UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
EVALUATION AND POLICY ANALYSIS UNIT

The Kosovo refugee crisis

An independent evaluation of UNHCR's emergency preparedness and response

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Evaluation and Policy Analysis Unit

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1. Introduction

This report has been prepared by an independent team of experts commissioned by UNHCR to evaluate the agency's preparedness and response to the 1999 Kosovo refugee emergency.[1] The emergency developed in the wake of NATO air strikes against the Federal Republic of Yugoslavia (FRY), and ended 11 weeks later when a framework for peace was established in mid-June and repatriation started. While focusing on UNHCR, the evaluation team was also asked to "consider the role and impact of other actors involved in the crisis, to the extent and insofar as they affected UNHCR's operations".

The evaluation uses a historical–analytical method to reconstruct and analyse the relevant events. While the team has jointly formulated the conclusions, the main report is structured as a collection of expert papers written by individual authors.

The report is divided into the following chapters:

1. Context (nature of the emergency and international response)
2. Preparedness (early warning and contingency planning)
3. "Day One" (initial response and emergency management)
4. Management (field and HQ, emergency staffing, logistics, financial constraints)
5. Assistance and co-ordination (co-ordination mechanisms, provision of material assistance, registration)
6. Protection (securing first asylum, humanitarian evacuation and transfer programmes, registration, security)
7. Relations with the military

The report assesses UNHCR's response in relation to three criteria:

- the overall outcome: did the refugees obtain appropriate protection and assistance?
- agency criteria: did UNHCR meet its own standards for providing protection and assistance during an emergency?
- situation-specific demands: were UNHCR standards and responses relevant to the unusual characteristics of the Kosovo case?

The evaluation takes the extraordinary nature of the Kosovo emergency as its starting point. In physical terms, the refugee movement was unusually large and swift – half a million people arrived in neighbouring areas in the course of about two weeks, and a few weeks later the total was over 850,000. In political terms,

the emergency was an extraordinary event of a type that is rare in contemporary international relations. It involved the national interests of major powers, strong regional organizations, and military action in Europe. NATO, and to some extent the OSCE, shaped policy towards the conflict after a controversial decision to bypass the UN Security Council. In this situation, the displacement issue became an important element in the diplomacy of war. To many governments, the refugees were too important to be left exclusively to UNHCR.

2. Main conclusions

The refugees from Kosovo generally received adequate assistance. Indicators of mortality rates were well below the generally accepted threshold for emergencies, and there were no serious epidemics. This was partly due to fortuitous factors – the generally good health of the refugees and the short duration of the emergency – and support from the host families, as well as the massive aid apparatus marshalled to help them.

UNHCR's contribution to this outcome must be judged against its relatively limited role in the overall relief response. The agency's shelter programme funded only 12 per cent of the refugee population housed in some 278 camps and collective centres in Albania (the equivalent figure for The former Yugloslav Republic of Macedonia[2] is unknown but was probably similar); furthermore, nearly two-thirds of the refugees lived with host families outside camps. UNHCR expended about $73 million in Albania and about $50 million in FYR Macedonia between March and the end of the year,[3] presumably most of it during the emergency.[4]

On the protection side, there was a near-disaster at the outset of the emergency, when thousands of refugees were trapped at the Blace crossing point on the border between Kosovo and FYR Macedonia. The immediate cause was the refusal of FYR Macedonia to admit a massive refugee flow unless it had reasonable assurances that other states would help. The result was a "burden-sharing programme" based on the underlying premise that protection is a common responsibility of states. Governments rather than UNHCR took the initiative in these programmes, particularly the USA, which was moved by strategic–political interests as well as humanitarian concerns. UNHCR worked with states to develop and co-ordinate the evacuation and later transfer programmes. The agency made significant efforts to raise protection issues and should be commended for quickly producing guidelines to clarify standards.

Within these parameters, and given the power and specific resources that it did command, the agency performed variably.

Early warning: UNHCR did not anticipate the size and speed of the exodus, nor could it reasonably be expected to have done so. However, preoccupation with IDPs inside Kosovo distracted attention from preparing for the unlikely, but possible, worst-case scenarios of refugee outflows.

Preparedness and initial response: The agency did not fully meet its own standards for providing immediate assistance. The target current at the time of the emergency called for non-food relief items for 250,000 persons to be immediately available, and for field deployment of emergency response teams (ERT) within 72 hours. However, reserve stocks of some key items were low and the decision to dispatch the ERT was not taken soon enough. The reasons were largely due to management factors under the agency's control.

The agency had insufficient high-level staff to address critical diplomatic challenges that arose simultaneously in several places in the initial phase of the emergency.

Emergency management: Staff deployment was generally slow, critical mid-level management for field operations was lacking, and some key field positions were not staffed. Junior or inexperienced staff were at times placed in overly demanding positions. At Headquarters, the unique decision-making structure developed for the former Yugoslavia had responsibility for the Kosovo crisis, but was not well suited to manage a large and complex emergency operation.

Overall co-ordination: Weaknesses in staff deployment reduced the effectiveness of UNHCR's co-ordination role. At the same time, the dominance of bilateralism and the presence of numerous actors made system-wide co-ordination extraordinarily difficult. While not assessing the consequences on the overall effectiveness of the response, the evaluation noted wide variations in standards (particularly in shelter), incomplete coverage (particularly regarding the host family refugees), and a tendency for the relief process to be supply-driven and dominated by a competitive concern for visibility.

Registration: The pressure placed on UNHCR to register the refugees stemmed from concerns that differ from those in normal operations: it focused on family tracing and issues related to denial of nationality that could lead to statelessness, rather than on facilitating the provision of assistance. This led to unrealistic demands from donors.

A basic UNHCR registration was successfully completed in FYR Macedonia but was slow and incomplete in Albania. The shortcomings were partly attributable to management weaknesses, but UNHCR could not reasonably have been expected to complete a full registration in the 11 weeks the emergency lasted, particularly as most refugees were still mobile and widely dispersed in host families.

Security: Some donors appeared to have unreasonable expectations that UNHCR was solely responsible for camp security. Despite accepted refugee norms, host states and donors situated camps too close to the border and the war zone. Security within camps rested on unclear lines of responsibility and was attained through ad hoc arrangements.

Protection: Effective protection depends, in the first instance, on the host states' assuming their international responsibilities. FYR Macedonia's unwillingness to grant unconditional asylum placed UNHCR in a position where it was criticized in relation to two conflicting criteria. Some donors criticized the agency for not being sufficiently sensitive to the destabilization concerns of FYR Macedonia, and for putting too much pressure on the government to open the border unconditionally. Some human rights groups criticized the agency for not putting enough pressure on the Skopje government.

The evaluation report recognizes that UNHCR was placed in a difficult situation. Faced with contradictory demands, and armed chiefly with the power of international refugee law and creative diplomacy, the agency had limited ability to break the impasse. Recognizing that burden-sharing schemes are likely to be rare, the agency emphasized the principle of unconditional first asylum, as repeatedly confirmed by its Executive Committee. On the other hand, the report finds that UNHCR should have given more attention earlier to the probability that this kind of situation would arise and been prepared more creatively to develop policy. Instead, it was left to the donors to unblock the border and set the pace of innovation.

The evaluation assessed the two policy innovations – HEP and HTP.

HEP (humanitarian evacuation programme) transferred refugees out of the region in an operation of unprecedented speed and scale. By alleviating the burden on a vulnerable host state, the operation enabled other refugees to enter FYR Macedonia, thereby enhancing overall protection. On the other hand, the implementation was marred by inconsistency on the part of states and its opportunistic use by refugees. HEP also fundamentally undermined the alternative of transfers in the region (HTP).

HEP is likely to remain rare in view of the limited public support for receiving refugees from more distant regions, and the lack of interest of Western states in promoting such programmes unless they themselves are directly involved in the conflict.

HTP (humanitarian transfers programme) was feasible in that Albania accepted refugees, and UNHCR's leadership as well as key donors encouraged the programme. However, it attracted few refugees and did not contribute significantly to enhance protection during the emergency. Part of the reason was that UNHCR's standards varied from explicit (i.e. fully voluntary) to implicit consent (or absence of reasonable objections). International law is not completely clear on this point.

