Chapter II

OFFICE OF UNHCR
STRUCTURE AND FUNCTIONS
While the preceding chapter examines the conceptual and institutional developments associated with the historical process up to the establishment of the office of UNHCR, the present chapter is devoted to a full-length discussion of the objectives, responsibilities, resources and the organisational structure of the UNHCR.

The UNHCR’s immediate predecessor, the International Refugee Organisation (IRO) was created for the resettlement of refugees and displaced persons uprooted during or in the immediate aftermath of the Second World War, and it could not measure up to the challenge. The problem of refugees’ remained as serious as it was before IRO came into being. Therefore, the eighteen members of the IRO agreed that an alternative and a more effective organisational framework was needed to address the task thoroughly. This view was supported by several governments of the first asylum countries, voluntary agencies, and to some extent by the countries of overseas resettlement also. Among them, the concerns of the United States had gained considerable weight. In the light of growing numbers and costs of refugees, the United States government was apprehensive that refugees would become an indefinite responsibility of the overseas resettlement countries including the United States, rather than of Western Europe. The ideological division between East and West too had its bearings on international response to the refugee problems. The US congress while supported earlier in 1946, the idea of a United Nations agency with Soviet representation, vetoed the commitment of funds to any collaborative effort in partnership with the cold war rival. Instead, the United States believed that its national interests could be served better by relying on bilateral, regional or even international
arrangements outside the United Nations System.\textsuperscript{1} The United States started economic assistance to the west European countries through the marshal plan, partly with the hope of helping the recipient countries to absorb the remaining refugees.

Given the new U.S. policy, there was no realistic hope of the IRO continuing to handle the problem of refugees. The major burden of the remaining refugees fall on the countries of first asylum. On their part governments of these countries wanted both material assistance and assurance that the possibility of overseas resettlement remained open. As such, both Western and overseas resettlement countries were willing to support the creation of a successor to the IRO.\textsuperscript{2}

Against this background, discussions took place within the U. N. General Assembly and the Economic and Social Council (ECOSOC) from 1948 through 1950 regarding the creation of a new international refugee organisation.

In 1949, the United Nations decided to assume more responsibility for international action for protection of refugees. After the demise of the IRO, two possibilities were worked out in the General Assembly, either, to entrust this task to a department of the United Nations Secretariat, or to establish an ad hoc body which can act independently within the administrative and financial framework of the United Nations. The latter formula was adopted. The General Assembly decided to keep this body outside of the political considerations. According to the then Secretary-General, "The High Commissioner for refugees would enjoy a


special status within the United Nations and would possess the degree of independence and the prestige which would seem to be required for the effective performance of his functions." However, after a long debate which continued for one year, the General Assembly decided on 3 December 1949 to establish the office of the United Nations High Commissioner for refugees. As a result the office of the United Nations High Commissioner for refugees (UNHCR) was set up on 1 January 1951 for a period of 3 years. However, it soon became imperative that the office could not be dispensed after three years and the General Assembly decided to prolong the mandate for a further period of five years, and made it renewable beginning 1st January 1954. Thus, the tenure of the UNHCR has been continuously renewed and extended from time to time. The latest position is that the General Assembly during its session 49 decided to extend the period for another 5 years from 1st January 1994. The office was established as a subsidiary organ of the General Assembly, under Article 22 of the charter. Dr. G. J. Van Heuven Goedhart of Netherlands was elected by the General Assembly as the first High Commissioner for a period of three years.

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5 Article 22 says that the General Assembly may establish such subsidiary organ as it deems necessary for the performance of its functions.

Structure of the Office

The Office of the United Nations High Commissioner for Refugees (UNHCR) is a subsidiary organ of the General Assembly. It enjoys a special status within the UN with high degree of independence and autonomy. The headquarter of UNHCR is in Geneva, Switzerland. In 1953 the office had 11 regional offices with 99 staffs. Whereas at present the office has 239 regional offices maintained in 119 countries and around 5,500 staff members. The staffs are from over 100 different countries. Out of them, around 988 are working at the organisation’s headquarter and remaining are in the regional offices.

The office consists a High Commissioner, a Deputy High Commissioner and an Assistant High Commissioner. Apart from them, the office of High Commissioner has been divided into 13 divisions/departments called Bureaus. They are as follows:

(i) Division of International Protection
(ii) Centre for Document and Research
(iii) Division of Financial and Information Services
(iv) Division of Operational Support
(v) Division of Human Resources Management
(vi) Operations for Central, East and West Africa
(vii) Southern African Operations
(viii) Great Lakes Operations

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7 Nagendra Singh, *The Role and Record of the UN High Commissioner for Refugees* (New Delhi, 1984), p. 59
(ix) Bureau for Asia and the Pacific
(x) Bureau for Europe
(xi) Bureau for the Americas
(xii) Bureau for CASWANAME (Central Africa South West Asia North Africa and Middle East)
(xiii) Staff Council

All the Divisions have been divided into further Sub-divisions, sections and Desks. These Division or Bureaus work in close co-operation with each other. The UNHCR performs its responsibilities with the help of all regional offices and their staffs. However, the High Commissioner holds the key position and performs its duty in terms of co-ordination, formulation of policy and effective planning. It is the headquarter office in Geneva which performs the vital functions under the immediate direction and control of the High Commissioner. The High commissioner is assisted by a Deputy High commissioner and an Assistant High Commissioner. They are in turn assisted by five important cells which come directly under them e.g. former Yugoslavia Liaison Unit, Inspection and Evaluation Service, Mass Information Unit, Inter-Organisational Affairs and Secretariat Services, and Public Information Section.

On the question of the method of appointment of the High Commissioner, two different views emerged in 1950. One opinion was the High Commissioner should be elected by the ECOSOC or the General Assembly on the nomination of the Secretary General. The other opinion was the High Commissioner should be appointed directly by the Secretary - General. However, the first opinion was accepted through voting in the Third Committee, that the High Commissioner would be elected by the General Assembly on the nomination of the Secretary-
General. This is incorporated in the UNHCR’S Statute in para 13. The procedure is that he is elected by the General Assembly on the nomination of the Secretary-General. This ensures the existence of the High Commissioner as one always enjoying the full confidence of the Secretary-General which is an essential element for successful working of the refugee organisation. The continuous co-operation of both the Secretary General and the High commissioner is an essential requirement for the well-being of refugees. Simultaneously without the UN assistance, the role of refugee organisation would be hampered.

