CHAPTER III

INTERNATIONAL HUMANITARIAN ASSISTANCE FOR REFUGEES: A SURVEY
The international response to the plight of refugees is one of the most remarkable humanitarian achievements of the century. Building on foundations laid by the first High Commissioner for Refugees, Fridtjof Nansen, beginning in 1921, the international community has progressively developed the structure and practice of international protection, elaborating and consolidating a system of legal principles and norms and, most importantly, providing asylum to millions of refugees.

The jurisprudential basis of international refugee law is the concept of common humanity and the responsibility of the international community to preserve human life, to promote the well-being of all men, to diminish human sufferings and to assist states in providing protection and assistance to refugees. The protection that the international community extends to refugees must include physical security of refugees, and physical protection also means keeping people alive through humanitarian assistance. Food, water, sanitation and medical care are fundamental to survival. These people walk long distances only as long as their legs can carry them subject to availability of food, water and shelter or until they are stopped. The vast majority of refugee populations live in the immediate vicinity of the only international frontier they have ever crossed - and which they are going to cross again when the time comes.

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for their safe and voluntary return. Only a very few of them have the money, the contacts, the family connections, the knowledge or the inner energy to propel them onwards.

The dependence of growing masses of refugees on organized assistance raises questions as to the extent and capacities of transnational efforts of humanitarian purposes. By the end of 1994 the world's refugee population was estimated by the United Nations High Commissioner for Refugees at some 20 million. Persecution, human rights abuses and civil strife, the major root causes of refugee flows, are increasing, and the complex humanitarian assistance problems generated by the new conflicts are ever more difficult to resolve.

In the autumn of 1990, United Nations agencies drew up contingency plans for an anticipated flow of refugees from Iraq and Turkey. In April and early May 1991, as government troops closed in, 1.8 million Kurds suddenly headed for the Turkish and Iranian borders. Since then there has been a rapid succession of refugee crisis. In 1992 alone, over 3.5 million people were forced to flee across an international border in search of safety. In the 16 months between December 1991 and June 1993, the number of people dependent on international assistance in the former Yugoslavia rose from 500,000 to 3.6 million. In March 1992, some 3,000 refugees a day were arriving in Kenya to escape the fighting, famine and chaos in Somalia. At

about the same time, a quarter of a million Muslim refugees from Myanmar fled into Bangladesh, and up to 500 refugees a day were pouring into Nepal from Bhutan. By late 1992, the conflict between Azerbaijan and Armenia had created more than 800,000 refugees and internally displaced people, while the civil war in Tajikistan had uprooted another half a million. In February and March, 1993, 280,000 refugees from Togo sought refuge in Benin and Ghana.

More recently, the human tragedy in Rwanda, which resulted in some 200,000 persons killed, more than a million persons becoming refugees in neighbouring Zaire and Tanzania and million others homeless in their own country, is still fresh in the minds of the international community. Millions of Afghan refugees are still unable to return home years after the victory of the Mujahidins because of the infighting among the Mujahidins themselves. Of course, the plight of the Bosnian refugees and the international politics surrounding the conflict has perhaps received more sustained international attention in the last two years than any other single development. As Peter Macalister-Smith observed:

"The response to these refugee situations, which were neither envisaged nor provided for in the early Post-war period of international organisation, has included an enlarging of the capacities and functions of the relevant institutions charged with humanitarian tasks. In particular, UNHCR's competence to provide
material assistance has been progressively expanded to enable more practical and comprehensive action to be taken to meet the immediate needs of refugees\textsuperscript{3}.

For the past several years, ethnic conflict has been the world's most common form of collective violence and a major cause of the steadily increasing refugee problem. Stories of ethnic hatred, xenophobia and racist attacks by neo-Nazi Skin-heads make headlines almost daily in Germany. In Bosnia, rape has been used as weapon of war, to humiliate and destroy Muslim-families. Investigators say as many as 20,000 women may have been raped in the brutal conflict in Bosnia - Herzegovina. Some eyewitness accounts even mention cases of women who are held and repeatedly raped until they become pregnant. They are freed only when it is too late for an abortion. In the view of the perpetrators (in this case the Serbs), the children born of this barbarous union are Serbian. Thus rape becomes a method of ethnic purification\textsuperscript{4}.

Here it may be worthwhile to mention that in late 1991, when the United Nation designated the UNHCR as the lead agency for the coordination of humanitarian assistance in the former Yugoslavia, there were some 500,000 refugees and displaced persons in need of assistance as a result of the fighting in the Croatia. By the end


\textsuperscript{4}. Philippe Granjon - "Rape as a weapon of War" - Refugee, August 1993, P. 42.
of July 1993, the total population receiving assistance had increased to 3.6 million, with over 2 million in Bosnia - Herzegovina alone.

Despite enormous obstacles, the ongoing fighting and the lack of security for relief deliveries, the massive international relief effort is bringing humanitarian relief to millions, with the focus on life-sustaining relief to persons in Bosnia. UNHCR and other UN humanitarian agencies - including UNICEF, WHO and WFP as well as ICRC and large number of NGO's - continue to bring food, medicine and supplies to victims of the war.

Today, several millions of refugees, displaced persons and others whose situation has been considered analogous benefit directly from UNHCR's assistance programmes. UNHCR has also been involved during the post year in a wide range of activities in favour of internally displaced persons. Ms. Sadako Ogata, United Nations High Commissioner for Refugees, while delivering her address before the Third Committee of the General Assembly on the 10th November, 1992, - observed that -

"The scale and complexity of humanitarian crisis confronting us is a reflection of the uncertainty and instability of the period in which we are living. Resurgent nationalism, coupled with the serious economic and social consequences of the collapse of
the old world order, has led to a multiplication of conflicts ..... In such circumstances, my Office is faced by a number of fundamental challenges that go to the very heart of its mandate ..... I can not claim to have all answers, Mr. Chairman, but I am confident that, given its unique mandate, its experience, its demonstrated capacity to innovate, and the indispensable support of Governments, my Office will continue to adapt with flexibility and innovation to new challenges while preserving the established principles of international protection"5.

However, in the field of international humanitarian assistance, the permanent factor in post-war work for refugees has been the activity of the voluntary agencies. The voluntary agency acts as an intermediary between government and individuals, enabling citizens to coordinate their efforts and achieve a goal. As a channel of good will and positive motivation, the voluntary agency helps to influence governments to establish and carry out comprehensive and humane refugee policy. Here it is worthwhile to mention that over the decades, the most sustained and devoted service to the cause of refugees has been provided by various inter-governmental organisations and NGOs viz.; UNDP, FAO, WFP, ICRC, ILO, UNICEF, OXFAM, ICVA etc. In July 1992, to further enhance emergency - response, the United Nations created the Department of

The creation of international machinery to deal with the problem of refugees and, for that matter, international social and humanitarian co-operation, was not envisaged in the Covenant of the League of Nations of 1919. These questions were not then deemed to be of sufficient importance to merit other than general treatment. Yet, at that time, vast numbers of refugees were already living in desperate circumstances, and were dependent on assistance from private and national sources for the barest necessities of life. Help from international sources was needed to keep them alive. No thought was given, however, to the creation of an international body to tackle all the aspects of a situation which threatened to assume alarming proportions.
When wave upon wave of refugees, began to break over Europe and Asia-Minor from 1915 onwards, the first assistance given to them came from relief societies, the refugees' own mutual aid associations, and a number of organizations set up in certain countries to distribute foreign relief.

In Asia-Minor, from 1915 onwards, various organisations, including the American Red Cross, undertook, on behalf of Armenian refugees, relief operations which were to continue until 1923. In the course of the years 1918 to 1922, 1,500,000 persons left Russia to escape the effects of famine and other consequences of war and troubled times, and were assisted in different countries of refuge by various charitable organizations, including the American Red Cross. In March 1923, the American Red Cross was feeding every day more than half-a-million Greek refugees from Anatolia, while the Turkish Red Crescent was one of the organizations helping the Turkish Government to bring relief to Ottoman refugees coming from Greece. As some of these refugees trickled slowly into Western European countries, they sought, and found, relief and assistance from national Red Cross Societies which helped their integration in their new country of asylum. However, the situation called for energetic and imaginative action.

On February 16, 1921, the International Committee of the Red Cross (ICRC) convened to an unofficial meeting in Geneva, representatives of the International Labour Office, the International Union for Helping the children, the London Save the Children Fund, the League of Red Cross Services, and the Russian relief associations, to
consider what action could be taken to alleviate the distress of the various groups of post-World-War-I or post-Russian-Revolution refugees, and to co-ordinate measures of assistance.

However, in the meeting, it was decided to lay the question of Russian refugees before the Members of the League of Nations, and to suggest the appointment of a League of Nations Commissioner to deal with the various aspects of the refugee problem, as it existed at that time; to centralize all refugee relief work; and above all, to provide legal and political protection for refugees. This proposal was warmly welcomed by a number of governments, and the League of Nations decided on June 27, 1921 to appoint as High Commissioner for Refugees Dr. Fridtjof Nansen, who had just completed the task of bringing home 400,000 prisoners of War. His mandate was to seek a permanent solution for the refugee problem then in existence, and to co-ordinate the efforts made in various countries by governments and private organizations.

6. Here it is worthwhile to mention that by the terms of Article 25 of the Covenant of the League of Nations, the Members of League were pledged to co-operate with Red Cross organizations, having as their purposes the improvement of health, the prevention of disease, and the mitigation of suffering - throughout the World.

7. In a Telegram dated February 20, 1921, sent by the then president of the ICRC, Mr. Gustave Ador, to the President of the Council of the League of Nations, then in Session in Paris, it was emphasised that all the organizations at work would be glad to put forth fresh efforts under the general supervision of a Commissioner appointed by the League of Nations, which was the only supra-national authority capable of solving a problem which was beyond the power of exclusively humanitarian organizations.
In the exercise of his task, Dr. Nansen enlisted the services of voluntary bodies, calling, in particular, upon the assistance of the ICRC and several of its delegations, including those in Athens, Belgrade, Bucharest, Budapest, Constantinople, Righ and Warsaw. He further established an advisory body of the private relief organizations concerned with Russian refugees among which were the ICRC, the League of Red Cross Societies, and the American Red Cross. For almost nine years, until his death in 1930, Dr. Nansen was the League of Nations High Commissioner for Refugees. Nansen was faced with the need of finding funds for the maintenance of the refugees and offers for their settlement in other countries. Between 1924 - and 1929 the task of material assistance for refugees was entrusted to the International Labour Organization, and Protection functions became the main responsibility of the High Commissioner. In 1929 both tasks were reunited in the Office of the High Commissioner. On the death of Dr. Nansen in 1930, the Nansen International Office for Refugees was created by a resolution of the Assembly of the League of Nations, as an autonomous body responsible for exercising functions, including humanitarian assistance.