3. Analysis of UNHCR's role

As a result of the intense international interest in the Kosovo refugee crisis, many factors affecting UNHCR's performance were not under its own control. However, the agency was in some respects weaker than it needed to be by not optimally utilizing the resources which it did control, or could easily acquire. This applies particularly to management practices and staffing patterns, possibly also to diplomacy in the field during the initial phase. These weaknesses fuelled criticism over agency failures, further encouraging bilateralism and assertive behaviour of other organizations.

The constraints on UNHCR operations were both external and internal.

External factors

- extensive bilateralism
- significant blurring of humanitarian and military–political missions
- powerful role and independent agenda of NATO in the humanitarian sector
- reluctant governmental hosts or partners in the frontline states
- complex institutional rivalries among major actors
- high visibility and saliency of the emergency

Internal factors

- small in-house surge capacity of staff and other resources for emergencies

- inappropriate decision-making structure for the conflict area
- cumbersome decision-making structure for managing the emergency
- limited financial and human resources compared with other actors
- undigested, recent organizational restructuring and previous down-sizing
- underestimation of the special requirements of a high-profile emergency

External constraints are most graphically illustrated by an episode on 31 March, when the aircraft supposed to carry UNHCR's first emergency response team to Albania did not receive flight clearance from NATO due to crowded air space.

For UNHCR, NATO's humanitarian engagement was a mixed blessing. It added significant resources to deal with the emergency, but also inserted competing priorities and, especially in Albania, took a form that blurred the line between military and humanitarian missions. For NATO, as a party to the war, it was important to demonstrate its commitment to alleviate the humanitarian crisis that followed. NATO initiated humanitarian support operations in many ways, including logistics and camp building, and deployed a special NATO force to Albania (AFOR) whose only formal mission was humanitarian.

The unusual concern of states to have a visible field presence through national NGOs or state agencies (military or civilian) was in UNHCR's perspective also a double-edged sword. It brought enormous resources to the emergency, but relatively little of it was channelled through the agency, and consultation with UNHCR varied considerably. Uneven consultation combined with a large number of actors – about 250 NGOs operated in Albania and FYR Macedonia at the peak of the emergency – made co-ordination difficult. Only about 20 per cent of the NGOs were UNHCR implementing partners.

The pronounced bilateralism seems not to have been primarily a response to UNHCR's performance, but rather reflected the independent interests of states involved. The refugee crisis erupted close to western Europe, where the previous wave of Bosnian refugees and recent asylum seekers from Kosovo had made governments weary of receiving more. Fearing that the new exodus would spill over into western Europe, EU members took rapid action to contain the flow within the region. There was large-scale assistance to refugees, aid to Albania and FYR Macedonia, rapid construction of refugee camps in both countries, and an early UK proposal to create a "security zone" on the border between FYR Macedonia and Kosovo.

In theory, these concerns were not incompatible with multilateralism, had funds been channelled through UNHCR and had the agency been properly consulted. In practice, high stakes in the outcome made states inclined towards independent action. Moreover, the high visibility of the emergency in west European countries – accentuated by the refugee trains that recalled the more ignominious parts of west European history – created strong incentives to "show the flag" on the humanitarian front. Charges from critics that NATO air strikes had inadvertently triggered the outflow had the same effect. The competitive logic became so strong that the idea of a "national" refugee camp was discussed even by committed multilateralists such as Norway and Canada.

Bilateralism in terms of funding was most marked in the European Union. The top six EU contributors to the emergency allocated $279 million in public

humanitarian assistance to the emergency (excluding military expenditures); of this, UNHCR received only $9.8 million directly, or 3.5 per cent.

As a high visibility event for Western states, the crisis attracted an unusual amount of relief resources (including "luxury camps") and invited special asylum treatment (evacuation to Western states). In part, this represented an acknowledgement by contributing states that their role in the Kosovo conflict entailed a special obligation to assist the refugees. This is quite legitimate in the perspective of political morality. UNHCR, however, is institutionally committed to universal standards of refugee protection and to that extent disinclined to support differential treatment of refugees. The result was that UNHCR and the donors were out of step on some key issues.

The most important difference in perspective concerned the first asylum issue in FYR Macedonia. UNHCR vigorously defended unconditional first asylum, as indeed it might be expected to under the norms enunciated by its Executive Committee. The USA and the UK were more attuned to the destabilization concerns of FYR Macedonia, and worried that the refugee presence would make the government withdraw its support for NATO's military campaign. This made the USA initiate "burden-sharing" schemes in which onward passage to third countries was offered as an incentive for FYR Macedonia to admit refugees. Other countries, including Canada and the Nordics, pushed for evacuation on general humanitarian grounds. At times, UNHCR was faced with the unusual situation of some donors competing to take in refugees, and was criticized for not adjusting quickly enough to their demands.

UNHCR had problematic relations with the other frontline state as well. Albania provided unconditional asylum, but preferred NATO, governments and OSCE as channels of co-operation.

The Kosovo emergency came at a difficult time for UNHCR. The agency was experiencing the cumulative effects of three to four years of steady budget decline, including an unusual 1997–98 reduction in General Programme funding that was read as an austerity warning. It had just been through a round of staff cuts in 1997–98 when it was announced that the 1999 budget would be reduced from $900 million to around $800 million. The reduction was partly a correction to the high budget levels associated with the Bosnia operation in the middle of the decade, but it affected the agency's ability to rapidly mobilize resources for the crisis.

The effects of shrinking margins were most evident in the unwillingness of managers to release staff for the Kosovo operation, leading to delays in staffing. Competition for resources among the regional bureaux of the agency – framed by the recurring question of the equity of the disproportionate use of resources for refugees in Europe as compared with Africa – further sharpened internal negotiations over staff allocations. The organizational restructuring in early 1999 probably reduced rather than enhanced the emergency response capacity of the agency; for one thing, the changes were undigested.

The crisis placed heavy demands on UNHCR's diplomatic skills as well. Yet the agency has a thin leadership structure at the top and the High Commissioner's Special Envoy seemed impossibly overtasked.

The decision-making unit responsible for Kosovo was a unique structure in UNHCR. A post-Dayton, down-sized version of the Yugoslavia operation, it was not anchored in a Bureau and lacked associated management support. The operation reported directly to the High Commissioner through the Special

Envoy, yet the High Commissioner was dealing with policy issues far above the din of operations.

More generally, it seems that UNHCR responded to the Kosovo refugee crisis as if it were a "normal" emergency. Standard routines for a smaller or slower emergency were followed (although not always attained). Even within the existing framework for emergency preparedness (200,000–250,000 immediate case-load), the response was often too little, or too late. This might not have been noticed in a less visible and less "popular" emergency. By not sufficiently taking into account the extraordinary political nature of this emergency, UNHCR opened itself to criticism – some of it fuelled by mixed motives in a competitive and intensely politicized humanitarian field.

UNHCR seemed to expect that its mandate and traditional lead agency role in refugee crises would automatically assure it a leadership position in co-ordination. The experience in the former Yugoslavia, particularly in Bosnia and Herzegovina, where conditions had favoured this position, possibly reinforced the expectation. The humanitarian sphere in the Kosovo emergency, however, was more intensely competitive and UNHCR's leadership by no means assured.

4. Consequences for UNHCR

Much of the criticism of UNHCR's performance during the emergency concerns its assistance and co-ordination functions. This seems ironic insofar as these shortcomings did not have grave consequences for the welfare of the refugees; indeed, they were relatively minor in relation to the overall relief response. There may be more consequences for UNHCR itself. Areas of demonstrated weakness and inability to rapidly meet its own standards of response affected the credibility of the agency. Since the shortcomings occurred in a crisis of high visibility to the Western world, their significance was magnified. The Kosovo emergency became a defining event in terms of who was there (particularly at the early stage) and how they had performed.