The office of the United Nations High Commissions is usually held by a person of distinction. For example, Prince Sadruddin Aga Khan was a man of distinction including one from the developing countries who was no less a person than His Highness Prince Sadruddin Agan Khan from Asia. Similarly, Poul Hartling of Denmark was the Prime Minister of Denmark from 1973-1975. There have been eight High Commissioners since the organisation was established. The present High Commissioner, Prof. Sadako Ogata of Japan took up office on 1st January 1991. She is a great educationist. Before joining the present office, she was the representative of Japan in the United Nations. A list of previous High Commissioners is being given below:

Table: 2.1

<table>
<thead>
<tr>
<th>Name</th>
<th>Country</th>
<th>Tenure</th>
</tr>
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<tbody>
<tr>
<td>G.J.Van Heuven Goedhart</td>
<td>Netherlands</td>
<td>Dec. 1950 - July 1956</td>
</tr>
<tr>
<td>Felix Schnyder</td>
<td>Switzerland</td>
<td>Dec. 1960 - Dec.1965</td>
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<tr>
<td>Prince Sadruddin Aga Khan</td>
<td>Iran</td>
<td>Dec. 1965 - Dec.1977</td>
</tr>
<tr>
<td>Name</td>
<td>Country</td>
<td>Period</td>
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<tr>
<td>Poul Hartling</td>
<td>Denmark</td>
<td>Jan. 1978 - Dec. 1985</td>
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<tr>
<td>Jean-Pierre Hocke</td>
<td>Switzerland</td>
<td>Jan. 1986 - Nov. 1989</td>
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<tr>
<td>Thorvald Stoltenberg</td>
<td>Norway</td>
<td>Jan. 1990 - Nov. 1990</td>
</tr>
<tr>
<td>Sadako Ogata</td>
<td>Japan</td>
<td>Jan. 1991 – till date</td>
</tr>
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In accordance with the UNHCR’s Statute, the High Commissioner follows policy directions from the General Assembly and Economic and Social Council (ECOSOC) of the United Nations. The High Commissioner presents an annual report about his activities to the General Assembly through the ECOSOC. The administrative and financial aspects of UNHCR’s activities are considered by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and by the Fifth Committee of the General Assembly.

An Advisory Committee on Refugees was established in 1951 to guide the High Commissioner in exercise of his functions. The committee consisted of 15 states. The Advisory Committee was reconstituted as an Executive Committee in 1955. The new committee was known as United Nations Refugee Fund (UNREF) Executive Committee. The Committee retained the advisory functions of its predecessor. The Committee was also supposed to supervise the High Commissioner’s material assistance programme and to determine an annual financial target. However, the UNREF Executive Committee was replaced by an Executive Committee of the High Commissioner’s Programme in January 1959. This Committee, at present consists of 53 States. It looks after UNHCR’s budgets and advises on refugee protection. It holds an annual session in Geneva in October.

*General Assembly resolution 1166(XII) and ECOSOC resolution 672 (XXV).*
every year to approve programmes for the next calendar year and to set the financial target needed to implement them. It can establish subsidiary bodies, as the need arises. For instance, it has set up a standing committee in 1995.10

Functions of UNHCR

Protection of Refugees

To provide protection to refugees is the main function of the UNHCR. Protection lies at the heart of the organisation’s efforts to find lasting solutions to the plight of refugees and to provide relief assistance. The key to UNHCR’s protection activities is the 1951 Convention relating to the Status of Refugees. It is a legally binding treaty and a milestone in international refugee law. It is called the “Magna Carta”—the Great Charter of refugees. It provides a unified code of rights and duties of refugees affording them protection from arbitrary treatment by states. The provisions of the convention are in accordance with the principles of the 1948 Universal Declaration of Human Rights.11

The term “providing international protection” and “seeking permanent solutions” is clearly mentioned in the Statute. According to the chapter I, Para-1 of the Statute

10 A/Ac. 96/860, Para. 32(a).
11 UNGA,Resolution3272(XXIX),10 December, 1974.
The United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, 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 the Governments concerned, private organisations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.12

Besides, para-8 deals with the matter of providing international protection for refugees within the competence of the office and lists nine specific activities that the High Commissioner may undertake in this regard.13

However, as far as the status of refugees is concerned, there has been a steady evolution in the definition of a refugee who may benefit from international protection. As with the Statute, the Convention also begins by giving definition of

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13 These nine specific activities as mentioned in the Statute are as follows:

1. Promoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto;

2. Promoting through special agreements with Governments the execution of any measures calculated to improve the situation of refugees and to reduce the number requiring protection;

3. Assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities;

4. Promoting the admission of refugees, not excluding those in the most destitute categories, to the territories of States;

5. Endeavouring to obtain permission for refugees to transfer their assets and especially those necessary for their resettlement;

6. Obtaining from Governments information concerning the number and conditions of refugees in their territories and the laws and regulations concerning them;

7. Keeping in close touch with the Government and inter-governmental organisation concerned;

8. Establishing contact in such manner as he may think best with private organisation dealing with refugee questions;

9. Facilitating the co-ordination of the efforts of private organisations concerned with the welfare of refugees.
the term refugee in order to demarcate those persons eligible for the standards of
treatment set down in the treaty. The first part of Article 1(A) declares that the
term "refugee" shall apply to any person who benefited from earlier international
agreements and refugees defined by their original nationality, such as Russians,
Armenians, or refugees from Germany and Austria. It shall also apply to those
already considered as refugees under the Arrangements Concluded yesteryears.14

There are two restrictions in the convention/statute definition of refugees.
The first is date limit of 1 January 1951 for events which could have caused-the
fear of persecution. The second restriction offers to States who so desire the
possibility of limiting the application of the Convention to Europe. In contrast,
UNHCR was given a general competence under its Statute to deal with refugee
problems wherever they might arise irrespective of date or locations, as long as
those concerned had a well-founded fear of persecution.

These clauses go back to the time when the Convention was drafted and the
framers were optimistic and thought that new refugee situations involving the
international community would not arise in the future. These restrictions are not
mentioned in the Statute. However, these restrictions became more of a hindrance
when a new situation arose in Africa and other Third World countries. As new
refugee groups emerged, it became necessary to adapt the convention in order to
make it applicable to new refugee situations, a draft Protocol was formulated in
1967 and approved by ECOSOC, which simply omitted the time restriction of the
events occurring before 1 January, 1951 which is in Article 1 of the Convention.15

14 1951 Convention Relating to the Status of Refugees, Article 1 (a) (1).
15 ECOSOC resolution 1186 (XLI), 18 November 1966.
It was the Protocol of 1967 Relating to the Status of Refugees came into force on 4 October, 1967 and became the universal legal instrument. According to Article 1(3) of the Protocol, “The present Protocol shall be applied by the States Parties here to without any geographic limitations, save that existing declarations made by States already Parties to the Convention in accordance with Article 1 B(1)(a) of the Convention, shall unless extended under Article 1B(2) thereof, apply also under the present Protocol.”

Thus, in providing for the international protection of refugees the authority of the High Commissioner is now broader because the obligations of states are broader. While previously the High Commissioner had the support of the Convention only in regard to refugee groups before 1951, now he can require states to carryout in regard to all refugee groups within his Statute mandate the legally binding obligations they have voluntarily accepted by ratifying the Protocol. Thus, through this amendment of the Convention, the High Commissioner has broadened and strengthened his power for action in the field of protection.

Non-refoulement

The 1951 Refugee Convention also clearly establishes the principle of non-refoulement, according to which no person may be returned against his or her will to a territory where he or she may be exposed to persecution. It means, when a person is compelled to leave his country of origin or nationality what is of immediate concern to him is that he should be admitted at the frontier and should not be sent back, nor be punished if he has crossed the frontier illegally.
The principle of non-refoulement has been incorporated in a number of international instruments relating to refugees, both at the global and at the regional levels. Article 33 of the 1951 Convention states that "No contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

It is also an obligation under the 1967 Protocol by virtue of Article 1(1). Article 3(1) of the United Nations Declaration on Territorial Asylum provides that: "No person referred to in Article 1(1) shall be subjected to measures such as rejection at the frontier or, if he has already entered the territory in which he seeks asylum, expulsion or compulsory return to any State where he may be subjected to persecution."