The financing of the refugee operation was a continuous problem. The League of Nations paid only for administrative expenses and assumed on the whole no responsibility for the funding of aid for refugees. Funds had to be solicited from Governments, voluntary organizations, and private individuals, largely on an ad hoc basis.

8. See League of Nations, Official Journal (1931) and Special Supplement No. 84 for more reference.

The Secretariate of the League was entrusted with the protection of the refugees, but this division between political and legal protection on the one hand, and the humanitarian work on the other hand, could not be strictly maintained in practice.

In 1933 a new High Commissioner for Refugees, coming from Germany, was appointed under a mandate excluding any role of assistance. Despite the work of the Nansen Office and the High Commissioner, well over 500,000 refugees in Europe were in urgent need by 1938. In that year the Nansen office and the Office of the High Commissioner were closed and a new High Commissioner for Refugees under the Protection of the League of Nations was appointed, whose competence relating to relief was restricted to facilitating the coordination of humanitarian assistance provided by other organizations.¹⁰

The Evian Conference of 1938, convened to deal with political and economic questions arising from the exodus of refugees from Germany and Austria, set up the Inter-Governmental Committee on Refugees (IGCR), headed by the High Commissioner. However, plans to establish an international organization with responsibility to carry out social, economic and humanitarian functions on behalf of those left in greatest need by the effects of World War II resulted in the creation of the United Nations Relief and Rehabilitation Administration (UNRRA) by 44 nations on November 9, 1943.

UNRRA, established as a specialised agency before the adoption of United Nations Charter and the creation of the UN itself, was the first major operating agency for refugees and displaced persons. The Administration exercised responsibility for the provision of material assistance to refugees and displaced persons both in Europe and in its other areas of operation, with the participation of over 60 voluntary organizations. UNRRA and ICGR were succeeded, in 1947, by the International Refugee Organization (IRO). The IRO's main objective was to achieve voluntary repatriation or resettlement, but it was recognized that immediate maintenance and assistance functions would also be necessary and the Organization was given full powers for its tasks of material relief. Between July 1, 1947, and January 31, 1952 the International Refugee Organization (IRO) succeeded in resettling over one million refugees and it saved hundreds of thousands from starvation by giving them care and maintenance in their countries of residence. The IRO went into liquidation on March 1, 1952.


13. During its existence (July 1947 to Feb. 1952), the IRO assisted 1,619,008 persons, of whom 1,038,750 were resettled and 73,834 repatriated twenty five thousand, five hundred and thirty nine were still in receipt of care and maintenance at the end of 1951.
As early as July 1949 it became clear that there would remain a refugee problem after the closure of the International Refugee Organization. The General Council of I.R.O., therefore, addressed a communication\(^{14}\) to the Economic and Social Council of the United Nations on future international action concerning refugees, in which it came to the conclusion that:

"(a) international assistance in the protection of refugees should continue unbroken;

(b) an organ within the framework of the United Nations should be entrusted with this responsibility;

(d) the question of the establishment of an international fund for the material assistance of refugees after the termination of the IRO programme should be determined by the Economic and Social Council".

The General Assembly of the United Nations adopted on December 3, 1949, a Resolution to the effect that the international protection of refugees was, as from January 1, 1951, to become the responsibility of a United Nations High Commissioner for Refugees\(^{15}\). Thus, the United Nations have assumed direct responsibility for the refugee problem.

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Here it is worthwhile to mention that the tasks of the IRO were largely operational: care and maintenance, repatriation and resettlement of refugees. On the other hand, the task of the UNHCR is the international protection of refugees and the promotion of permanent situations for the problem of refugees.

3.2 The Role of the United Nations Relief and Works Agency for Palestine Refugees in the Near East:

The refugees from Palestine who were left in urgent need of humanitarian assistance upon the establishment of Israel as a State, on 14/15 May 1948, continue with their descendants to receive international assistance under the aegis of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)16. UNRWA was established in 1949 by a resolution of the General Assembly17. The Agency was given two duties: first, to carry out in collaboration with 'local governments' the direct relief and works programmes for the Palestine refugees already recommended by an Economic Survey Mission; and, secondly, to consult with "interested Near Eastern Governments" about measures to be taken by them against the time when international assistance for relief and works projects

would no longer be available. The operations of the Agency, and the terms of its 'mandate', have been reviewed every year by the Assembly, and resolutions passed accordingly renewing the mandate as required. From the beginning UNRWA has defined refugees, for the purposes of its mandate, as all persons who had lived in Palestine for at least two years before the Arab-Israel conflict of 1948, and who as a result of it lost both their homes and their means of earning a living; and only these, and their families are qualified for the Agency's assistance as refugees. Refugees wishing for relief have been required to register with the Agency, and there are now over one and a half-million registered refugees. Of these some 187,000 are living in Lebanon, 173,000 in Syria, 5,68,000 in Jordan, 283,000 on the West bank of the Jordan, and 327,000 in the occupied Gaza Strip. These five countries or territories, together with Egypt, where there are some 3,000 refugees, form the Agency's area of operations.

18. The position of UNRWA may be compared with that of two other organizations set up rather earlier: UNRRA (United Nations Relief and Rehabilitation Administration) and IRO (the International Refugee Organization). Both those bodies owed their origin to treaty. UNRRA's task was to meet the urgent need of relief and rehabilitation in allied countries freed from enemy occupation, by pooling resources for the purchase of supplies and seeing to their transport and distribution.

IRO was set up under resolution of the General Assembly. Its object was to secure the repatriation, protection, care and assistance, and resettlement of refugees and displaced persons of defined categories; and it owed its origin as a specialised agency to Art.59 of the U.N. Charter.

19. The figures mentioned here are taken from the Commissioner-General's Annual Report for July 1, 1972 - June 30, 1973
The registered refugee is entitled to the assistance available according to his need. This assistance takes four principal forms: rations, housing, medical care and education. One third of the refugees live in an UNRWA camp. However, the government of the country in which the camp is situated is responsible for law and order therein, and general control and administration. There is in most camps a clinic with a doctor in daily attendance; and for the refugees not living in the camps there are UNRWA clinics or health centres in the major centres of population, and mobile health teams. The Agency has some hospitals of its own. Great attention is paid to sanitation in the camps, and to the provision of drinking water. The Agency, in association with UNESCO, provides free elementary education in its own schools for a period of six years and lower secondary education for a period of three years for those who have satisfactorily completed their elementary education. Altogether the Agency gives education to more than a quarter of a million children. There are also ten institutions for the training of teachers, and for giving training in various trades.

The Secretary-General of the United Nations appoints the Commissioner-General of the Agency, and he in turn appoints his staff. However, it is to be mentioned that refugees registered with UNRWA and receiving its assistance are excluded from the competence of the United Nations High Commissioner for Refugees 20. Since its creation UNRWA has faced continuous budgetary deficits while also

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20. See para 7(c) of the Statute of the United Nations High Commissioner for Refugees.
experiencing serious difficulties resulting from the armed conflicts in the region. UNRWA's present annual budget is close to $200 million, almost all of which is provided by governments. The largest single contributor is the United States. Other principal contributors are Canada, the Federal Republic of Germany, Japan, Saudi Arabia, Sweden, the United Kingdom and the Commission of the European Communities. As Prof. Jack I. Garvey observed:

"UNRWA suffers from a continuing and everworsening financial crisis and from political limitations that severely impair its humanitarian function. Nevertheless, UNRWA continues as an unfavoured stepchild of the United Nations and as a victim of manipulations of Middle East politics"\textsuperscript{21}

UNRWA is primarily an operational agency. It controls its own budget from receipt to expenditure. Furthermore, it provides educational, health, and other services in parallel relation to the host government, sometimes intermixing functions with the host, but providing services typically governmental in nature. Of primary significance is the relationship of great mutual dependence between UNRWA and the refugee. For over four decades, UNRWA has responded to the most vital needs of the refugee, on a highly personalised and direct basis, functioning almost wholly through Palestinian staff on

the operational level. In the early years, the refugees relied on UNRWA for food and shelter. Today, they rely on UNRWA for the basic security provided by health services and for the refugee family’s most tangible hope for the future, the UNRWA education programme. Of course, despite its 'quasi-governmental' nature, UNRWA has no legal authority to exercise the very important "international protection" function exercised by the UNHCR on behalf of other refugee populations.

3.3 The Role of the United Nations High Commissioner for Refugees:

When the United Nations replaced the League of Nations in 1945, it recognized from the outset that the task of caring for refugees was a matter of international concern and that, in keeping with its charter, the community of States should assume collective responsibility for those fleeing persecution.22.

The task of caring for refugees indicates an international concern because of two basic reasons. First, there exists a clear humanitarian aspect of the matter duly recognized by the Charter of the United Nations which has distinct provisions for respect and protection of human rights. The second reason is the basic fact that it inevitably involves the interests of more than one State. The another reason was indeed fundamental based on sheer necessity arising

22. See General Assembly Resolution A/res/8(i) February 12, 1946.
out of the need for effective tackling of the problem of refugees. It could not be dealt with by mere negotiation or mediation or intervention or other methods known for resolution of international problems and disputes. The special aspects of the problem needed a proper organisation with regular manpower running it to create some impression towards resolving the grave problem of multitude of human beings totally displaced and rendered helpless without a home and often without food and necessary means of living. The solution dictated the establishment of a regular organisation as a sheer necessity and this does furnish the raisond'etre of the numerous refugee organizations that came into being before 1946 and also after the UN came into existence like the IRO and subsequently the U.N. High Commissioner for Refugees.  

Here it is interesting to note that when the General Assembly of the United Nations decided on 3rd December 1949 to establish an agency to succeed IRO, governmental opinion was no more unanimous than it had been four years earlier. However, the countries in favour of the new body were generally agreed that its main function should be international protection. Countries outside Europe believed that the problem of refugees and displaced persons resulting from the second world war was largely solved, mainly through their departure for overseas lands. These countries thought that a small organization

with limited functions and a short life-span of, for example, three years was all that was needed to deal with the residual group of non-integrated refugees then within IRO's mandate. Accordingly, the IRO was replaced by the Office of the United Nations High Commissioner for Refugees (UNHCR) on 1st January 1951 and it was to be for a period of 3 years in the first instance vide General Assembly Resolution 319(iv) of December 3, 1949 and 428 (v) of 14th December 1950. The Statute of UNHCR, adopted by a General Assembly resolution in December 1950\(^2\)\(^4\), outlines the responsibility of the Office, the most important of which are -

"providing international protection .... and .... seeking permanent solutions for the problems of refugees".