The Kosovo case also brought out some fundamental questions of policy facing UNHCR. Since the evaluation is assessing both operations and policy, the broader policy implications arising from the agency's response to the Kosovo emergency case will briefly be examined below.

5. Implications for policy

Assistance

The most obvious issue concerning assistance is the size of the emergency for which UNHCR should prepare. The agency has an in-house dedicated capacity for emergency preparedness and response of nine persons (in EPRS), reserves of basic relief items supposed to meet the immediate needs of 200,000–250,000 persons, and emergency response teams drawn from a roster of 30 staff members who are recalled from their current postings around the world for redeployment to an emergency. Even if used with utmost efficiency, this in-house capacity would have been totally inadequate in the Kosovo emergency without large-scale external support.

The Kosovo case suggests that UNHCR should not develop an in-house capacity to meet major material assistance requirements for emergencies of this kind.[5] First, massive emergencies are historically rare – while three have occurred in the last decade, in a slightly longer historical perspective they are infrequent and

it is unclear if recent occurrences constitute a trend. Second, states and organizations currently command significant standby capacity that can be rapidly mobilized for large emergencies. To build up a parallel capacity in UNHCR would be a sub-optimal use of resources. Third, to attain the needed level would entail a radical expansion of UNHCR's current capacity that seems politically unrealistic.

Rather, UNHCR should prepare for massive emergencies by strengthening its in-house capacity for strategic planning to mobilize external resources. Critical elements include reviewing and developing standby agreements and national service packages with governments and other organizations (civilian as well as military). Strategic planning includes "thinking-outside-the-box" by preparing for the possible occurrence of the rare but catastrophic event.

Plans should take into account assistance that supports the co-ordination function. This means prioritizing shared resources such as warehousing, transport and communications, which provide a bridge between the discrete assistance packages of other actors and facilitate the overall response. The need for such shared services also encourages independent actors to collaborate with and be co-ordinated by UNHCR.

The availability of national responses will always be conditioned by political considerations and hence carry an element of unpredictability, yet they are essential to assist large-scale refugee flows.

The failure of "early warning" in the Kosovo case confirms the historic tendency of such systems to be unreliable or inadequate. Rather than develop its "early warning" capacity, UNHCR should strengthen its mechanisms to react rapidly.

Protection

The pressing protection problems on the Kosovo–FYR Macedonia border raised basic issues of first asylum in relation to the obligations and rights of states. In this case, a solution was developed which permitted the refugees to enter on condition that a certain number would be passed on to third countries, thereby lightening the burden on the first asylum state.

"Burden-sharing" arrangements of this kind are historically rare. Only two clear cases have occurred in the last half-century (after the Second World War and after the Viet Nam War), and of these only the latter was premised on conditional first asylum. The constellation of strategic and political interests that made evacuation programmes possible in this case is unlikely to recur frequently. It is equally self-evident that mass inflows can entail significant costs and risks for first asylum states, as was demonstrated in FYR Macedonia. There was, in this case, legitimate fear that the small, newly established and ethnically fragile state might disintegrate in conflict.

The potential tragedy at the Blace border crossing dramatically juxtaposed the rights of refugees against the interests of state. Resolving such conflicts is the fundamental challenge of a viable protection policy and should motivate burden-sharing initiatives. This is not easy, as the inconclusive discussion on burden-sharing in Europe and elsewhere suggests. Nevertheless, UNHCR has a special responsibility to bring the discourse forward.

The Kosovo case suggests that burden-sharing can be essential for small and vulnerable states that face mass inflows. UNHCR should take the initiative to re-examine the principles and dynamics of burden-sharing for such cases.

Co-ordination

In the present decentralized, international humanitarian regime, co-ordination is an elusive goal. In the Kosovo case it was particularly difficult. Yet UNHCR's co-ordination performance varied significantly over time and place, depending on the willingness of the actors to be co-ordinated, relations with local or national authorities, resources, skills and appropriate deployment of UNHCR staff. This suggests that within the constraints of consensual co-ordination, the shortcomings were not structurally related to the lead agency model, but due to variations in the policy environment or the staff capacity of UNHCR. The case demonstrated, however, that the exact role of the lead agency is poorly defined, leading to variable expectations and interpretations. In a massive emergency, the model demanded an additional, human resource capacity dedicated to co-ordination.

The Kosovo case shows that massive emergencies demand a staff capacity that exceeds the present deployment capability of UNHCR. Surge mechanisms such as secondment from another agency (OCHA) did not function effectively in this case and should be examined more closely.

The absence of significant contractual or funding obligations with other humanitarian actors required UNHCR to co-ordinate by consensus. Funding of course provides a very different measure of control and moves co-ordination from a consensual to an authoritative model. UNHCR typically funds only a small percentage of NGOs in a massive emergency (in this case some 20 per cent of the NGOs in Albania and FYR Macedonia). Yet the case demonstrates that funding is not a necessary precondition for co-ordination. Credible leadership by itself can also have the desired effect. Hence, channelling funds through UNHCR should not be considered an absolute pre-condition for co-ordination.

Relations with the military

If UNHCR is to lead effectively in refugee emergencies, it has to be generally accepted by a wide range of humanitarian actors. UNHCR's relations with the military are critically important in this respect. Although UNHCR's status as a non-political humanitarian agency would seem to preclude close co-operation with a military that is a party to the conflict, in the Kosovo case it was widely accepted as necessary to save lives. Co-operation has been similarly accepted when military forces were involved in UN-authorized peace enforcement operations.

This suggests that contemporary norms validate operational co-operation between UNHCR and a military that is a belligerent party only under two conditions:

- *when the military is engaged in a UN enforcement action under the Charter and authorized by the UN, or*
- *there is no alternative way to avoid substantial suffering and loss of life*

Limiting relations with the military has the customary effects of "self-denying ordinances". In particular, it would seem to rule out joint contingency planning, and thereby potential sharing of information. In the Kosovo case, UNHCR declined joint contingency planning and did not receive much useful information regarding population displacement. Of course, it is an open question whether NATO would have generated and/or released information to UNHCR, even if there had been closer working relations.

The expectations gap

The political and refugee challenges of the emergency left UNHCR with a daunting task and limited room to manoeuvre. Its own role, as we have seen, was relatively small in the total picture. Yet, as the UN agency with a statutory responsibility for refugees, it was expected to be in charge. A persistent gap between expectations and reality fuelled criticism that the agency failed to meet objectives. *UNHCR has in this respect itself an obligation to clarify limitations related to its tasks and capacities.* In the Kosovo case, it did not adequately do so on a number of issues (especially registration and co-ordination).

Institutional priorities

Previous UNHCR evaluations indicate that the agency has performed below the mark in several emergency operations.[6] This suggests the need to focus seriously on the process of institutional learning. While possibly as elusive as co-ordination, institutional learning has an organization–specific dynamic that needs to be understood before launching another set of reforms or restructuring.

The repeated weakness of UNHCR's emergency response suggests a common explanation relating to institutional priorities. Possibly, each of the agency's multiple functions require distinct decision-making structures and organizational cultures. If these are not entirely compatible, uneasy compromises ensue that make it more difficult to pursue emergency management than if UNHCR were a single-purpose organization. In the Kosovo case, this appeared mostly clearly in staff deployment issues. Lacking a substantial dedicated staff for emergencies, FYLU had to engage in time-consuming negotiations to have staff released from other tasks. The same applies to any unit in the agency that is directing an emergency response.

Staff deployment thus touches fundamental issues of institutional priorities. UNHCR's original statutory mandate focused on general issues of refugee protection. The agency was not established primarily to provide relief in emergencies. *It is clearly possible to turn UNHCR into a superbly efficient rescue service. If members of the UN General Assembly want to do this, they will get a refugee agency that is quite different from that which they established 50 years ago. In the first instance, it is up to the Executive Committee to assess whether institutional priorities merit a substantial upgrading of UNHCR's emergency capacity.*

The Kosovo emergency raised other issues of institutional priorities. In part it concerned standards of assistance and protection. While UNHCR should clearly uphold minimum standards, it is less clear whether it should take on special responsibilities in a high-visibility crisis which are not assumed elsewhere. For instance, should UNHCR undertake active protection monitoring of European refugees with host families – a demand that was raised in Albania and FYR Macedonia – something which the agency does not normally do for "urban refugees" outside Europe?

