompanied minors, and that education was an effective means of ensuring protection for unaccompanied minors, especially girls, “by shielding them from exploitative activities.”

Biennial resolutions on “Human rights and mass exoduses” (56/166 and 58/169) were also adopted during this period. These resolutions continued to stress, inter alia, the importance of cooperation between UNHCR and the Office of the High commissioner for Human Rights; called upon the international community to respond to the “protection needs of refugees and other displaced persons worldwide, including to promote durable solutions to their plight”; and,

in the 58th session, condemned all incidents of sexual exploitation and called for adherence to the Secretary-General's bulletin on this issues as well as other relevant codes of conduct.

The resolutions on “protection of and assistance to internally displaced persons” (56/164, 58/177, 60/168 and 62/153) recalled “relevant norms of international human rights law, international humanitarian law and analogous refugee law” and that protection of IDPs had been strengthened through the Guiding Principles on Internal Displacement; welcomed cooperation of various representatives, in particular through the IASC, in order to promote better protection and assistance; commended the catalytic role of the Special Representative of the Secretary-General for IDPs; welcomed the fact that he had made use of the Guiding Principles; and emphasized the “central role of the Emergency Relief Coordinator for inter-agency coordination of protection of and assistance to internally displaced persons.”

Two additional paragraphs welcomed the role of the new Peacebuilding Commission in promoting solutions to displacement and “Encouraged States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement.” The resolution emphasized the central role of the ERC and called for cooperation and support for the SRSG from various organizations within the UN system, in particular through inter-agency efforts and the IASC. While these resolutions have implications for UNHCR, there were no specific references to the Office.

Finally, a new set of resolutions relevant to the work of the Office were initiated in 2000 with the adoption in both ECOSOC and the General Assembly of an annual resolution on “Strengthening of the coordination of emergency humanitarian assistance of the United Nations.” These resolutions have been the subject of extensive debate and negotiations, usually beyond established deadlines, and have been sometimes limited in scope due to differences over how to address such issues as the use of military assets, access to victims, assistance to people under foreign occupation, funding, etc.

In recent years they have also begun to focus increasingly on addressing natural rather than man-made disasters, but several paragraphs each year have relevance for UNHCR, particularly those relating to access to victims, the safety and security of humanitarian personnel, and the need to respect the guiding principles underlying humanitarian assistance.

Thus, as the first decade of the new millennium comes to a close, the Omnibus resolution has been supplemented by a number of resolutions dealing with more specific refugee situations (Assistance to refugees ..., the CIS, and unaccompanied minors) or broader issues relating to mass exoduses, IDPs, or humanitarian assistance. Nevertheless, the Omnibus resolution remains the major resolution adopted by the General Assembly on the work of the Office.

Conclusion

General Assembly resolutions do matter. If nothing else they are a reflection of current thinking by the international community. For member states they provide standards and guidelines, a source to justify attempts at moral persuasion. For new members of delegations they often provide an education on the key issues and principles. For certain elements of the UN system, in particular agencies such as UNHCR, they provide binding directions or, at least, a set of parameters within which the organization must operate, and, at the same time, additional support

and legitimacy. Even at their watered-down, lowest common denominator worst, they provide the international public with a sense of where the international community has been and where it needs to go. This is certainly the case with the Omnibus resolutions on the office of the High Commissioner for Refugees.

Murray Edelman, in his book *The Symbolic Uses of Politics*, written in the late 1960s to describe the legislative process in the United States and its relation to the civil rights movement, makes the argument that sometimes legislation does a disservice by making the public think something is being done about a problem so that they can quit worrying about it. The problem does not go away, but concerns about the problem may. In this sense he saw the symbolic uses of politics in a negative light.

One can certainly see possible analogies between his discussion and many of the resolutions that come out of the United Nations discourse. However, I would like to suggest the opposite. General Assembly resolutions, once passed, take on a life of their own. They exist; they provide standards or agreed upon language that a member state finds it hard to publicly disclaim, even if the resolution is inconsistent with a member state's policies. Over time resolutions mark progress, if not in providing actual solutions, at least in noting what has been done and the direction one must go to reach a solution. The body of ideas contained in resolutions may eventually serve as a basis for more binding agreements. But this often takes a long time and considerable patience.

The progress in developing human rights standards is a case in point. Clearly human rights violations continue on a massive scale and contribute to refugee flows among other negative results, but where would the international community be without the agreements that have been reached? In terms of the standards themselves, and to some extent the monitoring bodies, considerable progress has been made over the sixty-three years of the UN's existence. The issue now is primarily one of implementation, not development of standards.

I think a similar analogy can be drawn regarding the Omnibus resolutions on the Office of the High Commissioner for Refugees. Clearly these resolutions are now much more extensive and much more sophisticated than when UNHCR began. In part this reflects the fact that the problems themselves are much more extensive and complex. But at the same time, the resolutions (along with primary instruments of Refugee Law and Executive Committee Conclusions) provide a set of parameters within which the solution to massive displacements can be found. It is a question of political will and support, not a question of knowing what needs to be done.

While the process of negotiating and adopting General Assembly resolutions has significant implications for policy in New York or at UNHCR headquarters in Geneva, it may not appear to have a major impact for UNHCR staff in the field dealing with the day-to-day problems. But as a reminder of what the underlying principles are and what needs to be done, the resolutions may serve to help generate the political will and support necessary to enable people in the field to carry out their missions and encourage and enable governments to engage in capacity-building or burden-sharing. In that sense, they may also be extremely important for the beneficiaries of UNHCR's efforts to provide legal protection and humanitarian assistance – the people of concern to the Office.