The Statute placed UNHCR under the authority of the UN General Assembly. It is a subsidiary body\(^2\)\(^5\), following directives received from the Assembly or from the Economic and Social Council (ECOSOC). According to the very first Article of the Statute, the High Commissioner acts "under the authority of the UN General Assembly" and Art.3 prescribes that he shall follow "policy directives given him by the General Assembly or the Economic and Social Council". In 1951,

\(^2\)\(^4\). See General Assembly resolutions 319(iv) of 3 December 1949 and 428(v) of the December 1950.

\(^2\)\(^5\). In the same was as UNRWA, UNICEF, WFP, UNDP etc. and differing thus from Specialized Agencies such as WHO, ILO etc.
the ECOSOC at its 13th Session established the Advisory Committee on Refugees to guide the High Commissioner, at his request, in the exercise of his functions. In the beginning of 1955 the General Assembly by its Resolution 832 (viii) and ECOSOC by 565 (xix) adopted in October 1954 and March 1955 respectively, reconstituted the Advisory Committee as an Executive Committee known as UNREF Committee which retained the advisory function of its predecessor. However, again it was in 1959 that the UNREF Committee was replaced by the Executive Committee of the High Commissioner's Programme. The Executive Committee also reviews the use of the Emergency Fund, and the administration of Special Trust Funds, and advises the High Commissioner, at his request, in the exercise of his function under the statute of his office. It is assisted in the execution of its functions by the Sub-committee of the whole on International Protection and the Sub-Committee on Administrative and Financial Matter. At present the Executive Committee consists of 48 states. Members either of the United Nations or one of its specialised agencies, to be elected by ECOSOC on the widest possible geographical basis from those States with a demonstrated interest in, and devotion to the solution of the refugee problem. UNHCR activities within the framework of Special Programme were reported to the Executive Committee from its inception. The general control of the U.N. over the Office of the High Commissioner is exercised by various methods such as the annual report on the Later's activities which has to be submitted through the ECOSOC and is first considered by the Third
Committee of the U.N. Assembly. Again the administrative and financial aspect of the activities of UNHCR are considered by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) as well as the Fifth Committee of the General Assembly. Thus not only the policy directives but also the finances of the High Commissioner are in the hands of the Fifth and Third Committees of the U.N. as well as the ECOSOC. The High Commissioner for Refugees is elected by the United Nations General Assembly. The present High Commissioner, Mrs. Sadako Ogata (Japan), took up the office on January 3, 1991.

3.3.1 The Subjects of UNHCR - Jurisdiction and "persons of concern" -

There are at least four types of persons that form the legitimate subjects of UNHCR. These are: the so-called "statutory", "convention", "Protocol" and "mandate" refugees. The first type - statutory refugee - is severely restricted by limitations of time and geography. The second type - convention refugee - as it appears in the Convention (and the Statute) is also greatly restricted by qualifications of time and geography. But, as these qualifications are removed by the Protocol, the potential membership of the class of the third type - protocol refugee - is global and without limit as to time. The fourth type - mandate refugee - referring to the "mandate" of the High Commissioner, is similarly broad.

The competence of the High Commissioner extends in varying degrees to all four types of refugees. These are not mutually exclusive, it is quite possible for an individual to be classified under more than one type. But, only the latter two types (Protocol and mandate) are relevant to the more recent refugee situations. Here it may further be noted that the statutory refugees are those refugees defined in paragraph 6A(i) of the Statute, which is identical in scope to Art 1A(i) of the 1951 Convention. The Protocol also applies to statutory refugees. This type of refugee includes a number of clearly defined categories of refugee which arose in relation to various peoples of Europe and Asia before, during and shortly after World War II.

A Convention refugee is basically any person who "as a result of events occurring before January 1, 1951 and owing to well-founded fear of being persecuted ..... is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country" (Art. 1A(2) of the 1951 Convention). This formulation coincides almost exactly with paragraph 6A(ii) of the Statute, which includes such persons within the High Commissioner's competence. But, the Convention's definition is broader, as it contains an additional ground for fear of persecution. The Statute refers to "race, religion, nationality or political opinion"; the Convention refers to these grounds as well as to "membership of a particular social group". The protocol applies the same grounds as the Convention except in respect of two fundamental
differences. The forementioned limitations of time (i.e. the 1951 dateline) and geography do not apply to protocol refugees.

However, it was General Assembly resolution of 20th November, 1959\textsuperscript{27}, which drew a clear distinction for the first time between refugees within the mandate and refugees who do not come within the competence of the United Nations, in respect of whom the High Commissioner was authorised to use his good offices in the transmission of contribution designed to assist them. So, until 1964 some refugees were described as benefitting from the High Commissioner's good offices, and others as falling within his mandate. From 1966, however, the General Assembly ceased to make this distinction, requesting the High Commissioner to "continue to provide international protection to refugees who are his concern, within the limits of his competence, and to promote permanent solutions to their problems". Later, in December 1972, to allow 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, 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 when Resolution 3454 (XXX) of 9 December reaffirmed in its preamble "the essentially humanitarian character of the activities of the High Commissioner for the benefit of refugees and displaced persons".

\textsuperscript{27} See General Assembly Resolution No. 1388(XIV) of 20 November 1959.
3.3.2 Assistance Activities of the United Nations High Commissioner for Refugees :-

In any refugee relief situation, one agency should be designated as the primary operating agency, with responsibility for coordinating relief activities and ensuring that all refugees receive the basic, minimal level of assistance. The three primary tasks that must be carried out by any coordinator of relief operations include the responsibility to insure:

1) that all refugees have equal access to the services being offered;

2) that all refugees receive a basic, minimal standard of care and support while in refugee camps; and

3) the coordination of the services offered by various operational partners (usually the international voluntary agencies), so as to guarantee that no gaps in services or levels of service occur.

In the heat of a refugee emergency, the immediate priority is to save lives. Two factors, in particular, are crucial: One is to protect the displaced people from being

forced back into the areas from which they have fled, and the other is to supply them with food, water, health care, shelter, and sanitation. Meeting the physical needs of people in an emergency is the more tangible response of the two, and often seems to dominate the agenda of emergency assistance. But protection should be built into emergency management from the very beginning. The challenge is to provide aid in a way that shields people from further persecution and violence, while simultaneously laying the foundations for lasting solutions to their predicament. It is absolutely true that the speed and efficiency of the initial response to a refugee emergency affect the welfare and in some cases the very survival of the people concerned; they may also influence the prospects for solutions. The office of the United Nations High Commissioner for Refugees (UNHCR) is viewed increasingly as the humanitarian arm of the United Nations. The agency's work is being transformed in the post-cold war era by its efforts to respond to the proliferation of conflicts and cause of displacement that have produced nearly 20 million refugees and another 24 million internally displaced persons. From the mountains of northern Iraq to the besieged city of Sarajevo, UNHCR has been required to respond in new ways to new responsibilities.

UNHCR has a major role in co-ordinating aid to refugees. Except in special circumstances, its material assistance—activities

29. Para 1 of the Statute of UNHCR states:

"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 if seeking permanent solutions for the problem of refugees ......."
are conducted through national or local authorities of the country concerned, other organizations of the United Nations System, non-governmental organizations, or private technical agencies.

In this context it may be submitted that no explicit enabling provisions for UNHCR's material assistance functions can be found in Paragraph 8 of the Statute which sets out the High Commissioner's responsibilities in greater detail, or in the 1951 Convention; neither has the question of humanitarian assistance been covered by subsequent conventions dealing with refugees 30.

Sadruddin Aga Khan, in one of his writings aptly observed:

"In order to comprehend the reasons for the quite secondary importance given to material assistance in the original statute of the UNHCR, one should recall the situation at the time the Office was established. As the heir of two organisations which had had considerable financial resources and had been given the onerous task of housing, feeding, assisting and repatriating or resettling millions of persons who were refugees or were displaced as a result of the Second World War, the UNHCR was given only a modest share of those numerous activities. The year was

1950 and the main contributing governments were showing signs of impatience and weariness. They wished to put an end to measures which were by definition temporary and geared to an exceptional and urgent situation which they regarded as being largely past. To them, the time seemed to have come for a return in traditional standards involving the basic, if not exclusive, responsibility of each State toward the refugees whom it was sheltering. Consequently, in the Statute of the UNHCR, the role of the Office to provide financial help to countries of reception or material assistance to refugees was minimized.\textsuperscript{31}

UNHCR's approach to assistance to refugees is, as stipulated in Paragraph 1 of the Statute, to provide durable solutions to their problems by promoting voluntary return to their own countries, or integration elsewhere. This approach is in keeping with the idea that refugees should be helped to help themselves. In applying this principle, every effort is made to resolve their problem in terms of the three possible solutions: voluntary repatriation, local settlement, or resettlement through migration to another country. While durable solutions constitute the ultimate goal, the over-riding priority, in the first instance, is to ensure the refugees' well-being and to provide them with emergency relief. This has become more acute in recent years because of the suddenness of new influxes, the large numbers involved and, often the lack of facilities in the area where

the refugees arrive.

.1 The Financing of the Office:

In accordance with paragraph 10 of the Statute of 1950 the High Commissioner administers funds both public and private which he received as earmarked for refugees.

i) Public Source:— Under this head would come:

a) the limited subsidy received from the regular budget of the UN which is earmarked for being exclusively used for administrative costs of the Office of the High Commissioner as well as;

b) Contributions made by Governments in response to the appeal made by the High Commissioner in accordance with the directive received from the General Assembly of the UN[^32].

ii) Private Source:

Again, private funds which represent voluntary contributions from (a) non-governmental organisations and (b) private individuals,

[^32]: In accordance with Para 10 of the 1950 Statute - "The High Commissioner shall not appeal to Governments for funds or make a general appeal without the prior approval of the General Assembly".

Here it may be mentioned that these voluntary contributions from Governments of member-States of the UN is a substantial source of income which goes exclusively to serve the refugees.
constitute another important source for financing the activities of the Organisation, which centre around assistance to refugees in one form or another. Here, it may be added that the High Commissioner is authorised to make appeals for funds needed to provide material assistance for refugees under terms of the General Assembly Resolution 1166 (III) which lays down the modalities for the review by the Executive Committee of UNHCR's annual material assistance programmes. UNHCR's assistance activities divide broadly into General and Special Programmes. The former comprise activities financed through the annual budget, while special Programmes comprise activities financed from funds constituted for particular purposes and with particular conditions, and may be for the benefit of a wide range of needy persons. These programmes seek wherever possible to foster lasting solutions, pending the realisation of which care and maintenance will be provided while encouraging self-reliance when feasible.