More generally, the question becomes: how much attention and resources should be given to an emergency of particular interest to the major donors? UNHCR's universal mandate, as well as considerations of equity, may seem to suggest that the organization should not pay disproportionately high attention to the high-profile cases – or even, on the contrary, that it should pay disproportionately low attention to them, since they will attract major resources anyway. *A different lesson, however, emerges from the Kosovo case: in order to protect its universal mission, UNHCR must be heavily engaged in high-visibility crises.* If not, it will pay a political price that may jeopardize its future capacity to respond.

6. Recommendations for operations

Implications and some recommendations related to policy have been discussed above. This section includes more specific recommendations that concern operations. More detailed and comprehensive recommendations are found at the end of the relevant chapters of the main report.

The mechanisms required to operationalize the recommendations rest with UNHCR. The agency has already started to reform its emergency management in ways that harmonize with this report.[7]

Security

Lack of clarity over primary responsibility and undeveloped strategies resulted in ad hoc and inadequate measures to provide for the physical security of the refugees.

- UNHCR should clarify its responsibility for providing physical security of refugees. This should be done in conformity with the provisions of EXCOM Conclusion no. 72 (1993) that encourage UN member states to assume primary responsibility for security issues and to co-operate with UNHCR.

- States should assist UNHCR to develop further and operationalize the "ladder of options" concept for security.

Registration

Notwithstanding the unreasonable expectations regarding registration during the Kosovo emergency, inherent weaknesses in Headquarters' management of UNHCR's registration process undermined the agency's operational capacity and weakened the link between registration and protection.

- UNHCR's registration policy and techniques should be modified in the *Handbook for Emergencies* in order to acknowledge that registration is often a key protection activity. The technological advances experimented with during the Kosovo emergency could contribute to protection activities if refined. They should be fully developed.

- UNHCR should create a dedicated headquarters unit, specially trained staff and standard guidelines and formats for registration. The inclusion of a registration specialist on the EPRS, or as an immediately deployable headquarters resource, should be considered.

Management

Inadequate and slow staff deployment was a consistent weakness that severely hampered UNHCR's response throughout the emergency.

- The EPRS should be strengthened by increasing the number of its emergency staff and raising its position in the organizational hierarchy.

- To improve surge capacity through rapid deployment, UNHCR should systematically document emergency participation, undertake systematic performance reviews of emergency participation, and assign it

importance for promotion and appointment to key management positions. In addition, in massive emergencies, the agency should ensure the rapid release of middle managers by the immediate adoption of directive, rather than voluntary, deployment practices.

- The agency should develop a roster of staff and external resource persons to assist in crisis diplomacy.

- UNHCR's internal reporting and public relations should be strengthened, especially in high-visibility emergencies, by the deployment of additional staff for public relations and protocol duties.

- UNHCR should set up reporting procedures in order to establish minimum estimated expenditures in emergencies.

- Headquarters' response capability should be strengthened by developing comprehensive contingency plans and emergency checklists.

Assistance

The agency should develop its assistance activities in ways that strategically support its overall mandate. This is particularly important in massive emergencies with large needs and many actors. To this end, UNHCR should:

- improve supply capacity to meet existing agency standards for emergencies rapidly by reviewing the Contingency Stockpile. Some items currently under frame agreements should be included in the stockpile;

- use its own resources to bring attention to need, thereby encouraging other actors to allocate resources appropriately;

- prioritize resources that bridge other agencies' sectoral assistance and facilitate the response of other actors;

- delegate activities when appropriate (for example to the WFP – which has better logistics capacity – on complementary food and associated items such as cooking sets).

Co-ordination

UNHCR can only co-ordinate those willing to be co-ordinated. Responsibility for weak co-ordination in the Kosovo response is shared equally between UNHCR, other humanitarian actors and the donors.

UNHCR should note the following:

- For massive emergencies, UNHCR should include an assessment of the additional staff capacity required to fulfil the lead agency role in its contingency planning and staff deployment plans. Mechanisms to increase UNHCR's co-ordination capacity, such as secondment from OCHA, should be reviewed in the light of difficulties encountered in Albania. To the extent that this was the result of poor human resource administration, the UN agencies should clarify the contractual status of secondees, including the development of clear terms of reference. To the extent that the mechanism failed as a result of intractable UN

territorialism, alternative methods of increasing in-house co-ordination capacity should be developed.

- UNHCR should ensure that its staff are fully trained to co-ordinate, the training including management of meetings, awareness of guidelines and information management.

- UNHCR should increase the number of its senior emergency programme officers and technical co-ordinators. Sectoral specialists should either be part of an expanded EPRS or within the technical units at Headquarters such as the PTSS, STS and ICSS.

Donors, the UN and NGOs should observe the following:

- Donors and host governments should support co-ordination by publicly supporting UNHCR. Donors should tie NGO funding to a co-ordination contract with UNHCR, and themselves undertake early and full consultations with UNHCR.

- Clear terms of reference should be established for the functions and services expected of the lead agency.

- In a bilateral context, UNHCR alone cannot "screen" independently funded NGOs to ensure that numbers and experience correspond to need. This is a shared responsibility of host governments and the NGOs. EXCOM should address ways in which all NGOs can be made accountable and brought into the co-ordination framework, making reference to professional standards developed by the NGOs such as the Code of Conduct and the Sphere project.

Policy analysis and evaluation

Most of the current evaluations of the Kosovo emergency are single-agency or single-organization focused, and therefore may not generate a comparative perspective and may lose cross-cutting issues.

- The evaluators would encourage joint evaluation of responses to major emergencies, including comparison of multilateral vs. bilateral approaches.

Notes

[1] The evaluation team members are institutionally independent of both UNHCR and the donors, and reflect a diversity of expertise including management, emergency operations, international refugee law and policy analysis. The team is composed of: Astri Suhrke (team leader, Chr. Michelsen Institute / Carnegie Endowment for International Peace), Michael Barutciski (University of Oxford), Peta Sandison (Oxfam GB) and Rick Garlock (independent consultant).
[2] The abbreviated form "FYR Macedonia" will be used in this report.
[3] References are to US dollars throughout.
[4] Expenditure figures available from UNHCR cover the period from the end of March until 31 December 1999 and therefore include costs incurred following the repatriation. Overall expenditure in the region in this period was about $190 million, of which about $59.5 million was in Yugoslavia, including Kosovo, presumably on return and reconstruction after June. Expenditures in Albania and FYR Macedonia in this period totalled about $122 million, and it can be assumed that most of these were incurred during the refugee emergency. Within the EU, the largest national allocations made for the Kosovo emergency in the period 24 March–30 June were: Denmark ($71 million), Germany ($58 million) and Italy ($69 million). The figures include only

civilian expenditures. Some of it may have been allocated for the repatriation that started in mid-June.

[5] The Kosovo case does not provide a basis for determining what is an appropriate benchmark for relief reserves for "normal" emergencies, and whether the present 200,000–250,000 figure is reasonable.

[6] *Review of UNHCR's Emergency Preparedness and Response in Eastern Sudan*, November 1985; *Review of UNHCR's Preparedness and Response in the Persian Gulf Crisis*, March 1992; *Review of UNHCR's Preparedness and Response in the Persian Gulf Crisis*, March 1992; *A Review of UNHCR's Operations in Former Yugoslavia,* April 1994; *Lessons Learned from the Burundi and Rwanda Emergencies*, December 1996.

[7] An internal working group chaired by the Emergency Preparedness and Response Section (EPRS) was in December 1999 preparing a document setting out objectives and methods to improve the agency's preparedness and response. The document is intended to serve as a basis for immediate reforms. Among changes being discussed were: training and updating of senior managers on emergency issues; establishment of a pool of senior staff who could be quickly dispatched to large emergencies; establishment of additional standby arrangements for personnel deployment, relief items, and ready-made packages in the fields of telecommunication, office equipment; additional EPRS staff, acceleration of placement of staff who replace emergency teams.