The non-refoulement principle has reaffirmed in Article 2(3) of the Organisation of African Unity's 1969 Convention which says, "No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened."

In the American Convention on Human Rights 1969 under Article 22(8), the central features of non-refoulement are mentioned:

In no case may an alien be deported or returned to a country, regardless of whether or not it is his country of origin, if in that country his right to life or personal freedom is in danger of being violated because of his race, nationality, religion, social status, or political opinion. 16

16 American Convention on Human Rights 1969, Article 22(8).
Similarly, non-refoulement is covered by Article 3 of the 1950 European Convention on Human Rights, which states: "If conditions in a country are such that the risk of serious treatment and the severity of that treatment fall within the scope of Article 3, a decision to deport, extradite or expel an individual to face such conditions incurs the responsibility of the contracting State which so decides."

In addition to these instruments, the principle of non-refoulement is powerfully expressed in Article 3 of the 1984 UN Convention against Torture; "No State Party shall expel return (refouler) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

The United Nations High Commissioner for Refugees Executive Committee has also consistently endorsed the principles of non-refoulement in its annual general conclusions. In 1991 the Executive Committee emphasised "the primary importance of non-refoulement and asylum as cardinal principles of refugee protection" while indirectly stressing the protective purpose of the principles by reference to the need for refugees to be able to "return in safety and dignity to their homes without harassment, arbitrary detention or physical threats during or after return". 17

Similar language occurs in later conclusions also. But these conclusions adopted by the UNHCR Executive Committee do not have force of law and

binding obligations. They may contribute to the sense of legal obligation with which states may or may not approach the problems of refugees. 18

The most essential component of refugee status and of asylum is the protection against return to a country where a person has reason to fear persecution. This protection has found expression in the principle of non-refoulement and is widely accepted by states. The purpose of non-refoulement is to ensure that such fundamental rights as life and liberty are not violated. This principle has acquired the status of a norm of customary international law and is a basic humanitarian law principle.

Asylum

The principle of non-refoulement constitutes the very basis of the institution of asylum. According to Article 14(1) of the Universal Declaration of Human Rights lays down, “Every one has the right to seek and enjoy in other countries asylum from persecution”. Once a refugee has entered a state other than that of his origin or nationality, his first need is asylum. Asylum is the protection which a state grants on its territory or in some other place under the control of certain of its organs, to a person who comes to seek it. The right of asylum was a corollary to the right to life for a refugee. There is a growing opinion that persons leaving their country of origin because of persecution have a primary and essential need to be granted asylum in another country and they be allowed to stay in the territory of that country, either permanently asylum being granted elsewhere, or repatriation to refugee’s own country. This view is supported by Article 3(3) of the United

18 ibid., p.128.
Nations Declaration on Territorial Asylum, Article II(5) of the OAU Convention on Refugees 1969, and the discussions in the UNHCR’s Executive Committee in 1981.

It is important to make it clear, the distinction between the granting of asylum and non-refoulement. Refusal of asylum did not necessarily mean that the applicant had to return to the country from which he fled. Non-refoulement was not always the equivalent of granting asylum.

Sometimes, to defend human rights and the rights of refugees become difficult as the authorities competent to determine refugee status requires sufficient proof of fear of persecution particularly in the case of asylum-seekers from distant countries. Evaluation varies so much from country to country that the Executive Committee felt it necessary to recall in 1979, that:

Decisions by States with regard to the granting of asylum shall be made without discrimination as to race, religion, political opinion, nationality or country of origin. In the interest of family reunification and for humanitarian reasons, States should facilitate the admission to their territory of at least the spouse and minor or dependent children of any person to whom temporary refugee or durable asylum has been granted.19

Further, in the same conclusion, the Executive Committee requested States “to give favourable consideration to accepting, at the request of the Office of the United Nations High Commissioner for Refugees, a limited number of refugees who cannot find asylum in any country.”

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19 UN document A/AC. 96/572 (2).
Regional Organisations

The protection of refugees have also been promoted by the regional organisations. For example the Organisation of African Unity (OAU) decided in 1963 that a regional refugee treaty was needed to take care of African refugees. Most of the African States had already signed the 1951 Convention. “In acceding to the 1951 Convention they affirmed that it defined the minimum standard of treatment that should be accorded to refugees. But they as contracting parties, were not legally obligated to accord any particular standard of treatment to refugees in Africa because few if any of these refugees come within a key provision of the 1951 Convention; that in order to be entitled to Convention coverage they must be refugees as a result of events occurring before 1 January 1951”.20 Therefore, the first task of OAU was the drafting of a regional convention which would govern the status of refugees in Africa and which would take account of the special concerns of African States.

As a result, 1969 OAU Convention governing the specific aspects of refugee problems in Africa expanded the definition of a refugee to people who were compelled to leave their country not only as a result of persecution but also “owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence to seek refugee in another place outside his country of origin or nationality”.21

20 Holborn, n. 2, p.191.
21 ibid., p.189.
The role of the UNHCR under the OAU Convention differs from its role under the 1951 Convention. The OAU Convention calls its members to co-operate with the UNHCR and supervisory function over the implementation of the African Convention is not given to the High Commissioner. But, the High Commissioner can encourage the ratification of the OAU Convention and supervise its application, although his authority to do so is not binding on States as it is in the case of the 1951 Convention. Thus, the OAU Refugee Convention broadened the refugee definition which go beyond the concept of persecution, are developments of the greatest importance for the World Community.

The Cartagena Declaration on Refugees of November 1984 proposed an extension of the concept of 'refugee' as applied to Central America, Mexico and Panama, stipulating that a 'massive violation of human rights' should be considered of refugee. It laid down that the definition of refugee could not only incorporate the elements contained in 1951 Convention and the 1967 Protocol or the 1969 OAU Convention and General Assembly resolutions, but also cover persons who have fled their country because their life, their safety or their liberty were threatened by a massive violation of human rights. Although not formally binding, the Cartagena Declaration on Refugees has become the basis of refugee policy in the region, and has been incorporated into the national legislation of a number of States. On the occasion of the tenth anniversary of the Cartagena Declaration, all the heads of the Governments met in Costa Rica where they adopted the San Jose Declaration. According to this Declaration, they reaffirm the Cartagena principles and updates regional policies on the prevention of refugee situations and their promotion of durable solutions.
Thus, the extended refugee definitions of the Organisation of African Unity (OAU) Convention and the Cartagena Declaration have brought international protection to a large number of people who may not be covered by the 1951 Convention but who are forced to move for a complex range of reasons including persecution, widespread human rights abuses, armed conflict and generalised violence. The extended definitions have particular important in situation of massive influx where it is generally impractical to examine individual claims for refugee status. It has also provided flexibility to international action on behalf of people forced to flee their countries.

**Provision of Material Assistance**

The main functions assigned to the United Nations High Commissioner for Refugees by its 1950 Statute is "providing international protection to refugees who come within the scope of the present Statute", and "seeking permanent solutions for the problems of the refugees". This is mentioned in the wording of the first sentence of paragraph 1 of the statute which says: "The United Nations High Commissioner for Refugees acting under the authority of the General Assembly 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".