Here it is worthwhile to mention that the General Programmes adopted so far enable the high Commissioner to deal with new refugee situations between sessions of the Executive Committee by drawing on the Emergency Fund to finance immediate survival needs, making adjustments in allocations, modifying Project allocations, drawing on savings made on other allocations. In the event, however, of large-scale material assistance - Projects being required immediately for assistance to a new group of refugees, the High Commissioner would consult the Executive Committee.
3.3.2.2 **Material assistance - general developments since the inception of UNHCR**

The General Assembly, in its resolution 538(VI) B, adopted at its Sixth Session in February, 1952, authorised the High Commissioner to issue an appeal for funds, under paragraph 10 of the Statute, to enable UNHCR to give emergency aid to the most needy groups of refugees. The fund that was thus constituted referred to as the *United Nations Refugee Emergency Fund*, remained in operation until the establishment of the UNREF Programme in 1954. Soon after the creation of UNHCR, an Advisory Committee had been set up to assist the High Commissioner. In 1955 the Advisory Committee was replaced by the UNREF Executive Committee which in turn was replaced by the Executive Committee of the Programme of UNHCR. The Executive Committee, appointed by the Economic and Social Council and now comprising of 48 members, remains the guiding body of the office.

In 1958 the General Assembly passed a resolution 1166(XII) in relation to the assistance Programmes of the UNHCR. Under the terms of this resolution and of decisions subsequently taken by the UNREF Executive Committee, the High Commissioner was authorised to put into effect an annual assistance programme - nowadays referred to as General Programmes. The Projects and financial targets submitted under these programmes are subject to prior approval by the Executive Committee. The High Commissioner was also authorised to establish an emergency fund. He was furthermore, required to submit an annual Progress report on the implementation of his programme.
As and when new large-scale problems concerning refugees arose, UNHCR was called to provide essential material assistance under Special Programmes in keeping with specific resolutions adopted by the General Assembly and ECOSOC to that effect. Furthermore, pursuant to resolution 2956 (XXVII), adopted by the General Assembly in December, 1972, the High Commissioner was requested, at the invitation of the Secretary General, to continue to participate in those humanitarian endeavours of the United Nations for which his office has particular expertise and experience. "The structural change paved the way for deeper and more comprehensive extensions of UNHCR's competence for material assistance functions. A dual approach in the progressive widening of UNHCR's mandate, in the form of greater capacity for humanitarian assistance and expanded categories of persons eligible for protection, emerged from the fundamental responsibility to seek solutions to the refugee problem".33

A wide recognition of UNHCR's non-mandate responsibilities occurred when the High Commissioner was requested in 1961 by General Assembly Resolution 1625 (XVI) to continue to "pursue his activities on behalf of the refugees within the mandate, or those for whom he extends his good offices". The effect of these provisions was to authorise the High Commissioner to use his good offices on behalf of any person considered to be a refugee who was not a mandate refugee or within the competence of any other UN organ. The achievement of the good offices

resolutions was thus described by a former High Commissioner essentially as enabling large scale operations to be conducted, centred entirely on the provision of material assistance. However, in the year 1965, the General Assembly passed a resolution 2039 (XX) and abandoned the distinction between refugees within the mandate and refugees covered by the High Commissioner's good offices. Throughout the 1960's and 1970's growing refugee problems relating to an increasingly wide range of uprooted people highlighted the need for a corresponding increase and change in field activities. In 1975 the General Assembly passed a resolution 3454(XXX), in which the preamble specifically reaffirmed 'the eminently humanitarian character of the activities of the High Commissioner for the benefit of refugees and displaced persons'.

3.3.2.3 Main aspects of UNHCR material assistance activities:

UNHCR material assistance activities include emergency relief, assistance in voluntary repatriation or local integration, resettlement through migration to other countries, as well as counselling, education, and legal assistance.

i) Emergency relief is provided mainly in the form of care and maintenance of new refugees or displaced persons when a variety of basic essentials such as food, shelter and medical aid are required on a large scale at short notice. In recent years, this type of aid has been needed in Africa, Asia, and Central America, just to ensure survival.

34. See also UN General Assembly Resolution 2958 (XXVII) 1972 & ECOSOC Reso.2011 (LXI) 1976.
ii) **Assistance in voluntary repatriation** - In such cases, the assistance element consists of helping refugees, wherever possible, to overcome practical difficulties concerning their voluntary repatriation. It also allows UNHCR to ensure that the refugees are given basic help upon arrival in their homestead.

iii) **Local integration** - The object of local integration is to assist refugees and displaced persons to become self-supporting in their country of residence and or of first asylum. This is done in a number of ways, such as by providing refugees with loans or grants to establish themselves in a profession, assisting them through vocational training to learn a skill etc.

iv) **Resettlement through migration** - From its inception, UNHCR has been actively engaged in the promotion of resettlement through migration, in close co-operation with interested governments and voluntary agencies concerned with the resettlement of refugees.

v) **Education** has proved to be particularly important in facilitating the integration of refugees. Educational assistance of primary and secondary level is made available under UNHCR General Programmes.

vi) **Counselling**, which is provided under various UNHCR Programmes, is particularly important in helping refugees to opt for an appropriate solution to their problems and to avail themselves of such facilities as may be open to them.

vii) The **rehabilitation** of disabled refugees is mostly undertaken in close co-operation with voluntary agencies which implement special
local programmes of assistance and treatment. A further response to
the needs of disabled refugees is UNHCR's Promotion of Special
Resettlement schemes known as the "Ten - or - More Plan". Under this
plan, several resettlement countries admit ten or more handicapped
refugees and their families per year.

viii) **Legal assistance** is provided to help individual refugees with
administrative formalities in their country of residence. It is also
provided to refugees who are involved in court cases affecting their
refugee status. It may be summarised that though material assistance
activities of the High Commissioner started modestly it has now assumed
an increased proportion.

3.3.2.4 Co-operation with other bodies:

Para 8 of the Statute of the UNHCR provides for co-operation
with all members of the international community. With the increase and
diversification of UNHCR's activities, relation with member agencies of
the United Nations System, as well as with inter-governmental and
non-governmental organizations (NGOs), have continued to strengthen.
UNHCR draws on the expertise of other organizations of the United
Nations system experienced in matters such as food production (FAC),
health measures (WHO), education (UNESCO), child welfare (UNICEF) and
vocational training (ILO). The participation of the World Food
Programme (WFP) is particularly important in supplying food until such
time as the refugees are able to grow their own crops or become
self-sufficient through other activities. Close contact is also maintained with the Resident Co-ordinators/ Representatives of the United Nations/ United Nations Development Programme (UNDP). In areas where UNHCR is not represented, UNDP representatives frequently administer UNHCR-financed projects and act on UNHCR’s behalf in relations with Governments. The World Bank and UNHCR have co-operated in planning, financing and implementing projects aimed at promoting self-reliance through, for example, agricultural activities and at creating employment opportunities for refugees in their country of asylum.

In addition to these and other members of the United Nations system co-operating with UNHCR in their respective fields, intergovernmental organizations play an important part in UNHCR’s activities. The European Community (EEC) is instrumental in providing contributions, both in cash and kind, and in the implementation of legal instruments. The EEC also extends considerable moral and political support in the search for solutions to refugee problems. The International Organization for Migration (ICM) organizes 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).

UNHCR co-ordinates activities with the Organization of African Unity (OAU) within the framework of the joint Working Group 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. The latest of the Conferences organized under these co-operative arrangements, the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa (SARRED) was held in Oslo, Norway in August 1988. Relations with the Organization of American States (OAS) have continued, with special emphasis at the moment on UNHCR's programme for Central American refugees. One of the most important areas of co-operation with the OAS in 1988 and 1989 concerned preparations for the International Conference on Central American Refugees (CIREFCA) which was held in Guatemala City in May 1989. Several discussions were held with the OAS in preparation for that Conference. Within the United Nations, UNHCR provided organizational and other preparatory support for the International Conference on Indo-Chinese Refugees (ICIR) which was convened by the Secretary-General and took place in Geneva in June 1989 to consider a new approach to the problems of Indo-Chinese refugees and asylum-seekers. Close co-operation with the League of Arab States continues, while an Agreement was signed in July 1988 between the
Organization of the Islamic Conference and UNHCR, thus consolidating co-operation in areas of mutual interest.

A number of countries have governmental or semi-official organizations dealing with refugees. However, over the decades, perhaps the most sustained and devoted service to the cause of refugees has been provided by voluntary agencies. Voluntary agencies or non-governmental organizations frequently act as UNHCR operational partners in the implementation of specific projects. They also play an important part in the migration and resettlement of refugees. Other voluntary agencies are of great importance by virtue of the funds they make available for refugee assistance. UNHCR has direct contact with some 200 NGOs, the majority of which are helping in operational or other ways to assist refugees. UNHCR also maintains close contact with the International Council of Voluntary Agencies (ICVA) in Geneva.

3.3.2.5 Some Recent Aspects of Assistance:

Some 23 million people in 143 countries were of concern to UNHCR by late 1993. They included more than 16 million refugees, at least 2.9 million internally displaced persons and 3 million others, notably victims of war and returnees.

Close to 40 per cent of all refugees were in Africa, and slightly over 30 per cent in Asia. Almost 60 per cent of the internally-displaced persons assisted by UNHCR were in the former Yugoslavia and 30 per cent in the former Soviet Union. The largest
populations of concern to UNHCR were in Bosnia and Herzegovina (2.7 million displaced persons and victims of war), the Islamic Republic of Iran (2.5 million Afghan and Iraque refugees) and Pakistan (1.5 million mainly Afghan refugees).

Since the start of the 1990s, UNHCR has mounted emergency operations in an accelerating series of crises. These have included the flight of 1.8 million Iraqi Kurds to the Islamic Republic of Iran and the border between Turkey and Iraq; the war that has produced nearly 4 million refugees, displaced people and other victims in former Yugoslavia; the arrival of about 330,000 refugees in Kenya, the majority from Somalia; an exodus of around 260,000 refugees from Myanmar into Bangladesh; and the influx of some 250,000 refugees from Togo into Benin and Ghana. In addition, crises in the Transcaucasus 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 December 1992. At the end of 1993, UNHCR began to deal with a refugee crisis in Burundi; in April 1994, this emergency was compounded by a fresh exodus of refugees from Rwanda, which put the number of refugees and returnees in the region in need of assistance at over 8,00,000.