Abbreviations used in the report

AFOR	The Albania Force
CDR	Centre for Documentation and Research
CRS	Catholic Relief Services
DART	Disaster Assistance and Response Team
DEC	Disasters Emergency Committee
DfID	(UK) Department for International Development
DIP	Department of International Protection
DRC	Danish Refugee Council
EADRCC	Euro Atlantic Disaster Relief Co-operation Centre
ECHO	European Community Humanitarian Office
ECMM	European Community Monitoring Mission
EDP	Extended Delivery Point
EMG	Emergency Management Group
EPRO	Emergency Preparedness and Response Officer
EPRS	Emergency Preparedness and Response Section
ERT	Emergency Response Team
EU	European Union
EXCOM	Executive Committee of the High Commissioner's Programme
FRY	Federal Republic of Yugoslavia
FYLU	Former Yugoslavia Liaison Unit
GoA	Government of Albania
HC	UN High Commissioner for Refugees
HEP	Humanitarian Evacuation Programme
HIC	Humanitarian Information Centre
HIWG	Humanitarian Issues Working Group
HLWG	Humanitarian Liaison Working Group
HQ	Headquarters
HTP	Humanitarian Transfer Programme
IASC	Inter Agency Standing Committee
ICRC	International Committee of the Red Cross
ICSS	Information and Communications Systems Section
ICTY	International Criminal Tribunal for the former Yugoslavia
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IOM	International Organization for Migration
IRC	International Rescue Committee
JLC	Joint Logistics Centre
KFOR	The Kosovo Force
KLA	Kosovo Liberation Army
KVM	Kosovo Verification Mission
MdM	Médecins du Monde
MOU	Memorandum of Understanding
MSF	Médecins sans Frontières
MUPC	Ministry for Urban Planning and Construction
NATO	North Atlantic Treaty Organization
NGO	Non Governmental Organization
NRC	Norwegian Refugee Council
OCHA	Office for the Co-ordination of Humanitarian Affairs
OFDA	Office of Foreign Disaster Assistance
OFR	Office for Refugees
OMR	Optical Markersheet Reader

OSCE	Organization for Security and Co-operation in Europe
PTSS	Programme and Technical Support Section
SACEUR	Supreme Allied Commander Forces Europe
SCEPC	Senior Civil Emergency Planning Committee
SG	Secretary-General
SHAPE	Supreme Headquarters Allied Powers Europe
SOFYA	Special Operation for the former Yugoslavia and Albania
STS	Supply and Transport Section
UCK	Ushtria Clirimtare e Kosoves
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNHCHR	United Nations High Commission for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNIC	United Nations Information Centre
UNICEF	United Nations Children's Fund
UNSC	United Nations Security Council
USAID	US Agency for International Development
WFP	World Food Programme

Introduction

The scope of the study

1. This report has been commissioned by UNHCR to evaluate the agency's preparedness and response to the Kosovo refugee. The evaluation covers the period from late March to mid-June 1999, when a framework for peace was established and repatriation started; that is, the study does not include the repatriation. While focusing on UNHCR, the evaluation team was also asked to "consider the role and impact of other actors involved in the crisis, to the extent and insofar as they affected UNHCR's operations". The full terms of reference are attached (Appendix C).

2. The report addresses two sets of issues. One concerns *operations* – that is, the administration of the emergency response. During the emergency UNHCR was criticized for being weak on the operational side. A principal purpose of this report is to assess these claims – which include inadequate preparations, slow response and ineffective co-ordination – in the light of a thorough and impartial examination of the record.

3. The other concerns *policy*. The Kosovo refugee crisis raised important questions of policy that produced innovation. In the protection area, "burden-sharing" initiatives were introduced to lighten the load on a major first asylum country. In relation to the military, UNHCR was in the unprecedented situation of co-operating with a belligerent whose actions were not authorized by the UN. Assessing the rationale and consequences of these policies is more difficult than evaluating operational performance, but is equally important.

4. The principal thematic areas of study are:

- early warning and contingency planning
- initial response and emergency management
- protection
- assistance and co-ordination
- military–civilian relations

5. The many unusual features of this refugee emergency make it particularly important to contextualize the evaluation. The report therefore starts by examining the nature of the conflict that produced the refugees, and sketches the general international response. Both had implications for UNHCR activities.

Methodology

The team

6. The study has been commissioned by UNHCR, but it is an independent evaluation in the sense that:

- The team members are institutionally independent of both UNHCR and the donors. Three are full-time employees of other institutions. One was a staff member of UNHCR from 1991 to 1996, but has since been working as an independent consultant.

- The team members have worked independently to operationalize the terms of reference, collect the data, and develop the conclusions.

7. The team reflects a diversity of expertise including management, emergency operations, international refugee law and policy analysis. It is composed of:

Astri Suhrke, Senior Research Fellow, Chr. Michelsen Institute, Norway, and a Resident Associate at the Carnegie Endowment for International Peace, Washington, DC (team leader).
Michael Barutciski, Research Fellow in International Law, Refugee Studies Programme, University of Oxford.
Peta Sandison, Emergencies Programme Co-ordinator, Oxfam GB.
Rick Garlock, evaluation and management consultant, Crestwood, Kentucky.

Data collection

8. The team as a whole started full-time work on the evaluation in mid-September 1999. Team members visited the former Yugoslav Republic of Macedonia, Albania, Montenegro and Kosovo in September. Interviews and other forms of data collection were also undertaken in Brussels, Geneva, London, Oslo, Rome, Washington and New York, and by e-mail and telephone. Persons interviewed represented

- national governments (embassy/delegation/ministries of foreign affairs and defence)

- international organizations/agencies

- non-governmental organizations (NGOs)

- refugees

(See also "Offices interviewed" at the end of this report.)

9. Numerous organizations and UN agencies have undertaken separate evaluations of responses to the Kosovo refugee emergency. One list compiled by mid-October 1999 counted 25 reports in progress.[1] Of these, two which were particularly relevant were completed in time to be of use for this study.[2]

10. The team had liberal access to UNHCR archives and received excellent co-operation from UNHCR staff. Some staff members laboured long hours to extract electronic files from their archives – the extra effort is particularly appreciated. Nevertheless, given the very large volume of relevant data, it is possible that some gaps remain.

11. All respondents – whether representing agencies, states or organizations – gave generously of their time for interviews. Some even went back to old diary notes and other personal records to check the accuracy of their information.

12. A preliminary briefing about the evaluation was given to an informal meeting of UNHCR's Executive Committee on 7 October 1999 in Geneva. At a subsequent two-day meeting in Geneva (11–12 November), the team held

informal consultations with members of the IASC, the HLWG, the EU, the OSCE and NATO, and received useful comments on the preliminary findings.

13. A draft version of the report was presented to UNHCR in early January 2000 for corrections of factual inaccuracies and comments on interpretations. The team incorporated proposed changes where it found it appropriate to do so; where disagreement continues to exist, this is recorded in a footnote. A panel of independent experts also read the draft version, and their comments have been incorporated where appropriate. The panel members were Arthur Helton, Kathleen Newland, Philip Rudge, Stefan Sperl and John Telford.

Analysis

14. In order to evaluate performance, it is necessary to have an understanding of what happened and why. The evaluation uses a historical–analytical method, and the report is structured around a historical narrative. Although the report cannot do full justice to the complexity of the events reviewed, we believe it is useful for UNHCR to have a history of its response to one of the major emergencies of the 1990s. Moreover, there are several conclusions to be drawn from this story. We have therefore provided a coherent narrative in addition to our evaluative conclusions. The result is part history, part evaluation.

15. Historical analysis provides a basis for instituting informed change by offering explanations for what went right and what went wrong. This report consequently seeks to explain as well as assess.

16. Our assessment is qualitative. While a method of marking that awards points on a scale, of say 1 to 10, may be appropriate for a simple project evaluation, it is much too simple for evaluating agency operations in a complex historical context. This report consequently falls into the category of "comprehensive" evaluations rather than the "snapshot" kind. The standard tools used are those of historical and public policy analysis.