The purpose of international protection is to give refugees similar legal status as the nationals living abroad. Whereas the permanent solution means economic and social integration of refugees in the country of asylum and repatriation to their country of origin. Two aspects of UNHCR's mandate are inter-linked, the pursuit
of durable solutions being the ultimate aim of international protection. The UNHCR's efforts to find durable solutions to the plight of refugees evolve from the needs and rights of the individual.

The UNHCR is competent to assist any refugee as defined by the statute to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside 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.

In line with the Statute's definition, the UNHCR for long focused its protection Programmes a culture on those refugees threatened with individual persecution. However the nature of UNHCR was adopted to take account of the changing nature of refugee flows in recent decades. In typical situations today, the UNHCR provides protection and assistance to groups of refugees fleeing combinations of persecution, conflict and widespread violations of human rights. In such circumstances, UNHCR usually bases its interventions on a general assessment of conditions in the refugee-producing country rather than on an examination of each person's individual claim to refugee status.

During early period of UNHCR, two issues received the attention. The first was concerned with the powers of the United Nations High Commissioner for Refugees and the Second was to establish a permanent international fund for material assistance so that fund could be raised and disbursed among refugees. About the establishment of an international fund for material assistance to refugees, the member nations were divided into two groups. One group was led by France which argued that provision for financial assistance should be considered to
be as important as legal protection and this view was supported by Italy, Belgium and most of the Western European countries. The other group was led by the United States of America which shown little interest in it and this view was supported by Australia and the U.K.\(^{22}\)

Finally, the Economic and Social Council met in August 1949 and supported the European views on material assistance. The Secretary-General advocated that the High Commissioner should be allowed to accept contributions from both the private and public sources. He also advised that High Commissioner should be assisted by an advisory committee in determining disbursement of funds to individual refugees but only to governments and voluntary organisations. However, finally it was decided that it is difficult for High Commissioner to raise assistance funds but he will have power to disburse it. The difficulties in raising funds means the High Commissioner will seek the prior approval of the General Assembly before making any general appeal for funds.\(^{23}\)

At the time of the establishment of the United Nations High Commissioner for Refugees material assistance aspects of refugee relief was the responsibility of the Government which had granted asylum. Later on, the restrictions imposed on the High Commissioner’s fund-raising activities were eliminated by the General Assembly to permit the High Commissioner to raise funds for emergency aid for refugees.\(^ {24}\) Similarly, two year later the General Assembly authorised the High Commissioner to make general appeals to United Nations members and non-

\(^{22}\) Holborn, n.2, pp.68-69

\(^{23}\) ibid., p. 71

\(^{24}\) GA Resolution 538 B (vi) , 2 February 1952.
members for contributions to a permanent fund for the solution of refugee problems. In 1975, the General Assembly reaffirmed the humanitarian character of the activity of the High Commissioner for refugees. Accordingly, the High Commissioner's activities regarding providing material assistance to refugees was strengthened and legitimised. The later development shows that the world's major refugee flows have occurred in less developed countries and thus, the UNHCR has acquired the additional role of providing material assistance for refugees, returnees and displaced people. This has become one of its principal functions alongside protection and the promotion of solutions. In November 1991, for example, the Secretary-General asked the UNHCR to assume the role of lead agency for the United Nations for humanitarian assistance to victims of the conflict in former Yugoslavia. By April 1994, it was providing massive humanitarian relief to roughly 2.8 million internally displaced persons, refugees and other vulnerable groups in Bosnia and Herzegovina. By 1 January 1996, there were over 4.6 million internally displaced persons of concern to UNHCR including 1.35 million in Africa, 1.7 million in Asia, 1.6 million in Europe and 8,000 in Latin America.

However, when large-scale refugee influxes take place, it is vital to be able to respond rapidly despite difficult conditions. People generally leave their homes with little or no means of sustaining themselves. Food, water, sanitation, shelter and medical care have to be provided. The recent emergency operations by the UNHCR include the flight of 1.8 million Iraqi Kurds to the Islamic Republic of Iran and the border between Turkey and Iraq; the war in former Yugoslavia has

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25 GA Resolution 832 (ix), 21 October 1954.

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produced nearly 4 million refugees and displaced people; an exodus of around 2,600,000 refugees from Myanmar into Bangladesh; and the influx of some 2,500,000 refugees from Togo into Benin and Ghana. Similarly in 1992, crises in the Transcaucasia and Central Asia led UNHCR to dispatch Emergency Response Teams to cope with some 1.5 million displaced persons in Armenia, Azerbaijan and Tajikistan. In 1995 UNHCR assisted 2,100,000 persons who fled conflict in Chechnya (the Russian Federation) escaping to neighbouring Ingushetia and Daghestan. Further, UNHCR also assisted some 4,500,000 persons displaced by the dispute over the enclave of Nagorno-Karabakh. In mid-1994 an unprecedented flows of refugees from Rwanda, plus the return of an estimated 7,500,000 refugees to Rwanda from Burundi in the same year, total over 2 million. In late 1996, 1.5 million Rwandan refugees returned home from Eastern Zaire who were also assisted by the UNHCR. For these African refugee crises, a $25 million emergency fund allows UNHCR to meet their requirements. In order to respond effectively to emergencies, UNHCR has established a structure of emergency response teams and made arrangements for relief supplies. To provide yet further flexibility, stand-by arrangements have been made with non-governmental organisations (NGOs), intergovernmental agencies and other United Nation agencies for the quick deployment of Staff to emergency operations in any part of the world.

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Promotion of Durable Solutions

The core functions of the UNHCR, as mentioned in the Statute, is to provide international protection and find permanent solutions to the refugee problems by assisting Governments. Traditionally, three major durable solutions have been promoted by the United Nations High Commissioner for Refugees - Voluntary repatriation, integration on the spot or local settlement and third country resettlement. In recent past, the international community has placed emphasis on voluntary repatriation as the strongly preferred solution.

Repatriation

The Statute of the UNHCR gives direction to the High Commissioner to facilitate and to promote voluntary repatriation. The repatriation can be considered only when conditions in the country of origin have changed so much that the refugees should not believe that their lives are in danger or liberty is being threatened. The UNHCR believes that voluntary repatriation should be encouraged as soon as the country of origin shows its desire to return of its citizens. The UNHCR has also to ensure that asylum can continue until the refugees have received sufficient evidence of good condition in which their return and reinstallation will take place. It is noteworthy that under the UNHCR auspices thousands of refugees have returned to their homes. For example, 2,00,000 Burmese who were in Bangladesh, repatriated in 1978, 1,30,000 Zairians living in Angola as well as 1,50,000 Angolans living in Zaire were repatriated. Further, almost 1,00,000 Nicaraguan refugees returned from Costa Rica and

\[29\] UNHCR, statute, Para.1.
Honduras. In 1981, at the request of the United Nations Secretary-General, the UNHCR agreed to co-ordinate a programme of humanitarian assistance in Zimbabwe. This programme could benefit 6.00.000 returning refugees and displaced persons. 30 Again in 1981, the UNHCR started an operation for the repatriation of Chadian refugees mainly from Cameroon and an assistance programme to help them on their arrival which benefited 2,00,000 people. Similarly, between late 1991 and the middle of 1992, more than 2,50,000 people fled from Myanmar (formerly Burma) to neighbouring Bangladesh. Almost all of the refugees were Rohingyas, a Muslim minority group living in a predominantly Buddhist country. Their complaints were human rights violations by the Myanmar security forces. The Myanmar government has denied these occupations.