A $25 million emergency found allows UNHCR to provide a rapid response to new refugee situations. If this initial assistance proves insufficient to meet the full range of needs arising from a large-scale movement of refugees, special appeals are launched to raise funds from the international community.
In order to be able to respond effectively to emergencies, UNHCR has established a structure of emergency response teams and made arrangements to pre-position and stockpile relief supplies. To provide yet further flexibility, stand-by arrangement have been made with the Danish and Norwegian Refugee Councils and the United Nations Volunteers (UNV) for the quick deployment of staff to emergency operations in any part of the world.

In 1992, UNHCR continued to implement the High Commissioner's three-pronged strategy of Prevention, Preparedness and solutions. UNHCR began to provide assistance not only to refugees, returnees and displaced persons - addressing the needs of entire communities rather than focusing on individuals but also, in the case of the former Yugoslavia, to people under a direct threat of expulsion or threatened by the form of persecution now known as 'ethnic cleansing'. More than 600 UNHCR staff in the former Yugoslavia helped not only to distribute relief to the displaced and besieged populations, but also to meet their protection needs. In Somalia, UNHCR established presence across the border from Kenya, and brought in food and assistance in an effort to stabilize population movements and eventually create conditions to the return of refugees. In South-eastern Ethiopia, UNHCR joined efforts with other United Nations organizations to address the needs of entire communities with the goal of stabilizing the population. UNHCR's Open Relief Centres (ORC) in Sri Lanka have become heavens of Safety, accepted and respected by both warring parties. In terms of preparedness, the office continued to strengthen its emergency
preparedness and response capacity, recognizing that the capacity to deliver is a necessary pre-requisite for improved system-wide coordination to address complex humanitarian emergencies. In 1993, UNHCR has mounted emergency programmes for over three million people in the former Yugoslavia, for some 420,000 refugees in Kenya, for some 260,000 refugees from Myanmar in Bangladesh and for the continued influx of asylum-seekers from Bhutan into Nepal. Emergency Response Teams were sent to Armenia, Azerbaijan and Tajikistan in early December, 1992, making the area a new focus of UNHCR concern and activity. In early 1993, in Africa the office began to cope with a new influx of some 200,000 refugees from Togo into Benin and Ghana.

As to solutions, during the same period, UNHCR helped some 24 million refugees to return home voluntarily - including over 1.2 million to Afghanistan, some 360,000 to Cambodia and tens of thousands to Ethiopia. Progress continued in the local integration and repatriation of thousands of Central Americans through the process initiated in the framework of the international Conference on Central American Refugees (CIREFCA).

With the encouragement of the Executive Committee and the United Nations General Assembly in its resolution 47/105 (192), UNHCR has sought to strengthen its cooperation with the human rights bodies of the United Nations with a view to promoting effective responses to human rights problems which are generating or threaten to generate, flow of refugees and displaced persons, or which impede voluntary return.
Here it may be mentioned that in 1992 the total expenditure of UNHCR under General programmes (including Emergency Fund) amounted to $ 382.1 million. With regard to Special Programmes (which include programmes funded through appeals by the United Nations Secretary General) expenditure in 1992 reached $ 689.8 million. Thus, total voluntary funds expenditure related to 1992 activities amounted to $ 1,071.9 million. In addition, the Regular Budget contribution to UNHCR amounted to $ 21.2 million. In terms of volume of activities and related expenditure, 1992 therefore represented a record year in UNHCR's history, exceeding 1991 expenditure by some 24 per cent. It also reflected an unprecedented effort by the donor community in support of humanitarian initiatives world wide. The 1993 General Programmes target, as approved by the Executive Committee at its meeting on December 17, 1992, stands at $ 413.6 million. Projections for 1993 under Special Programmes amount to $ 959.7 million35.

3.3.2.6 Regional Assistance Programmes of UNHCR during 1992-1993 *

I. Africa : In Africa millions of people have been uprooted from their homes because of Civil and ethnic conflict, human rights abuses, drought, and the famine. Some of these people have fled to neighbouring countries, which now hosts some 7 million refugees - a


third of the world's total refugee population. A greater number have become internally displaced persons. Recognizing the gravity of the crises facing Africa, the Assembly of Heads of State and Government of the Organization of African Unity (OAU), in its twenty-eighth ordinary session (June 1992), decided to adopt a mechanism for preventing, managing and resolving conflicts in Africa. In early 1992, UNHCR, the Department of Humanitarian Affairs, the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP), UNICEF, the World Food Programme (WFP) and the World Health Organization (WHO) made determined efforts to coordinate and harmonize their humanitarian relief activities with those of ICRC and NGO's.

In 1992 and the first quarter of 1993, UNHCR implemented a new "cross mandate" and "cross-border" approach to the delivery of assistance to all needy persons living in the same community. Under the cross-mandate approach, mixed populations comprising refugees, returnees internally displaced persons, demobilised soldiers and civilians affected by war and drought receive basic food rations, agricultural seeds and veterinary drugs. They also benefit from improved water supplies, rehabilitated schools, expanded clinics equipped with essential medicines, and other social facilities. The implementation of cross-mandate activities is undertaken collectively by the United Nations, NGOs, Government bodies and donors. The ongoing consolidation of the peace process in Mozambique as a result of the signing of the October 4, 1992 peace agreement has opened the
way to repatriation of an estimated 1.5 million refugees in coordination with other United Nations agencies and NGOs - the largest such organised movement in UNHCR history. The UNHCR has already drawn up a plan of operation and a budget to ensure that the voluntary repatriation and reintegration of Mozambicans is carried out in accordance with internationally accepted principles and procedures.

There is an urgent need, therefore, for the international community to focus on African refugees today - to reinforce the political will and commitment of Governments to find lasting solutions to address refugee problems and insecurity, to improve conditions for the delivery of humanitarian assistance and ensure mobilization of adequate resources, to promote voluntary repatriation and tackle the plight of internally displaced and other affected persons. During 1992, total expenditure in Africa amounted to $284,435,700 of which $186,937,000 was spent under General Programmes and $97,498,700 under Special Programmes.

II. Developments in America and the Caribbean:

Progress in the attainment of durable solutions - coupled with the risk of new movements of asylum-seekers characterized 1992 and the first quarter of 1993 in the Americas and the Caribbean. Repatriation and local integration continued to be supported, especially in the Central American region through the International Conference on Central American Refugees (CIREFCA). The situation with regard to
Haitian asylum-seekers remained an area of major concern for the office.

Since the commencement of CIREFCA process in May 1989, $240.1 million have been mobilised for 153 projects with external financial requirements of $335.7 million. These funds have been channelled through NGOs (38 per cent), Governments (32 per cent), UNHCR (24 per cent) and others (6 per cent). Direct support to the follow-up of the CIREFCA concerted-Plan of Action by UNHCR and UNDP continued to be provided through the CIREFCA joint support unit (JSU), based in San Jose, Costa Rica. Jointly staffed and funded by UNHCR and UNDP, the JSU played a key role in resource mobilization, technical support and regular reporting on progress in implementation of the concerted Plan of Action.

Since the September 1991 military coup in Haiti, some 48,000 Haitians have fled their country in search of asylum. The influx of Haitian asylum-seekers affected several neighbouring countries in the region. Direct arrivals of haitian boat people were recorded in Cuba, the Bahamas, the Dominican Republic, Jamaica and Panama. Owing to the continuing large-scale influx, the United States Government started implementing a policy of the summary return of all haitian boat people interdicted on the high seas. With regard to the ongoing crisis, the High Commissioner continues to advocate adherence to international principles of refugee protection. She is pleased to note the renewed commitment to work towards a comprehensive, democratic solution by the United States Government, the United Nations and the Organization of
American States (OAS) and has offered her cooperation wherever possible and appropriate. During 1992, total expenditure in the Americas and the Caribbean amounted to $ 49,807,000 of which $ 23,679,800 was spent under General Programmes and $ 26,127,200 under Special Programmes.

III. Developments in Asia and Oceania:

UNHCR was confronted with new refugee challenges during 1992 in South Asia. The influx of Myanmar refugees into Bangladesh, which began in the fall of 1991, continued until the summer of 1992. Nearly 250,877 Myanmar refugees were registered in various refugee camps of Bangladesh. Assistance was given consisting of food, mostly from WFP, shelter, water, sanitation, domestic items and health care. A bilateral agreement signed by the Governments of Bangladesh and Myanmar in April 1992 prepared the way for the voluntary repatriation of the refugees. Through the end of March 1993 a total of 22,477 refugees had returned to Myanmar. UNHCR and the Government of Bangladesh have agreed upon the text of a Memorandum of understanding to regulate the voluntary repatriation of the refugees.

During 1992 a major influx continued into Nepal of ethnic Nepalese from Bhutan which had begun in early 1991. They have received assistance in the sectors of food, shelter, water, sanitation, health care, education and community services. It is worth noting that over 20,000 children have been registered for
attendance at camp school. For the repatriation of these people - the High Commissioner has offered both states the services of the office in finding a durable solution.

Since mid-1992 events in Afghanistan have produced a fresh influx of refugees into India, most of them being Hindus or Sikhs. In the course of 1992, 28,971 Sri Lankan refugees returned from India and were received in reception centres assisted by UNHCR, which has been certifying the voluntary nature of this repatriation on the Indian side since August 1992. The conflict between the Liberation Tamil Tigers of Eelam (LTTE) and the Government of Sri Lanka in the north and east of the country has at times restricted the freedom of movement of returnees and produced large numbers of internally displaced persons. UNHCR provides assistance to some 31,000 internally displaced persons in open Relief Centres. From 1980 to the end of 1992, a total of 14,723 Lao refugees and asylum seekers repatriated to the Lao People's Democratic Republic under UNHCR auspices, mainly from Thailand and the People's Republic of China. Each person repatriating under UNHCR auspices presently receives a cash grant equivalent to $80 in the country of asylum prior to departure, and then receives $40 and an 18 month rice ration upon arrival in the Lao People's Democratic Republic. In 1993, vegetable seeds and a small kit of agricultural tools were added to the standard assistance given to each returnee family. The repatriation of Cambodians, carried out within the framework of the Paris Peace Accords of 23 October 1991, began on 30 March 1992. By 1 April 1993 a total of 344,286 persons
had returned to Cambodia with UNHCR. During 1992, repatriated Vietnamese continued to receive reintegration assistance upon their return. For needy returnees housing assistance is also provided. UNHCR also provides assistance in the form of small-scale projects for local communities which benefit both returnees and the local population. These micro-projects aim at improving the self-sufficiency of returnees, generating employment and strengthening infrastructure. UNHCR reintegration assistance is further enhanced by the important International Reintegration Assistance Programme in Vietnam, financed by the European Community, focusing on job creation, vocational training, micro-projects, health and the promotion of small enterprises.