Criteria

17. The report takes as a starting point the standards set by UNHCR and objectives derived from its mandate. In emergencies, the principal objectives listed in the *Handbook for Emergencies* are set out as follows:[3]

> The role of UNHCR in emergency operations is primarily to protect refugees. UNHCR assists and complements the work of the [host] government by acting as a channel for assistance from the international community, and by co-ordinating implementation of the assistance … UNHCR is responsible for ensuring that the protection and immediate material needs of the refugees are met in an effective and appropriate manner. (1999 edition, p. 4)

18. Some organizational standards have been set for the term "effective and appropriate". They include dispatching an emergency response team (ERT) to the area within 72 hours, and maintaining ready reserves (stockpiles or immediate delivery) of basic non-food items for 200,000–250,000 persons.

19. General standards commonly used in assessing public policy are also relevant. The principal ones are impact (intended and unintended consequences), effectiveness (were goals attained?), relevance (were policies or measures relevant to the problem at hand?) and coherence of response (i.e.

among different kinds of initiatives directed at the same problem). The study will make use of these criteria where appropriate. The data does not lend itself to efficiency assessments based on cost-benefit analysis.

20. Additional criteria are necessary to assess policy innovations regarding protection and co-operation with the military. First, to what extent were these policies the result of UNHCR decisions, and what degree of choice did the agency have? As for criteria, protection measures must in the first instance be judged in relation to international refugee law and related norms of rights and responsibilities. Whether actions were instrumental in saving lives constitutes another criterion. The agency's relationship with NATO during the emergency can be similarly assessed: was it right in relation to norms for international humanitarian action? Was it instrumental in achieving humanitarian objectives?

Organization of work

21. The team has worked collectively to produce this report, but each chapter has a principal author or co-authors. The report is structured as a volume of expert papers dealing with different aspects of the emergency response. Efforts have been made to ensure consistency among the chapters, but not to impose uniformity in style. The principal authors are:

Chapter 1 – Astri Suhrke and Michael Barutciski
Chapters 2, 3 and 7 – Astri Suhrke
Chapter 4 – Rick Garlock
Chapter 5 – Peta Sandison
Chapter 6 – Michael Barutciski

22. UNHCR's Evaluation and Policy Analysis Unit served as the principal point of contact and facilitator throughout. The team is most grateful to Jeff Crisp for his supportive and constructively critical, yet non-intrusive, role, and to Sue Mulcock and Arafat Jamal for administrative assistance. The terms of reference were prepared by Lowell Martin. José Riera was responsible for the production of the final report. Philippa Youngman copy-edited and formatted the text.

A.S.
Bergen
26 January 2000

Notes

[1] Compiled by the network ALNAP (London).
[2] Humanitarianism and War Project study, *Civil–military Relations during the Kosovo Crisis*, commissioned by the Netherlands Ministry of Foreign Affairs; and a study commissioned by the British Department for International Development, *Coordination in the 1999 Kosovo Refugee Emergency: EMG Albania* (John Telford).
[3] This is a slightly different wording from the version used in the 1982 *Handbook* which was in use at the time of the emergency, but the substance is the same.

1
The context[1]

The nature of the emergency and the international response

23. The dramatic development of the Kosovo conflict in the spring of 1999 shaped the response to the refugee situation that ensued. Direct NATO military involvement ensured that political considerations influenced humanitarian action as well. The humanitarian arena was exceptionally crowded, as numerous governments and organizations wanted to offer relief. In operational terms, the difficulties of assisting the sudden and massive outflow of refugees were formidable. Altogether this left UNHCR with a daunting task and limited room to manoeuvre. Yet, as the UN agency with a statutory responsibility for refugees, it was expected to be in charge.

24. To examine how well UNHCR performed during the emergency, it is necessary to consider briefly these contextual conditions.

Conflict escalation

25. In many ways, the Kosovo conflict represents a classic secessionist struggle. The 1981 uprising of Albanians demanding the separation of the Autonomous Province of Kosovo from the Republic of Serbia was followed in 1989 by constitutional changes that limited the autonomy of the province.[2] Shortly afterwards, the Yugoslav government declared a state of emergency and assumed direct rule. For some years the Albanian struggle took the form of peaceful resistance that saw the creation of a parallel society, including government structures, an education system and tax collection, which unofficially existed alongside Belgrade's repressive rule.

26. When Kosovo's status was excluded from the agenda of the Dayton peace talks, the struggle took a violent turn and, two years later, accelerated when anarchy in neighbouring Albania gave Kosovo Albanian militants ready access to arms through a porous mountain border. Communal violence became commonplace in areas of Kosovo that harboured Kosovo Liberation Army (Ushtria Clirimtare e Kosoves – UCK) guerrillas and were targeted by police forces.

27. Widely publicized massacres of Kosovo Albanians in February–March 1998 led to growing international concern and pressure to regulate the conflict. Following government military operations against the guerrillas and their population base during the summer, the second half of 1998 saw NATO moving down a path of military confrontation with Belgrade. In a policy of graduated threat articulation, NATO issued progressively stronger signals to Belgrade that military force might be used to secure the withdrawal of government forces and promote a political solution.[3]

28. An increasingly assertive Western policy towards the conflict was above all the result of US initiatives. Following its role in the war in Bosnia and Herzegovina and the Dayton peace process, the USA took the lead in encouraging NATO involvement and in negotiating a cease-fire, with Serb force

withdrawals in October 1998 (Holbrooke–Milosevic Accord). When violence resumed during the winter months, the USA orchestrated the Rambouillet peace talks of January–March 1999 designed to get Yugoslav and Kosovo Albanian leaders to accept a peace plan promoted by the State Department. When this failed, the USA provided the core of the NATO force that carried out air strikes against Serb targets throughout Yugoslavia. The forces of NATO member countries that had earlier been deployed to the neighbouring FYR Macedonia were reinforced as the conflict escalated.

29. The NATO air strikes that began on 24 March 1999 were intended to end Serb violence in Kosovo and make the Yugoslav authorities accept the terms of the Rambouillet peace plan. The expectation was that this would be quickly achieved. Instead, the NATO strikes were accompanied by escalating violence on the ground and a large refugee outflow that included organized expulsions. The sequence of violence and displacement underlined the importance of the Western powers in the events that produced the refugee emergency, and made the same states take a direct interest in the humanitarian operation. At the same time, the allied campaign against Yugoslavia was premised on co-operation from Albania and FYR Macedonia, the two countries that also received most of the refugees. Humanitarian and strategic concerns thereby became further intertwined.

30. The humanitarian field was extraordinarily crowded and competitive. Apart from the UN agencies, NATO and the OSCE, there were numerous NGOs (some 180 in Albania alone), the International Red Cross and Red Crescent and intergovernmental agencies. Several states had humanitarian operations run by national military and civil defence units.[4] To operate as lead agency under these conditions was a challenge in itself, to do so when confronted with the size and speed of the refugee inflow from Kosovo was extraordinarily demanding.

Nature of the outflow

31. The sudden and "front-loaded" nature of the inflow (see Table I) made the Kosovo emergency a relatively unusual event in the history of refugee movements. Within nine weeks of the beginning of the air strikes, nearly 860,000 Kosovo Albanians fled or were expelled to Albania (444,600), FYR Macedonia (344,500) and Montenegro (69,900). Comparable flows have occurred only twice during the 10 years since 1990 – in the Great Lakes area of Africa in 1994 and in the Kurdish–Iraqi war in 1991.[5] This partly explains why the international aid community this time was unprepared and initially overwhelmed. Earlier refugee populations had frequently been large, but had typically developed more slowly. It was the combination of size with speed that made the Kosovo movement so difficult to respond to.