From the early days of the exodus, it became apparent that voluntary repatriation represented the only viable solution for the vast majority of the refugees. However, in April 1994, the UNHCR initiated an organised repatriation programme for the refugees. Under this programme thousands of refugees repatriated under the High Commissioner’s auspices.31 Apart from them, more than two million Afghan and Mozambique refugees returned to their homes in 1994-95. Significant return movements continued in 1996 in which thousands of Rwandese returned to their homes from Uganda, Brundi and Tanzania. The following table shows the major voluntary repatriation movements in 1996:

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Table 2.2 Ten Major Repatriation Movements in 1996

<table>
<thead>
<tr>
<th>To (Country of origin)</th>
<th>From (Country of asylum)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rwanda</td>
<td>Uganada/Burundi/Tanzania and Congo</td>
<td>13,01,000</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>Iran/Pakistan/and India</td>
<td>4,77,000</td>
</tr>
<tr>
<td>Myanmar</td>
<td>Bangladesh and Thailand</td>
<td>2,19,000</td>
</tr>
<tr>
<td>Iraq</td>
<td>Iran/Saudi Arabia/Pakistan</td>
<td>1,15,000</td>
</tr>
<tr>
<td>Vietnam</td>
<td>Hongkong</td>
<td>1,06,000</td>
</tr>
<tr>
<td>Bosnia-Herzegovina</td>
<td>Federal Republic of Yugoslavia and Germany</td>
<td>88,000</td>
</tr>
<tr>
<td>Mali</td>
<td>Algeria/Burkina Faso and Mauritania</td>
<td>73,000</td>
</tr>
<tr>
<td>Togo</td>
<td>Benin and Ghana</td>
<td>73,000</td>
</tr>
<tr>
<td>Burundi</td>
<td>Tanzania</td>
<td>71,000</td>
</tr>
<tr>
<td>Angola</td>
<td>Zambia/Congo and Namibia</td>
<td>59,000</td>
</tr>
</tbody>
</table>


UNHCR’s approach to voluntary repatriation depends on so many factors. The most important factor is, the conditions in the country of origin. Unless and until it is convinced that refugees can return in safety, the High Commissioner does not promote return. It may facilitate existing voluntary movements for example, through the travel facilities and grants in-kind as it has provided to Afghans returning from Pakistan and Iran. In some cases, where conditions in the country of origin permit, it may actively promote and organise the return movement. For example, 41,000 refugees were airlifted home to Namibia in 1989.
or the 3,87,000 Cambodian refugees who went home from Thailand in 1992 and early 1993, or 85,000 Vietnamese who returned to Vietnam under Comprehensive Plan of Action for Indo-Chinese refugees (CPA).32

In other cases, the High Commissioner promotes repatriation and provides assistance to returnees, but organises transport only for people who do not make their own arrangements. Such approach was used to the repatriation of some 1.7 million Mozambican refugees who returned home between 1993 to 1995.

As part of its efforts to promote and consolidate voluntary repatriation and to prevent new displacement, the UNHCR has expanded its activities in countries of origin. In the context of a new solution-oriented and preventive strategy, the office has sought to play a more active role in ensuring that repatriation is a truly durable solution by extending assistance to refugees who have returned to their own country and monitoring their welfare. In a number of operations, it has also sought to reinforce the security of internally displaced people and others who are at risk of being uprooted.

Wherever, voluntary repatriation takes place, the UNHCR tries to ensure that a legal framework is set up to protect the rights of returnees. The steps taken by the office include negotiating amnesties and guarantees of non-recrimination against returnees.

Generally, tripartite agreements are made between the country of origin, the country of asylum and the UNHCR. This agreement specifies the conditions of return and setting out safeguards for returnees. Sometimes, other measure also

32 ibid., pp.11-12.
taken including institution-building to help create an environment which will support sustained integration.

Since refugees return to a situation of uncertainty, the UNHCR adopts community-based approaches to ensure the sustainability of its repatriation and reintegration efforts. In Central America, Cambodia, Azerbaijan, Mozambique, Somalia and elsewhere, UNHCR has opted for “quick impact projects” (QIPs) in collaboration with UN Development (UNDP) and non governmental organisation station (NGOs) to help returnees to regain self-sufficiency. Such projects include the repair and reconstruction of schools, health centres, roads and bridges. Besides, it boosts the agricultural sector through the provision of livestock, seeds, processing machinery and transport or the establishment of small scale businesses in rural and urban areas. However, by filling the gap which has traditionally existed between returnee relief operations and longer-term development efforts, the “QIPs” have become a bridge to development.

Integration

Although it is believed that voluntary repatriation is the best solution to all refugee problems, but it is not always a feasible or desirable solution. The High Commissioner always stressed upon durable solutions. The reason is, some refugee-producing situations may be of a long-term nature, requiring long-term relief. It will not only cost more in the long run, but can also give rise to unrest and dependence. If refugees can be helped to support themselves, it will remove their handicapness and disabilities resulting from their exodus. The education,
instruction in the local language and vocational training etc. can help them fit into their new environment and newly adopted society.

In cases where voluntary repatriation is not feasible, the best solution is to settle refugees in their host country. This can only be done with the agreement of the Government of the asylum country and the UNHCR. In Africa, refugees have been moving for a long time into neighbouring countries, they have generally been admitted unconditionally. Since most of the newcomers were of rural background, integration could start near villages among local people. The integration was either spontaneously or in an organised manner. If it was in an organised manner, the same was achieved within a programme set up by UNHCR and the government concerned jointly. Most of the local settlements have become the permanent home of the refugees. For example in 1981, 66 such settlements were established in 14 African countries in which a million people integrated. In Tanzania itself about 36,000 refugees, who were there for more than 20 years, have been integrated and offered Tanzanian citizenship. In Sudan also some efforts are being made to settle a large number of refugees in rural and semi-urban regions similar plans are being put into effect e.g. in Botswana, Lesotho, Uganda, Rwanda, Burundi, Zair and Zambia.33 However, due to bad economic and social conditions in many host countries, the UNHCR's integration activities in recent years have diminished in relation to its other material assistance programmes.

In other instances, in 1996 the Mexican Government offered local integration opportunities to Guatemalan refugees who do not wish to repatriate. Similarly, many other efforts were made for local integration of the major refugee problems

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33 Zarjevski, n.30, p. 32.
in Central America. In industrialised countries, government welfare systems and NGOs provide the bulk of the resources necessary to integrate refugees. Elsewhere, UNHCR furnishes varying degrees of support for local settlement projects in both rural and urban settings. Traditionally, local integration projects in rural areas have taken the form of settlements. In urban or semi-urban areas, assistance is given to individual refugees to help them integrate.

Resettlement

Resettlement in a third country may be the only way to guarantee international protection of a refugee who has been denied protection in the country of asylum and who cannot repatriate to the country of his origin. A country of asylum should be a welcoming place, offering safety and security to people whose lives are threatened. But it has been found that the state to which refugees have fled is not willing or able to protect their lives. In some cases refugees may even find themselves at greater risk in their country of asylum than they were in their country of origin.