During 1992, total expenditure in Asia and Oceania amounted to $174,527,000 of which $49,622,900 was spent under General Programmes and $124,904,100 under Special Programmes.

(IV) Europe:

Following the fundamental changes affecting Central and Eastern Europe, UNHCR substantially increased its activities in the area during the period under review. The management of man flows triggered by the Persian Gulf crisis and by events in Yugoslavia proved to be particularly difficult in view of budgetary and staffing constraints. Beyond the emergency operation being implemented at the
request of the United Nations Secretary General in Yugoslavia in favour of more than 600,000 displaced persons, UNHCR has opened an office in Moscow and placed liaison officers in all Central European capitals. In western Europe the estimated number of asylum-seekers in 1992 was close to 700,000, compared to 545,000 in 1991 and 420,000 in 1990. The problem of managing the consequences of the great influx of asylum seekers and processing their asylum claims has been aggravated by increasing manifestations of xenophobia and racism and a high incidence of attacks in reception centres for asylum-seekers and refugees.

The UNHCR followed developments in the region closely. The office participated in numerous assistance programmes. In May 1992 the United Nations High Commissioner for Refugees appealed to all concerned Governments, political parties, international agencies and NGOs to develop a dialogue on a comprehensive strategy towards refugees and migration in Europe. UNHCR further established its representation in Central and Eastern European States, including in the newly emerged Commonwealth of Independent States, focusing its activities on protection, refugee law promotion and institution-building, with some limited assistance programmes. Assistance has been provided to destitute refugees or to Governments to facilitate the local integration of refugees where possible. Financial support has also been provided for refugees from the former Yugoslavia in Hungary.
Here it is worth to mention that on July 29, 1992, the United Nations High Commissioner for Refugees convened in Geneva a high-level International Meeting on humanitarian Aid for Victims of the conflict in the former Yugoslavia. This meeting was attended by all affected countries in the region, by the donor community and other interested states, and by a considerable number of governmental and non-governmental organizations. It endorsed the Comprehensive Response to the Humanitarian crisis in the Former Yugoslavia, as proposed by the High Commissioner. However, expenditure by UNHCR for the humanitarian relief operation in the former Yugoslavia for the period of November 1991 - March 1993, including the value of in kind as well as cash contributions, totalled an estimated $ 319.5 million. As of March 1993 UNHCR had established 24 offices in the former Yugoslavia, employing some 600 international and local staff.

(V) Assistance programmes of UNHCR in South-West Asia, North Africa and the Middle East:

Afghanistan remained a focus of UNHCR concern during the period of 1992-93. UNHCR's programmes for returnees within Afghanistan has focused on limited emergency rehabilitation activities in shelter and irrigation, mainly through food-for-work projects. The withdrawal of most international staff from the country owing to the unstable conditions, however, has prevented the United Nations from addressing the reconstruction of Afghanistan and limited the ability of a range of agencies to assist population in need. The highly volatile situation in northern Afghanistan and in the country as a
whole has hampered the assistance programme. In Pakistan, UNHCR offers Afghans wishing to repatriate an assistance package consisting of a cash grant and wheat provided by WFP to assist in their return movement and settlement in their areas of return. A total of 1,274,000 Afghan refugees benefited from this scheme from 1 January to 31 December 1992 and another 23,000 from 1 January to 28 February 1993. In the Islamic Republic of Iran, UNHCR began assisting Afghan refugees to return home through the establishment of a network of in-country transit centres, border-exit stations and organized internal transport.

Following the return of almost 2 million Iraqi refugees of Kurdish origin from Turkey and the Islamic Republic of Iran during 1991, UNHCR focused on the needs of returnee villages, particularly as many had been raced during fighting. In Yemen, the number of Somali refugees increased during 1992 to nearly 51,800. In June 1991, UNHCR began to implement an emergency programme to assist the Yemeni authorities to cope with this refugee influx. Following a request to UNHCR by the Yemeni authorities to establish a more durable camp, the UNHCR financed a number of programmes in this regard. In addition to this, UNHCR continues to provide health care assistance to some 600 urban refugees in Sana. During 1992, total expenditure in South-west Asia, North Africa and the Middle East amounted to $158,816,700 of which $60,621,400 was spent under General Programmes and $98,195,300 under Special Programmes.
If human rights are the ultimate safeguard of humanity, the UNHCR has steadily expanded its functions to cover new fields of activity in that very direction. From "refugees" as defined by the Statute of 1950 it has moved to include "uprooted persons" and then to "displaced persons" and now to all man-made disasters and it does so by co-ordinating its activities with all. Again, it is the one institution that is ever-ready to go out of its prescribed way to meet the humanitarian problems of mankind today.

However, considering the present complex situation of the world, Mr. Frederick C. Ouny observed that - "To be effective, the UNHCR must assume an active posture within the relief operation. It must arrive early and promptly, and not only participate in the decisions - that are made regarding the refugees, but also take an active role in formulating and guiding the overall policy framework to ensure that the objectives of the entire programme are coordinated and properly conducted."

Mrs. Sadako Ogata, the United Nations High Commissioner for Refugees, in her statement to the Third Committee of the General Assembly expressed her views by admitting that -

"While making renewed efforts to strengthen preventive measures, we have learned all too often the tragic consequences of talked or delayed attempts to address crisis. Emergency response is therefore the second prong of our humanitarian strategy. I have sought, over the last year, to strengthen further the capacity of my office to prepare for and respond to emergencies. We have installed five emergency teams, increased our training, made arrangements for stockpiles of relief goods and rapid deployment of staff. We have also reinforced links with other agencies, Governments and NGO......

I am confident that, given its unique mandate, its experience, its demonstrated capacity to innovate, and the indispensable support of Governments, my office will continue to adapt with flexibility and innovation to new challenges while preserving the established principles of international protection.38.

3.4 The Role of various inter-Governmental Organizations:

The Second World War and its aftermath saw an increase in refugee assistance by various organizations which shaped the cooperation between intergovernmental refugee organizations and non-governmental and voluntary societies in the pattern which exist today. From the very outset, the United Nations recognized that the task of caring for refugees was a matter of international concern and that, in keeping with the charter, the community of States should assume collective responsibility for those fleeing persecution.

The United Nations system consists of various agencies, programmes and offices. Several of them, including UNHCR, WFP, UNICEF, UNDP, WHO and the Department of Humanitarian Affairs which includes the Office of the United Nations Disaster Relief Co-ordinator, have emergency response as a part of their mandate. Of course, in classic refugee emergencies, UNHCR has a clear mandatory responsibility within the United Nations system to provide protection and assistance. It performs this function in close collaboration with other UN agencies and NGOs that have expertise in particular sectors, such as food, health and water supply. The participation of the World Food Programme (WFP) is particularly important in supplying food. Again, in areas where UNHCR is not represented, UNDP representatives frequently administer UNHCR-financed projects.

Here it is worth to mention that in extreme emergency situations - the various intergovernmental organisations play an
important role by providing humanitarian assistances to refugees. The European Community (EEC) is instrumental in providing contributions, both in cash and kind. The International Organization for Migration organizes the transportation of refugee migrants. There is also a long-standing tradition of Co-operation between UNHCR, International Committee of the Red Cross (ICRC) and the League of Red Cross Societies (LRCS).

From the end of 1945 onwards, the ICRC undertook the distribution of relief supplies through grants in cash and in kind made by the various governments and national Red Cross Societies to benefit displaced persons of different nationalities. Faced with large-scale Palestine refugee problem in 1948, the General Assembly of the United Nations established the United Nations Relief for Palestine Refugees (UNRPR) to plan the large-scale relief programme necessary, in conjunction with the ICRC, the League of Red Cross Societies, and the American Friends Service Committee (AFSC). Agreements were drawn up between the United Nations on the one hand, and the ICRC and the League on the other. These recognized the independent status of these institutions vis-a-vis the United Nations, and placed funds of their disposal to supply the refugees with basic needs. A $32,000,000 UNRPR Relief Programme was decided upon for a period of nine months, starting December, 1948, with the relief operation itself being organized by the Red Cross, with the ICRC, the League and the
American Friends Service Committee. The large-scale relief action made it possible to stabilize a difficult situation pending more permanent arrangements. It was also the first time that the Red Cross participated in a direct and collective relief action of the United Nations. The experience served to establish a pattern for future joint activities of the United Nations High Commissioner for refugees and the Red Cross in various parts of the World. However, the Hungarian emergency operation in 1956-57 saw the beginning of close teamwork between UNHCR and the League in tasks of vast magnitude. It was also the largest single operation in which UNHCR and the Inter-governmental Committee for European Migration (ICEM) have co-operated. On September 13, 1957, the 'Nansen Medal' was awarded to the League of Red Cross Societies, in recognition of its "constant humanitarian efforts for the victims everywhere of wars and natural, and other disasters, and particularly refugees.

The close working partnership established between the League of Red Cross Societies and the High Commissioner's Office, developed during the Hungarian crisis and subsequently in North Africa, has not been confined to those two major operations. In an ever-increasing manner, it is proving its effectiveness in other parts of the world where new refugee situations are arising, sometimes with great suddenness.  

Africa continues to be one of the continents most gravely affected by the problem of refugees and displaced persons victims of conflict situations and disturbances. With a view to alleviating their sufferings, the ICRC maintains delegates on a permanent basis in 19 countries and has sent missions on a case-by-case basis to 15 others. In Angola, Ethiopia and Sudan, the ICRC continued its activities with regard to assistance, the tracing of persons, the exchange of messages and the reuniting of families in favour of various groups of refugees and displaced persons.

In Latin America, the ICRC has maintained its delegations in Nicaragua and at Salvador and some other countries including Argentina. It is, however, in El Salvador that ICRC has been most considerable in terms of the number of victims assisted. Food aid had been regularly given to some 80,000 persons. In addition, three medical teams provided care and assistance to some twenty villages in the affected areas. All these assistance programmes were being implemented in close co-operation with the El Salvador Red Cross, which each day had over fifty-aid workers and volunteers active in the field side by side with the ICRC delegates. In Asia, the main ICRC actions taken in favour of the refugees and displaced persons have been and continue to be - those conducted along the frontier between Thailand and
Kampuochea, its contribution to the programmes for the Vietnamese "boat people" and its medical assistance to the Afghan refugees in Pakistan. As regards assistance, the ICRC was remained very active mainly in the matter of medical aid. Here it is to be noted that most of the National Societies in South East Asia, as well as the Hong Kong and Macau branches of the British and Portuguese Red Cross, have been concerned with the Vietnamese "boat people". Services often begin from the time the refugees reach the respective shores in frail boats and continue until the refugees depart for countries of final asylum - sometimes many months or even years later.