32. Despite the challenge, it is widely agreed that the basic needs of the refugees were met. There were no serious epidemics, no deaths on a large scale, and a potential disaster was averted at the Blace border crossing between FYR Macedonia and Kosovo, where refugees at first accumulated. Although incomplete, mortality figures for the refugee population so far confirm this conclusion. The mortality rate among refugees in FYR Macedonia was much below the generally accepted threshold for emergencies; figures from Kukes in northern Albania suggest the same.[6] The most probable reasons for this were the large humanitarian response, support from host populations and the generally healthy condition of the refugee population at the outset. On the protection side, there were much-publicized but transitory admissions problems in FYR Macedonia, but in both countries basic protection needs were eventually met. Moreover, in conformity with UNHCR's preferred durable solution to

displacement, the crisis ended with one of the most rapid return movements in recent history after the Yugoslav authorities in mid-June signed a document allowing NATO forces to enter Kosovo.

33. While all massive emergencies attract intense publicity and attention, the Kosovo crisis outdid most. One reason was proximity to western Europe and easy access – many refugee camps were located within minutes of international airports. More importantly, the humanitarian response unfolded in the context of a controversial and unprecedented NATO military operation in post-Cold War Europe, while images of refugees being expelled on trains recalled the more ignominious aspects of European history. With the credibility of both NATO and Western humanitarianism at stake, the emergency became something of a defining event.

34. The high visibility of the Kosovo emergency meant that UNHCR's operations were closely scrutinized. For a start, aid operations were monitored by an international pool of journalists that at one point in FYR Macedonia numbered 450, outnumbering UNHCR's international staff by five to one. The agency also received a steady stream of high-level politicians who visited the region in the early period requesting briefings and tours, and who were often unaccustomed to a certain chaos characteristic of an initial emergency response. Apart from significantly adding to the workload of aid staff, the attention was accompanied with high expectations that put the agency to a stringent test.

The role of NATO

35. The relationship between the NATO air strikes and the mass displacement of Kosovo Albanians remains disputed.

36. Critics of the NATO action claimed that the air strikes indirectly caused the humanitarian disaster that followed, since they triggered more intensive Serb military activities on the ground and exacerbated the violence. This led to growing unease among populations of NATO member states over the appropriateness of the military strategy pursued. NATO officials, in turn, presented the bombing campaign as justified to stop the violence perpetrated against the Kosovo Albanians. It was also suggested that the Serb offensive against the civilians was planned, and that the exodus was a fully organized expulsion. If so, this would strengthen the rationale for air strikes.[7] But it also raised other questions. In particular, if the intelligence services of NATO members had prior knowledge of a Serb offensive that might be expected to include civilian targets as well, why were humanitarian agencies not informed? Instead, they were taken by surprise and poorly prepared for the exodus.

37. During the emergency, the military and humanitarian spheres intersected on numerous points. For NATO, as a party to the war, the refugee issue was important in many respects. First, it was imperative to contain the humanitarian crisis so as to minimize domestic political criticism of the war. For the same reasons, it was useful to demonstrate that NATO was actively helping to alleviate the plight of the refugees.[8] Second, the refugee crisis was not to be allowed to jeopardize the military operation, which included deployment of troops of NATO member states to neighbouring Albania and FYR Macedonia.[9] As a result, NATO actively assisted the frontline states and the humanitarian agencies to deal with the refugee presence. NATO provided support for logistics, air operations and infrastructure development. NATO forces in FYR Macedonia built and serviced refugee camps, and a special NATO force with an exclusively humanitarian mandate was deployed in Albania (AFOR).

38. For UNHCR, NATO's humanitarian involvement was a mixed blessing. It added critical resources to assist the sudden inflow, but also inserted competing priorities.[10] Direct co-operation with NATO, moreover, raised difficult questions of principle and consequence.

Bilateralism

39. The donors had various interests in the emergency. The agonising dilemmas of NATO's air war and the cruel symbolism of the expulsions created a surge of compassion in domestic constituencies. Much of the aid was channelled through national organizations and institutions for reasons related to the political significance of the crisis. Other interests were more specific.

40. Western European states were particularly concerned to avoid large flows of spontaneous asylum seekers to the rest of Europe. The number of asylum seekers from former Yugoslavia in European states had increased 200 per cent from 1997 to 1998, and the vast majority were Kosovo Albanians.[11] The member states of a consultative group on asylum, the Inter-governmental Consultations (IGC), happened to meet on 23 March, on the eve of the air strikes. The tone was defensive–alarmist. Europe had already absorbed hundreds of thousands of refugees from the previous wars in the former Yugoslavia; it could take no more. Italy – a principal destination for previous large outflows from Albania – called on UNHCR to erect a "first line of defence" to keep Kosovo Albanians in the region, and the Italian delegation spoke of "humanitarian containment".

41. When the emergency was a fact, Italy immediately pursued containment through direct, national action. Plans for "Operation Rainbow" had already been prepared by the government by 28 March, the day the first 25,000 refugees crossed from Kosovo into northern Albania, and the day before UNHCR prepared to deploy its emergency team. One of the largest bilateral relief operations, "Rainbow" was run out of a special office in the Prime Minister's Office in co-operation with the Ministry of the Interior. The operation involved 3,000 persons, including 1,600 Alpinist troops, civil defence personnel and voluntary agency staff. It cost $52 million, not including military operational costs estimated at $91 million. Under this umbrella, Italy built 19 refugee camps in Albania for some 32,000 refugees and established an air and naval bridge to shuttle supplies across the Adriatic. The Italian government had approved "Operation Rainbow" in a cabinet meeting on 29 March without consulting UNHCR, although later there was closer co-operation.[12]

42. Other states operated on a more modest scale. A meeting of EU justice and home affairs ministers in Luxembourg on 7 April stressed as the "main principle" that Kosovo refugees should be given protection in the region rather than being admitted to EU states. To this end, the ministers also approved a German proposal to reduce the pressure on FYR Macedonia by facilitating the transfer of refugees to neighbouring Albania. Having already discussed the idea with the Albanian government, Germany was joined at the Luxembourg meeting by Austria, Greece and Denmark, which promised to build or finance refugee camps in Albania for this purpose. UNHCR was informed, but not involved.

43. In FYR Macedonia rapid camp construction by forces of NATO member states averted a humanitarian catastrophe at the Blace border. The demonstration of NATO's "humanitarian face" also had a national competitive element. French forces in FYR Macedonia wanted to participate in the construction of the first camp (Stenkovec 1), led by a British contingent. The US embassy in Skopje promoted the idea of a US-built camp in FYR Macedonia at

the same time. Plans were made for using the force of US Marines stationed off-shore in the Aegean sea, but the Greek government refused transhipment of men and material through the port of Thessaloniki, evidently in deference to vocal domestic critics of the air strikes. The Marines then built a refugee camp in Albania instead (Camp Hope). Subsequently, German military forces built two camps in FYR Macedonia.

44. The competitive rationale became so strong that the idea of a "national" refugee camp was seriously discussed even in Canada and Norway, otherwise staunchly multilateralist. In neither case did it materialise.

45. The camps were certainly important, and some were crucial, in providing shelter for refugees in Albania and FYR Macedonia. The question was whether a bilateral approach represented the best use of resources and achieved optimal standardization. Donors maintained that UNHCR was overwhelmed, making recourse to bilateralism necessary. On the other hand, a "national" camp was a particularly effective way of demonstrating presence, since it provided a concrete structure in front of which visiting officials could be portrayed on national television. UNHCR's involvement in these camps varied from consultation to information after the fact.[13] Donors typically turned "national" camps over to their national NGOs to manage.

46. With some notable exceptions, public humanitarian assistance followed a distinctly bilateral funding pattern. EU countries emphasized bilateral and regional channels (ECHO), and ECHO initially channelled its funds through European NGOs rather than UN multilateral organizations.[14] The contrast with the Goma crisis in 1994, when ECHO channelled all its funds through UNHCR, is striking. In humanitarian terms, Goma was a greater challenge than the Kosovo emergency, but politically the conflict was much less significant to Europe.