Those refugees who do not find a safe refugee in their country of asylum may be divided into three categories. Firstly, in some circumstances, refugees may be refused entry to the country to which they have fled or may be threatened with expulsion. The reason is, the asylum country feels that the refugees would threaten its political, social or economic stability if they were allowed to remain. The best example of this kind of refugee is the Vietnamese boat people who were granted temporary asylum by the South-East Asian states but not anything else.
The second category of refugees are those refugees who may also be under threat of deportation or prolonged detention in situations where the governments of country of origin and country of asylum enjoy a close political relationship and mutual antagonism towards the exiles concerned. In other situations, refugees who have been admitted to a country of asylum may be threatened not by the authorities of that state, but by other hostile groups or governments. For example, in 1980s South African refugees who had fled to neighbouring countries such as Botswana, Lesotho and Mozambique were regularly killed and injured in operations undertaken by the apartheid state and its agents. Members of exiled South African liberation movements who fell into dispute with their leaders were subjected to the same kind of human rights violations in their countries of asylum.

A third category of refugees who are confronted with particular difficulties are those who have special humanitarian needs which can not be met in the country where they have been granted asylum. Typically, these include people who have been subjected to torture or sexual violence and who require specialised care and counselling. This group also include refugees who have serious physical and mental disabilities for which treatment is not available locally as well as refugees who have been separated from close family members.

Thus, for the refugees who find themselves in such difficult circumstances, a better alternative is third country resettlement. It involves transferring a refugee from his or her country of asylum to another state which has agreed to admit that person, to grant them long-term residence rights and the opportunity to become naturalised citizens. When large refugee flows occur, resettlement is generally not a realistic option except for a very few individuals. Indeed, it is often not
desirable. Many refugees wish to live near their country of origin, both because they prefer a familiar cultural and social environment, and because their ultimate goal is to return home. But in cases where repatriation is not possible and no possibility of durable local integration into the country of asylum, resettlement in third countries may be the only feasible option.

Out of 185 member states of the United Nations, only nine countries establish annual resettlement quotas over and above their acceptance of persons arriving spontaneously at their own borders. These nine countries are—the United States, Canada, Australia, New Zealand, Norway, Finland, Sweden, Denmark, and the Netherlands. Other countries may consider submissions from UNHCR on a case-by-case basis, normally on the basis of family reunion or strong cultural links.34

**Broadening Scope of Functions**

Since the inception of the Office of the High Commissioner, his powers were broadened enabling him to take measures appropriate to the needs of refugees in evolving situations. For example, in October 1956, thousands of Hungarian refugees crossed the border into Austria.35 On the basis of the request of the Austrian Government, UNHCR immediately began to provide for the material assistance of the newcomers and to arrange for them to be accepted in other

35 Zarjevski, n. 30,p.16.
countries as soon as possible. At that occasion the High Commissioner decided to help the new refugees without first examining each of them to verify their refugee status. The High Commissioner’s role was recognised and appreciated by the World community.

As a result, in order to legitimise the role of UNHCR in 1957, the General Assembly authorised the High Commissioner to assist those refugees who did not come fully within the statutory definition, but whose situation was such as to be of concern to the international community.\textsuperscript{36} the case involved large numbers of Chinese refugees in Hong Kong whose status as ‘refugees’ was complicated by the existence of two Chinas, each of which might have been called to exercise protection. At that time, the High Commissioner was permitted to transfer funds donated by governments to Chinese refugees in Hong Kong. Similarly, two years later the General Assembly through a resolution in 1959 extended the use of good offices to all groups of refugees “who do not come within the competence of the United Nations”.\textsuperscript{37} When refugees from Angola flooded into the Republic of Congo the General Assembly requested the High Commissioner to lend his good offices in seeking appropriate solutions. Until 1964 some refugees were described as benefiting from the High Commissioner’s good offices. From 1966 the language changed and became more composite. The General Assembly ceased to make any differences among refugees and requested the High Commissioner to “continue to provide international protection to refugees who are his concern,

\textsuperscript{36} GA Resolution 1167 (XII) of 26 November 1957.
\textsuperscript{37} GA Resolution 1388 (XIV) of 20 November 1959.
within the limits of his competence, and to promote permanent solutions to their problems.38

From the mid-1970s, the General Assembly spoke of the High Commissioner’s activities on behalf of “refugees and displaced persons of concern” to the UNHCR. For example, in December 1972, the General Assembly allowed UNHCR to assist in the repatriation of Sudanese refugees from neighbouring countries and also to resettle those who had been displaced within their own country. By doing this, the Assembly referred at one and the same time to refugees and displaced persons as coming within the competence of the High Commissioner.

In 1975 an important step was taken by the General Assembly when it reaffirmed in its preamble - “the essentially humanitarian character of the activities of the High Commissioner for the benefit of refugees and displaced persons”.39 The Economic and Social Council with the endorsement by the General Assembly, another consolidating step forward in 1976 when it recognised the importance of UNHCR’S activities in “the context of man-made disasters, in addition to its original functions and recognised the need to strengthen further the international protection of refugees.40

The refugee crises in the period 1975 - 1995 illustrate both the development in the refugee definition and the problems that arise in applying it consistently to large numbers of asylum seekers. In 1976, the Executive Committee spoke about

38 GA Resolution 2197 (XXI), 16 December 1966.
39 GA Resolution 3454 (XXX), of 9 December 1975.
"asylum seekers" who had left their country in small boats. It referred expressly to the problems of refugees from Indo-China.

The field of UNHCR competence, and the field of its responsibilities have broadened considerably since the office of the High Commissioner was established. In brief, the movement has been from the Statute through good offices and assistance, to protection and solutions. The class of beneficiaries has moved from those defined in the Statute, through those outside competence assisted on a good offices basis, those defined in relevant resolutions of the General Assembly and directives of the Executive Committee, arriving finally at the generic class of refugees, displaced persons and other persons of concern to UNHCR.

Preventive Measures

Though, preventive action which require redressal the root causes of forced displacement do not come under the mandate of UNHCR, there is often a link between the resolution of existing refugee problems and the prevention of new population displacement. Most frequently the preventive efforts of UNHCR are closely linked to the promotion of solutions and have come into play in situations where large scale human displacement has already occurred.

The necessity to deal with causes was perceived in many Sessions of Executive committee. But, the UNHCR’s understanding of preventive measures was initially limited, for example, to ensure the personal safety of refugees, to
reduce armed attacks on camps, or meet the needs of refugee women.\textsuperscript{41} Economic and development aid was linked in 1990 to the prevention of migratory flows, but in 1991 the General Assembly mentioned the promotion of solutions through preventive measures.\textsuperscript{42}

Thereafter, the UNHCR highlighted steps that might be taken in countries of origin with regard to the promotion of human rights or to removing or reducing the factors that force displacement. In 1992, the Special Rapporteur on former Yugoslavia said that “many displaced persons need not have to seek refuge abroad, if their security could be guaranteed and if they could be provided with both sufficient food supplies and adequate medical care”.\textsuperscript{43} In 1993, the Executive Committee emphasised that the UNHCR’s activities in the field of prevention must be complementary to its international protection activities and consistent with the principles of international human rights.