National Society Services include initial reception, help in carrying out formal procedures, temporary shelter, clothing, financial assistance and a range of social welfare services - marriage counselling, tracing and efforts to effect family reunion, counselling of families in which unaccompanied minors have been placed, and so on.

In conformity with its Statutes, League involvement with refugee programmes has generally been in support of that of National Societies. Much of the League's qualitative inputs are in terms of assessments of situations and organizations of medical expertise and advice on nutrition, community health care and social welfare. Through its Development Programme the League aims
to build up National Societies' potential to meet emergencies and evidence of the soundness of this approach is already plentifully available. The work of the International Committee of the Red Cross, traditionally as the honest broker in situations which may be dangerous and are invariably delicate, has been of tremendous benefit to the refugees. Not only has prompt relief action been undertaken by the Committee on many occasions before inter-governmental help could be arranged, but many of its specialised services complement the High Commissioner's function of international protection, and provide the legal assistance so often needed to solve problems stemming from the fact that a person is a refugee.

Co-operation between the High Commissioner and the League of Red Cross, Red Crescent, and Red Lion and Sun Societies, whose eighty-eight national societies comprise some 160 million members throughout the world, has already proved its effectiveness in the most demanding of circumstances. It has also helped immeasurably by focusing interest on the needs of refugees. This was amply demonstrated too during World Refugee Year (1959-60), an international effort in which the Red Cross participated extensively.

It is interesting to note that the United Nations General Assembly, which has long stressed the principle of
inter-agency co-operation, now also recognizes the interconnectedness of strategies. In its December 1992 resolution on UNHCR, the General Assembly endorsed the High Commissioner's Commitment to preventive activities, "bearing in mind fundamental protection principles and her mandates, in close coordination with .... Governments ... and within an inter-agency, intergovernmental and non-governmental framework." International agencies have engaged in complementary programmes on numerous occasions, and co-ordination is essential if input is to be effective. In this context it is to be remembered that some agencies have specific mandates which, in certain circumstances, impose responsibilities that can not wait or be dependent upon any distant co-ordinating authority. The United Nations High Commissioner for Refugees, for example, has been specifically charged by the UN General Assembly with providing 'international protection' to refugees, and she reports directly to that body. On the other hand, the International Organization for Migration operates outside the United Nations system, and is accountable to


41. In undertaking humanitarian operations outside her regular mandate, the High Commissioner will report to the body specifically requesting such additional activity, for example, the UN Security Council.
its governing council. Each agency, therefore, has unique mandate responsibilities that may need to be activated autonomously.\textsuperscript{42}

The preamble of the revised Constitution of the IOM was adopted in 1989. In the organization's first year of operation, the main problems were perceived to be that of displaced persons and refugees in Europe, future refugee movements, and the orderly migration of nationals working to emigrate because of over-population in Europe; and transport and the facilitation of overseas movements were primary matters.\textsuperscript{43} Today, IOM's objectives and functions are considerably wider:

- the orderly and planned migration of nationals wishing to leave for countries where they may achieve self-dependence through employment and live with their families in dignity and self-respect,

\textsuperscript{42} Note also Art.1(2), IOM Constitution, which states that IOM shall co-operate closely with international organizations concerned with migration, refugees and human resources, and that such co-operation shall be carried out in the mutual respect of the competencies of the organizations concerned.

the organized transfer of refugees, displaced persons and other persons compelled to leave their country of origin,

technical assistance and advisory services in regard to migration policies, legislation, administration and programmes.

In September 1990, in the context of United Nations inter-agency operations, IOM assumed responsibility for the repatriation of third country nationals displaced or expelled in the aftermath of the Iraqi invasion of Kuwait. In September 1991 working with UNHCR and within the context of comprehensive Plan of Action for Indo-Chinese Refugees, IOM signed a memorandum of understanding with the Socialist Republic of Vietnam, with respect to the return of Vietnamese citizens from countries of refuge in South-East Asia.

It may be noted that some international agencies, such as the International Labour Organization (ILO), have explicit responsibilities with respect to workers employed abroad, the defence of whole interests is among the objectives included in the preamble to its constitution. The ILO's standard setting activities have in turn produced a variety of conventions and recommendations aimed at migrant workers, the most important of which are: the Migration for Employment Convention (Revised) 1949 (No.97); the Migration for Employment Recommendation (Revised)

44. See Refugee Reports, 28 Sept. 1990.
1949 (No.86). Here it is to be submitted that in May 1992, the ILO and UNHCR held a joint meeting in Geneva on "International Aid as a Means to Reduce the Need for Emigration".

The full extent and potential of inter-agency Co-operation are clear from a brief-review of inter-agency instrument in former Yugoslavia. In November 1991, UNHCR was mandated by the United Nations Secretary General to act as lead agency within the UN system, and to provide protection and assistance to those affected by the conflict in former Yugoslavia. When fighting and displacement increased, the High Commissioner convened the International Meeting on Humanitarian Aid for Victims of the Conflict in the Former Yugoslavia in Geneva on 29 July 1992. On the basis of the Comprehensive Response to the Humanitarian Crisis in former Yugoslavia (CRHC) presented by the High Commissioner, the international community launched a special effort to protect and bring assistance to those in need. The inter-agency activities included programmes co-ordinated in the field by UNHCR, and designed and implemented together with UNICEF, WFP WHO, IOM, the ICRC, the European Commission and International and Local NGOs. These covered, for example, the distribution by air and land of food and winterization material, the provision of health services, and assistance to survivors of war trauma, including rape and sexual assault.

In 1992, the United Nations took a new step aimed at improving the co-ordination of its responses to complex
humanitarian emergencies with the establishment of a Department of Humanitarian Affairs. In February 1993 when the United Nations faced with the Georgian crisis - and inter-agency assessment mission brought together and appropriated responsibilities and tasks between the Department of Humanitarian Affairs (DHA), the United Nations Children Fund (UNICEF) the World Food Programme (WFP), the Food and Agriculture Organization (FAO), the World Health Organization (WHO) UNHCR, IOM and the International Federation of Red Cross and Red Crescent Societies (IFRC). Programme activities oriented to humanitarian assistance and the needs of the displaced included emergency food aid and supervision, health care, nutrition and social welfare services, protection and non-food assistance, and transportation assistance.

Organization of African Unity (OAU)

The OAU is a regional organization of African States, like the Organization of American States. It consists of newly-independent States which have sprung up on the African continent. It deals with problems peculiar to Africa, including refugee problems. Refugee problems have plagued the African continent, which has half of the world's refugee population. With the proliferation of new States in Africa, there has been proliferation of the refugee population there, which has reached the staggering number of five million. Many of the African States
have a smaller population than the total of African refugees. In Somalia, every fourth person is a refugee, and in Djibouti every eighth person is a refugee.

Faced with a massive refugee situation, the OAU concluded a separate Refugee Convention for Africa in Addis Ababa in 1969. Although the definition of the word "refugee" is wider than the one found in the Geneva Convention of 1951 (as amended by the 1967 Protocol), the OAU has never worked as a focal point for African refugees. It works in collaboration with UNHCR, which has always remained the focal point for looking after refugee situations in Africa. In 1969 the Pan-African Conference on the problems of Refugees was convened at Arusha (Tanzania) under the joint auspices of UNHCR, the Economic Commission for Africa (ECA) and the OAU.

In April 1981, a world conference was convened under a 1980 resolution of the General Assembly, at the instance of the OAU, to deal with the serious refugee situation in Africa. It was called the International Conference on Assistance to Refugees in Africa (ICARA). It was attended by, among others, African States, UNHCR, the United Nations Secretary-General, traditional donors to UNHCR funds, and oil-exporting countries, totalling about one hundred States. Promises for $560 million for aid to African
refugees were secured at the Conference.

Today, Africa is the continent of refugees. But it must be said, to the credit of African States, that they have welcomed the refugees within their frontiers with traditional hospitality and with whatever resources are available to them. And the resources are meagre. The OAU has reinforced the 1969 Convention with about 25 resolutions dealing with specific refugee situations. Refugee situations in Africa can be summed up: Africa has become independent, but it has left 7 million refugees dependent on international goodwill.

The lCARA meeting was successful in the sense that it focused world attention on the plight of refugees in Africa. It is hoped that this is just the beginning of the world's awareness of the refugee problem in Africa. The OAU is mainly responsible for highlighting the refugee problem in Africa.

The OAU has created the Bureau for the Placement and Education of African Refugees (BPEAR), for the education and employment of refugees in Africa. It is doing a good job in making the refugees self-employed or securing them jobs according to their qualifications.

3.5. The Role of NGOs in the Field:

Non-governmental organizations perform an indispensable, role at every stage as a refugee situation develops. They are
involved in preventive efforts from the very first sign of crisis; once an emergency in under way, they are instrumental in saving lives and meeting the basic needs of the victims, and finally, they play a key role in the identification and implementation of solutions, including voluntary repatriation.

Where prevention is concerned, these NGOs can provide invaluable information about unfolding crisis, alerting the world to the imminence of refugee flows and other population movements. Repeated violations of human rights, impending crop failure and rising ethnic tensions are all examples of early warning signals that are often first detected by NGOs.

In the emergency phase of refugee crisis, rapid intervention by NGOs frequently save innumerable lives. Because of their size and flexibility, they can react quickly to provide essential relief such as health care, food, water supplies and shelter. Once survival is assumed, NGOs help refugees look forward to a better future by providing education and social services.

NGOs also have a role to play in solutions to refugee problems. The resettlement of millions of refugees could not have taken place without their active collaboration. Their involvement is also crucial during voluntary-repatriations, when their contributions include accompanying refugees back to their places
of origin, designing and implementing quick impact rehabilitation projects monitoring human rights.

Currently, most refugee resettlement in the United States is carried out by eleven voluntary agencies (VOLAG), six religiously affiliated and five non-sectarian or ethnically related. These eleven agencies are: American Council for Nationalities Service (ACNS), American Fund for Czechoslovak Refugees (AFCR), Church World Service (CWS), International Rescue Committee (IRC), Hebrew Immigrant Aid and Sheltering Society of New York (HIAS), Lutheran Immigration and Refugee Service (LIRS), Polish American Immigration and Relief Committee (PAIRC), the Tolstoy Foundation (TF), United States Catholic Conference (USCC), World Relief Refugee Service (WRRS), and the Young Men's Christian Association (YMCA). Some of the most notable international NGOs that are actively participating in humanitarian assistance programmes for refugees are - International Council of Voluntary Agencies (ICVA), International Social Service, Inter-Action, Amnesty International, American Refugee Committee, World Vision Inc., World Concern International, Save the children Federation, Refugees International, CARE, etc.