However in the 1990s, the UNHCR has undertaken preventive initiatives in countries which currently produce refugees or which may produce in the future. At its most general level, preventive action being developed by UNHCR includes initiatives to forestall possible refugee flows through institution-building and training in countries at risk of producing refugees and increasingly through efforts to address the problem of statelessness. This has been a growing focus of UNHCR activity in Eastern Europe and the countries of the Commonwealth of Independent States (CIS). In 1995, the UNHCR along with the International Organisation for

\textsuperscript{41} The UN General Assembly resolution No. 40/118, para.4, 1987.
\textsuperscript{42} UN Generality Assembly resolution No. 46/106. 16 December 1991, para. 9.
Migration (IOM), the Organisation for Security and Co-operation in Europe (OSCE) and concerned Governments, embarked on a process to develop a comprehensive regional approach to the problems of refugees, returnees, displaced persons and migrants in the CIS and relevant States.

In situation where economically motivated migrants may seek to take advantage of refugee channels, the UNHCR launched some mass information programmes to provide a clear understanding of refugee status. Such programmes were run by UNHCR in Vietnam, Albania and in 1996 in the CIS regions. The aim of these programmes was to discourage people who may seek to use asylum channels for economic reasons while keeping them open for those who flee persecution. If refugee crises have already erupted somewhere, the UNHCR has become more directly involved with internally displaced people, and even-as for example in Bosnia and Herzegovina, Somalia, West Africa and the Caucasus with other local people. Although, UNHCR’s general mandate does not extend to the internally displaced persons, but it has increasingly undertaken humanitarian action on their behalf. It has done with a view not only to providing relief but also to averting further internal displacement and reducing the need to seek refuge abroad.

Despite achievements in promoting solutions to problems of displacement in recent years, a number of the world’s refugee problems have remained unresolved. Moreover, current developments suggest the likelihood of continued ethnic regional conflicts. Preventing and containing such conflicts, and a principal protecting and finding solutions for the refugees and displaced persons may remain preoccupation for the international community. Given the interrelated causes and
consequences of contemporary refugee crises, there has been a growing recognition of the need to tackle the refugee issue in an integrated manner at international level.

Through the Comprehensive Plan of Action (CPA) in South-east Asia and CIREFCA process in Central America, the UNHCR has used integrated regional strategy to sort out existing refugee problems and to prevent further population movements.44

Alerting the world to repeated violations of human rights, impending famine and rising ethnic tensions, NGOs play the most important role of the conscience of the world. By exposing human rights abuses, NGOs raise awareness of and sensitise politicians and the public alike to humanitarian issues, to influence international legal norms and to recommend political and humanitarian action. The NGOs also play a crucial role in consolidating solutions. Their community based approach is an asset in bridging the gap between relief and development, helping returnee populations to integrate.

Since its inception in 1951, the UNHCR has maintained collaboration with non-governmental organisations (NGOs). The UNHCR’s humanitarian character and its non-operational dimension in the early days after its creation, the non-governmental organisations became important actors in the implementation of assistance projects for refugees. The UNHCR was involved in planning and coordination, while the implementation of these programmes was largely the work of NGOs.

The UNHCR has developed its relations and collaborations with non-governmental organisations in every corner of the world wherever it is involved. Many NGOs were engaged in small-localised efforts to address displacement problems. The large scale refugee influxes in Africa marked a new chapter in the work relations between NGOs and UNHCR and contributed to joint efforts to meet the challenges.

Today, more than one thousand non-governmental organisations are involved world wide working directly or indirectly with refugees.45 Whether in the sphere of early warning, emergency response or the search for durable solutions, the non-governmental organisations play a significant role. These organisations are UNHCR’s closest partners in emergency response and strong advocates of international protection.

**Funding**

The UNHCR is almost entirely funded by direct, voluntary contributions from governments, non-governmental Organisations (NGOs) and individuals. There is also a very limited subsidy from the regular budget of the United Nations, which is used exclusively for administrative costs. Article-20 of the Statute states that:

"The office of the High Commissioner shall be financed under the budget of the United Nations. Unless the General Assembly subsequently decides otherwise, no expenditure other than

45 ibid, p.13.
administrative expenditure relating to their functioning of the office of the High Commissioner shall be borne on the budget of the United Nations and all other expenditures relating to the activities of the High Commissioner shall be financed by voluntary contributions.”

The UNHCR’s budget is divided into two parts:

1. General Programmes and

2. Special Programmes

Both programmes depend on voluntary contributions from donors. The General Programmes are basic, ongoing refugee protection and assistance activities that are planned and approved in advance. The General Programmes are statutory activities and are divided for the most part by the country and continent. Such type of programmes enable the High Commissioner to deal with new refugee situations between sessions of the Executive Committee by drawing on the Emergency Fund. These funds are used to finance immediate survival needs making adjustments in allocations, modifying project allocations, or by drawing or the Programme Reserve. In the event, however, of large-scale material assistance projects being required without delay for assistance to a new group of refugees, the High Commissioner would consult the executive Committee.46 This is provided in a decision taken by the Committee at its eighteenth session, when the number of sessions was reduced from two to one in a year.47

46 The High Commissioner consults the Executive Committee through a special appeal, a mail poll, meeting in Geneva of Permanent Representatives members of the Committee, or through a special session of the Committee.

47 The GAOR, 22nd Session, Supplement No. 11A (A/6711/Add.1) Para. 38
The UNHCR's budget topped US $1 billion for the first time in 1992. It has since exceeded that mark every year, primarily because of refugee emergencies in former Yugoslavia, the Great Lakes region of Africa and elsewhere. The UNHCR makes considerable efforts to raise funds throughout the year, so that refugees can be immediately assisted with food, shelter and other essentials for their survival. The 1996 and 1997 budget of UNHCR were US $1.43 billion and $1.22 billion respectively.

In the words of Dr. (Ms.) Sadoko Ogata, the present High Commissioner for Refugee “funding is not easy, but it is a challenge too. If we manage the funds well, the international community and governments do fund us, and this was proven last year. It is very important that there is international recognition that refugee protection assistance has to be done. It is one of the major global agendas.” According to Dr. Sadoko Ogata, the United States continues to be the largest contributor with a very strong commitment to humanitarian assistance and refugee assistance. The other large donors to the High Commission for Refugees are European Community, Japan, Sweden, Germany, Great Britain and many other developed countries.

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Table 2.3: Major Programmes Of UNHCR (in millions of US $)

<table>
<thead>
<tr>
<th>Programmes</th>
<th>Required</th>
<th>Contributed</th>
<th>Result (Shortfall)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AFRICA</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Angola Repatriation</td>
<td>21.0</td>
<td>16.5</td>
<td>(4.5)</td>
</tr>
<tr>
<td>Great Lakes Repatriation</td>
<td>140.9</td>
<td>150.0</td>
<td>9.1</td>
</tr>
<tr>
<td>Rwanda</td>
<td>114.0</td>
<td>73.4</td>
<td>(40.6)</td>
</tr>
<tr>
<td>Mail Repatriation</td>
<td>15.7</td>
<td>10.9</td>
<td>(4.8)</td>
</tr>
<tr>
<td>Horn of Africa</td>
<td>39.2</td>
<td>29.4</td>
<td>(9.8)</td>
</tr>
<tr>
<td>Liberia Repatriation</td>
<td>14.1</td>
<td>12.1</td>
<td>(2.0)</td>
</tr>
<tr>
<td><strong>ASIA</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Post CPA</td>
<td>23.7</td>
<td>24.5</td>
<td>0.8</td>
</tr>
<tr>
<td>Myanmar Repatriation</td>
<td>11.5</td>
<td>12.1</td>
<td>0.6</td>
</tr>
<tr>
<td>Sri Lanka Repatriation</td>
<td>8.5</td>
<td>7.0</td>
<td>(1.5)</td>
</tr>
<tr>
<td>Cambodia</td>
<td>2.3</td>
<td>3.0</td>
<td>0.7</td>
</tr>
<tr>
<td><strong>SW and CENTRAL ASIA</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Afghanistan Repatriation</td>
<td>19.9</td>
<td>21.2</td>
<td>1.3</td>
</tr>
<tr>
<td>Tajikistan</td>
<td>4.7</td>
<td>5.6</td>
<td>0.9</td>
</tr>
<tr>
<td><strong>LATIN AMERICA</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guatemala Repatriation</td>
<td>9.9</td>
<td>10.5</td>
<td>0.6</td>
</tr>
<tr>
<td><strong>EUROPE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Former Yugoslavia</td>
<td>220.1</td>
<td>207.5</td>
<td>(12.6)</td>
</tr>
<tr>
<td>CIS Countries</td>
<td>38.1</td>
<td>29.2</td>
<td>(8.9)</td>
</tr>
<tr>
<td><strong>OTHER</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Special Programmes</td>
<td>53.4</td>
<td>50.7</td>
<td>(3.1)</td>
</tr>
<tr>
<td><strong>TOTAL (GP+SP)</strong></td>
<td><strong>1189.6</strong></td>
<td><strong>1041.7</strong></td>
<td><strong>(147.9)</strong></td>
</tr>
</tbody>
</table>

Source: UNHCR, Funding Overview 1997.
The Special Programmes are refugee emergency operations, voluntary repatriations and assistance to non-refugees, such as internally displaced people. In the case of Special Programmes carried out at the request of the General Assembly or ECOSOC for the benefit of certain specific groups of persons. The High Commissioner can appeal for the funds required to finance such type of programmes. Sometimes the High Commissioner initiates material assistance programmes when the General Assembly requests him to participate on the invitation of the Secretary General. In launching or participating in Special Programmes, the High Commissioner is guided by the humanitarian need to assist persons who are of concern to UNHCR and who require urgent help.

Funds for each Special Programmes are usually sought through the issuance of appeals which can be launched, revised and updated as required. In former Yugoslavia and other large programmes, appeals for funds are often co-ordinated with other United Nations agencies in the region.

**Co-operation with other Organisations**

As mentioned in paragraph 8 of the Statute, the United Nations High Commissioner for Refugee will work jointly with other members of the international community. Since the activities of the UNHCR increased and diversified, its relationship with other organs of the United Nations and specialised agencies, with intergovernmental organisation and NGOs have become increasingly important. In planning and implementing programmes, the UNHCR needs the help of other bodies whose tasks are complementary to its own efforts.
The UNHCR draws on the expertise of other organisations of the United Nations System. For example, the World Food Programme (WFP) plays an important role in supplying basic food until refugees are able to grow their own crops or become self-sufficient, through other activities. Similarly other agencies of the United Nations in matters such as child welfare - UNICEF, food production-FAO, health measures-WHO, education-UNESCO, and vocational training-ILO provide all possible assistance to the UNHCR.49 In Central America, Cambodia and Mozambique the UNHCR and UNDP have co-operated very closely to ensure that the immediate rehabilitation assistance provided by UNHCR strengthens the longer-term development plans. In a situation where refugees have not been able to return home, the World Bank, the International Fund for Agricultural Development (IFAD) and UNHCR have joined forces to plan finance and implement projects which aim to promote self-reliance. These include agricultural activities and schemes to create employment opportunities for refugees in their country of asylum.

In addition to these agencies of the United Nations system co-operating with UNHCR in their respective fields, governmental, intergovernmental and non-governmental organisations play an important role in UNHCR’s activities. This has sometimes been achieved by designating a lead agency responsible for the co-ordination of a particular operation at the field level. The European Community (EEC) is instrumental in providing help both in cash and kind, and in the implementation of legal instruments. The EEC also extends moral and political support in the search for solutions to refugee problems. The Intergovernmental

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49 Ibid., p.13
Committee for Migration (ICM) organises the transportation of refugee migrants. There is also a long-standing tradition of co-operation between UNHCR, the International Committee of the Red Cross (ICRC) and the League of Red Cross Societies (LRCS). In early 1992, the Secretary General established the Department of Humanitarian Affairs (DHA) to assist in co-ordinating the United Nations response in complex humanitarian emergencies. The UNHCR works with other components of the United Nations in the broader context of peace-building and peace-making operations. Such co-operation has taken place in Cambodia with the United Nations Transitional Authority in Cambodia (UNTAC), in the former Yugoslavia with the United Nations Protection Force (UNPROFOR) and in Mozambique with the United Nations Operation in Mozambique (ONUMOZ).

Besides, the UNHCR co-ordinates activities with the Organisation of African Unity (OAU) within the framework of the Joint Working Group. This group was established to monitor progress in the implementation of recommendations adopted at the Conference On The Situation Of African Refugees held in Arusha in 1979. The International Conference on Assistance to Refugees in Africa (ICARA) held in Geneva in April 1981, was sponsored jointly by the Secretary General of the United Nations, the OAU and UNHCR. The second International Conference on Assistance to Refugees in Africa (ICARA II) took place in Geneva in July 1984 under the same auspices except that UNDP also participated in the Steering Committee in recognition of the development aspect of many of the projects submitted to the Conference. Relations with the Organisation of

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50 ibid.
American States (OAS) have continued, with special emphasis at the moment on UNHCR’s programme for Central American refugees. In the same way, a close co-operation with the League of Arab States continues, while an Agreement was signed in July 1988 between the Organisation of the Islamic Conference and UNHCR, thus consolidating co-operation in areas of mutual interest.51

**UNHCR and Non-Governmental Organisations (NGOs)**

The voluntary agencies have been a permanent factor in refugee work since the early 1920s. In pursuance of Article 8(h) of the Statute the High Commissioner “establishes contact in such manner as he may think best with private organisations dealing with refugee questions” and “facilitate the co-ordination of the efforts of private organisations concerned with the welfare of refugees” (Art. 8(i)). These Articles of the Statute carries some sort of link which was in 1921 between international agencies dealing with refugee problems and the voluntary agencies. Over the decades perhaps the most dedicated service to the cause of refugees has been provided by the voluntary agencies. The voluntary agency functioning on behalf of refugees may be viewed from two aspects. First, their immediate practical services to the refugee and second their indirect service as intermediaries between a refugee and official bodies dealing with refugee problems. In terms of practical services, it is the voluntary agencies which are on the scene of disasters generally long before the official action is taken. Potentially they provide assistance to all refugees including who are not included in the

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51 Ogata, n. 48, pp. 10-11.
mandate. This was very important in the past when refugees were not clearly defined and official bodies were not helping. The voluntary agencies have operated at all stages of the work with refugees, from emergency relief and assistance in or outside refugee camps to long-range projects for permanent solutions. 52

In addition, the voluntary agencies are also the agents of important indirect services, insofar as they function as intermediaries between the refugee and their own constituencies and between him and the official bodies seeking permanent solutions to refugee problems. A primary means of indirect assistance is that of lobbying before individuals, groups, private foundations or official bodies concerned with refugees.

52 Holborn, n.2, p.122.