"CARE" - is an international aid and self-help development organization. Responds to the needs of refugees and displaced persons in emergency situations through effective delivery systems.
to facilitate the distribution of food and other aid. Also implements long-term development programmes in health and nutrition education and natural resource management to improve living conditions and facilitate self-sufficiency among refugees, displaced persons and repatriates. Presently it is actively engaged in assistance programmes in Sierra Leone, Sommalia, Sudan, Thailand, Chad, Mali, Niger, Ethiopia and Mozambique.

**Inter-Action** (American Council for Voluntary International Action) - It is broadly based membership association of 120 U.S. private and voluntary organizations working in international development, humanitarian and emergency relief, refugee relief, assistance, and resettlement. Member agencies participate in any or all of six working committees: Development Assistance, Migration and Refugee Affairs, Disaster Response and Resources, Public Policy, Development Education, and Private Funding.

**International Social Service** - Established in 1924, liaison between social agencies in U.S. and agencies abroad to resolve on a case by case basis problems which derive from international migration and separation of families by national boundaries. Special emphasis on services and protection for children in migration, inter-country adoption planning, and family reunification, including refugee families.
**OXFAM** - A nonprofit, international agency that funds self-help development and disaster-relief projects in poor countries in Asia, Africa, Latin America and the Caribbean. At present it has seven autonomous bodies world wide.

**Save the Children Federation, Inc.** : Founded in 1932, serves children through community development in 43 countries including the U.S. In its refugee programmes, provides humanitarian assistance with an emphasis on making refugees self sufficient and providing a base on which long term development can take place. Agriculture, nutrition, health care, sanitation, education and small scale enterprise are programme components in Somalia, Zimbabwe, Sudan and Pakistan.

**World Vision Inc.** : - Established in 1950, an international christian child care, relief and development agency which supports more than 5,000 projects in 89 countries worldwide. Through emergency disaster relief, child sponsorship, primary health care, agricultural development projects, World Vision's work benefits approximately 13 million people, including 616,000 sponsored children.

**International Council of Voluntary Agencies (ICVA)** : - Founded in 1962 to provide a forum for voluntary agencies actives in the fields of humanitarian assistance and development cooperations.
At present has 87 members comprising international and national voluntary agencies.

**Ford Foundation**

The largest single voluntary action for help to refugees was taken by the **Ford Foundation** when in 1952 it made available a grant of $2,900,000 to assist in providing permanent solutions for the refugee problem. In the early summer of 1952 four of the major voluntary agencies with the active cooperation of the High Commissioner for Refugees and the Inter-governmental Committee for European Migration prepared a survey of refugee needs and outlined a series of practical proposals which might provide permanent solutions to the refugee problem. This document was submitted to the Ford Foundation and, after personal representations by a spokesman for the agencies and later by the High Commissioner for Refugees, the Foundation made the grant of $2,900,000 to enable the agencies to initiate some of their proposals and test their validity as permanent solution. At the same time the Foundation invited the High Commissioner for Refugee to become trustee and administrator of the Fund.

It is absolutely true that over the decades, the most sustained and devoted service to the cause of refugees has been provided by non-governmental organizations (NGOs). NGOs not only provide substantial aid from their own resources, but also

45. American Joint Distribution Committee, Lutheran World Federation, National Catholic Welfare Conference, World Council of Churches. They were later joined by American Friends Service Committee and Worlds YMCA/YWCA.
frequently act as UNHCR's operational partners in carrying out specific projects. They are important partners in advocating for the refugee crisis. Since its establishment in 1951, UNHCR has collaborated with NGOs in all its fields of activity. Over 200 NGOs cooperate in UNHCR's relief and legal assistance programmes. In all UNHCR maintains contact with nearly 100 NGOs involved with refugees in one way or another. In 1993, the 'Nansen Medal', awarded for outstanding service to the cause of refugees, recognized the valuable collaboration of one such NGO, "Médecins Sans Frontières".

3.6 Summation:

The provision of assistance to refugees is a humanitarian and non-political matter which should not be hindered by political considerations, despite the fact that refugee situations themselves are inherently political in character.46 The need to give greater attention to questions of assistance arises primarily from the scale of practical humanitarian problems which remain to be solved. Moreover, a strictly positive law approach does not seem desirable or careful in this field since many states are still not parties to the relevant international instruments relating to refugees.47


Of course, it may be difficult to find examples in practice where a State has been compelled, against its will, to grant access to its stricken population. The more common problem is the lack of humanitarian assistance from outside, not the reluctance of the state to permit. Indeed, the obvious obstacle to the existence of such an obligation is the principle of 'State Sovereignty'. Current international law, which is largely based on traditional practice, does not obligate a State in any way to accept emergency aid even when its population is in extremely grave danger.

However, in all cases, except perhaps, where the Security Council has authorised access, organizations should not act without prior permission of the State. This can be invoked only if the Security Council feels that the disaster is on a dimension

which threatens international Peace and security\(^{49}\). Here it is important to note that the international community is divided on this point. Representatives of some states continue to insist that sovereignty overrides all other principles of international inter-action, while others speak not only of a right but even a duty to intervene on humanitarian grounds. Whatever the eventual outcome of this debate, recurring humanitarian emergencies have undoubtedly focussed attention in the question of how far the relief of human suffering can and should be subject to national boundaries and the consent of governments. The United Nations

\(^{49}\) On April 5, 1991, the United Nations Security Council passed Resolution 688 and, thereby, gave international law a prod in the right direction. By ordering Iraq to "allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq", the Security Council made a crucial contribution to the individual human being's struggle for protection in international law. The resolution had in mind the plight of the Kurdish population in Iraq. Problems for 'kurds' there began in the aftermath of the Gulf-war in February, 1991. Kurdish rebels started an uprising to establish an autonomous Kurdistan in North-eastern Iraq. This prompted a violent response from the Saddam Hussein regime which left over a hundred thousand Kurdish civilians displaced without adequate food, shelter and medical supplies.
Secretary-General, Boutros Boutros-Ghali, raised this question in a more general context in his 'Agenda for Peace'. He aptly observed:

"Respect for (the states) fundamental sovereignty and integrity are crucial to any common international progress. The time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality. It is the task of leaders of States today to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world"\(^\text{50}\).

The other important point to note that lack of security is one of the major obstacles of protection and humanitarian assistance in conflict zones. Delivery of humanitarian assistance is frequently disrupted or halted because of threats to or actual attacks on the staff of relief organizations and their facilities and vehicles. The airlift that supplies the besieged city of Sarajevo, for example, had to be suspended three times in 1992 for a total of eight weeks and seven times in the first six months of 1993 for a total of five weeks.

The Secretary-General of the United Nations in his 1992 Report in the Work of the organization, observed that:

"The security and protection of Staff and safe and effective delivery of relief materials are major concerns with respect to humanitarian efforts in conflict situation .... United Nations and other humanitarian relief works are often exposed to great dangers and many are risking their lives on a daily basis."

Negotiations with the warring parties can result in guarantees of safe conduct, without which relief work might carry too a great risk. At the same time, the use of armed forces to protect relief supplies and personnel is also a matter of risk. As military involvement in humanitarian work compromises its non-political nature, raises the temperature in a crisis and may turn humanitarian facilities and staff into targets. The co-ordination of humanitarian efforts with political and military actions in refugee producing conflicts is not without its difficulties. It blurs traditionally distinct roles and, if mismanaged, could compromise the strictly neutral character of humanitarian aid, which is the best guarantee of access to people in need.

However, of all UN agencies, the United Nations High Commissioner for Refugees is the most operational one. By
encompassing the needs of greater numbers of people, the United Nations has developed the High Commissioner's Office into a principal instrument of its humanitarian policies. Over the years, with political upheavals in Africa, Asia and Central America forcing whole communities into flight, UNHCR has had to adapt to situations in which food, water and shelter had to be provided quickly to people in remote areas. The old emergency unit of UNHCR was revamped. The new unit, renamed the Emergency Preparedness and Response Section, became operational in February 1992. Its role is to develop resources and tools to enhance the capacity of the Regional Bureaus to respond to emergencies. It is true that to be more effective, the UNHCR must assume an active posture within the relief operation. It must arrive early and promptly, and not only participate in the decisions that are made regarding the refugees, but also take an active role in formulating and guiding the overall policy framework to ensure that the objectives of the entire programme are coordinated and properly conducted.

Other UN organizations and voluntary agencies are essentially service organizations, each specialising in a certain range and level of services to be offered to the refugees. A majority of these organizations have the capability of

providing only medical or nutritional services. Thus, a large gap may exist in the provision of basic management and community services within the refugee camps which must be filled by the UNHCR.

The recent 'Oslo Global Conference on Common NGO-UNHCR Challenge - Partnership in Action' recommended that UNHCR, NGOs, and other agencies involved in refugee emergencies, should establish and/or develop crisis committees to (i) coordinate various activities undertaken jointly by NGOs-UNHCR and to avoid duplication and overlap of activities; (ii) facilitate UNHCR-NGO sharing of information through periodical and regular meetings, and (iii) evaluate effects and results of ongoing common activities. The Conference further recommended that -

"UNHCR should simplify its emergency arrangements and programme procedures to (i) ensure rapid emergency responses, especially in order to maximize the contribution of local NGOs and refugee groups, (ii) create a more flexible and less bureaucratic decision-making and procurement system for emergencies, which does not require lengthy negotiations with

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Headquarters, and (iii) inform its partners clearly and early of the respective roles of each UN agency during a refugee emergency.53.

In conclusion it may be submitted that in its towering activity the UNHCR has not trodden on any one toes to incur displeasure of a single soul or a single Sovereign State. Whereas it has stood on its legs constantly to serve teeming millions of humanity in dire distress. The United Nations has expressed its gratitude on numerous occasions and the community has recognized it by giving it the 'Nobel Prize' time and again. It functions not only with the community's support but also with the deepest gratitude of the human race.

The former president of the International Court of Justice - Mr. Nagendra Singh rightly observed;

"In relation to the work it performs and the activities that it undertakes, the Office of the High Commissioner is the Central Pivot promoting humanitarian cause 'Par excellence' ....... The Office of the High Commissioner does not give out doles in charity but promotes human activity to keep human beings alive and self reliant."54.

53. Ibid.
54. Nagendra Singh, "The Role and Record of the UN High Commissioner for Refugees", Macmillan India Limited, Delhi, 1984, P.42