47. The top six EU contributors to the Kosovo emergency together allocated $278.8 million in public (non-military) humanitarian assistance in the March–June period; of this, UNHCR was allocated only $9.8 million, or 3.5 per cent, directly, although halfway through the emergency it received ECHO funding.[15] Outside the EU, even a declared multilateralist such as Norway channelled almost 60 per cent of its initial allocation for the emergency to national NGOs. Only in a later funding round, when the situation had normalized somewhat, did the UN agencies receive more than the national NGOs.[16] Canada allocated $45 million dollars to the crisis, of which $11.5 million dollars went through UNHCR. In this funding picture, which excludes a heavy military component for humanitarian purposes, the USA appears as the most committed multilateralist. National NGOs received only $15 million for the emergency, as against $63 million allocated to UN and international organizations, of which UNHCR received $35 million.[17]

48. Possibly, the limited funding of UNHCR compared with that of other organizations reflected widespread criticism of the agency's response to the emergency. UNHCR was subjected to unprecedented attacks for being unprepared, disorganized and inefficient. The two dynamics were probably mutually reinforcing in the sense that criticism led to reduced support, which in turn affected the agency's capacity to respond.[18] Nevertheless, the moving force behind bilateralism was such that even if UNHCR had performed with the utmost efficiency, there probably still would have been a strong bilateral presence.

49. Compared with the powerful states and organizations that entered the humanitarian field in the Kosovo crisis, UNHCR had a limited emergency

capacity and played a relatively small role in the total aid picture. A striking episode early in the emergency illustrates the power differentials among the actors. On 31 March the EU Commissioner for Humanitarian Affairs, Emma Bonino, flew into the region in an aircraft put at her disposal by NATO and accompanied by NATO's Deputy SACEUR (Supreme Allied Commander Europe). The same day, UNHCR's first emergency response team to be deployed to Albania was left standing at the airport in Geneva, denied clearance by NATO because of crowded airspace.

50. The Kosovo emergency was for UNHCR in many respects an anomalous situation. Possibly for the first time in recent history, some states competed to receive refugees under an evacuation programme, criticising UNHCR for intermittently holding back and creating chaos in flight schedules drawn up by national authorities. Even reluctant states signed on to sharing schemes. The refugees, in a sense, became too important to be left to UNHCR.

Frontline asylum states

51. The two principal asylum states had fundamentally different approaches to the refugees. One feared that ready admission would destabilize the country; the other welcomed them in a common struggle. Both governments were initially critical of UNHCR, although in FYR Macedonia the relationship improved towards the end of the emergency.

FYR Macedonia – a reluctant host

52. For the government of FYR Macedonia the refugee inflow raised fundamental issues of national security. The division between the majority Slav population and the ethnic Albanian minority marks the country's short political history. While the exact number of ethnic Albanians in FYR Macedonia remains controversial, the sudden refugee presence, which represented over 10 per cent of the country's total population, had a serious effect on the delicate ethnic balance.

53. The ethnic Albanians from Kosovo had grievances regarding their status in Yugoslavia that resembled those of ethnic Albanians in FYR Macedonia whom they now joined. The inflow occurred only a few months after a new coalition government had been formed in Skopje, which included the most nationalist elements of both the ethnic Slav and the ethnic Albanian population. It increased the possibility that FYR Macedonia would be pulled into the conflict.

54. It was not clear if and when the refugees would return. Although it appeared that NATO could not afford to lose this war and would persist until the refugees could return, the possibility that the Kosovo Albanians would become "the new Palestinians" could not be discounted. By early summer some aid agencies envisaged a long stay and made plans to make the camps ready for winter.

55. NATO had given de facto security guarantees to Skopje when launching the air strikes against its neighbour. Even so, the government occasionally threatened publicly to demand the withdrawal of NATO troops from its territory and made pointed hints to the US embassy to this effect.[19] The threat, as we shall see, was a critical factor in negotiations over refugee admissions.

56. Prior to the NATO air strikes the refugee inflow had been relatively small, and the government had adopted a discreet approach. The authorities permitted

admissions, hoping to downplay the gravity of the situation. However, when tens of thousands of Kosovo Albanians appeared by the end of March and early April, the government seemed to panic. Widespread local protests against the air strikes aggravated the situation. In an escalation of earlier violent incidents in February and March involving NATO targets, OSCE and UNHCR vehicles were damaged, and the US and UK embassies were attacked.

57. However, as a new and fragile country having difficult relations with its neighbours, FYR Macedonia realized the need to work co-operatively with the USA, NATO and the EU. The government had entered into a Partnership for Peace (PfP) association with NATO and had authorized the deployment of thousands of NATO troops, ostensibly to enter Kosovo after agreement with the Yugoslav authorities or help evacuate the OSCE monitoring mission. Particularly during the Blace incident – when tens of thousands of refugees were trapped at the border crossing – the authorities recognized the power of negative international publicity. This led to greater co-operation on the admissions issue. At the height of the Blace incident, all parties realized that a humanitarian catastrophe might ensue unless the no-man's-land problem was effectively addressed.

58. In dealing with this complex situation, the government basically maintained that the international community had some responsibility for creating the refugee problem and thus a commensurate obligation to solve it. This put it in apparent conflict with UNHCR, which took a traditional position focusing on the obligation of the first asylum states. The USA, by contrast, initiated a solution to the asylum problem more consistent with Macedonian concerns. The different approaches by the USA and UNHCR at times were expressed in semi-public and intense confrontations that hardly helped to solve the problem.

59. US prominence on the asylum issue reflected its important political role in the region and the Kosovo conflict. US acceptance of the government's premise that the refugees represented a national security threat was largely to secure Macedonian co-operation during the NATO military campaign.

Albania – reluctant partner

60. The political situation regarding the refugees in Albania was quite different. The government in Tirana had frequently declared its support for the independence struggle in Kosovo and allowed various factions fighting under the UCK umbrella to base themselves in northern Albania. Border skirmishes with Yugoslav soldiers occurred frequently in the months preceding the NATO air strikes.

61. In many ways Albania was effectively involved in the conflict. This was reflected in the government's declarations concerning the solidarity of all ethnic Albanians in the Balkans. It was clear that gaining asylum in Albania was not going to be a problem for refugees from Kosovo.

62. On the other hand, providing humanitarian assistance and protection to the refugees was to become the major challenge. The lawlessness and anarchy that confronted the refugees and international aid workers who arrived in the northern parts of Albania made this more difficult, as did the poor road access to northern Albania.

63. During the emergency the Albanian government showed a preference for working with NATO and the OSCE, as well as bilaterally with individual states. NATO and the OSCE had become increasingly important to the Albanian

government, and relations had developed across a broad spectrum. NATO and the OSCE were central to Albanian efforts to be accepted by the international community in the post-communist era. The country desperately needed foreign aid that that the OSCE helped to mobilize. The OSCE had also been active in brokering political conflicts in Albania and promoting democratization. NATO represented both a potential security guarantee against Yugoslavia and a source of aid to modernize the Albanian armed forces. The government had joined the NATO Partnership for Peace programme soon after the communist regime collapsed, and eagerly sought full membership.[20] The framework was thus set for close relations between Tirana and the two organizations during the emergency.

64. Tirana was a steady ally of NATO during the refugee crisis, placing its air space and military bases at the disposal of the alliance and serving as a potential staging area for entry into Kosovo. NATO and member forces in turn played a significant role in the humanitarian sector. The OSCE was active during the emergency, monitoring refugees and recording oral histories of violence, and promoting co-ordination of humanitarian assistance.

65. Tirana's preferences for partners other than UNHCR set the stage for an uneasy relationship and accentuated institutional rivalries. To UNHCR, the government appeared a reluctant partner; to the Albanian government, UNHCR seemed ineffective. Tirana's involvement in the conflict further complicated UNHCR's role as an impartial humanitarian actor.

UNHCR's role in the evolving conflict

66. By the end of the summer of 1998, UNHCR was playing a prominent role in the international humanitarian response to the Kosovo conflict. In line with its lead agency mandate in the former Yugoslavia, the agency provided protection and assistance to internally displaced persons (IDPs) and other affected populations in Kosovo. Only a small number had fled to the areas of neighbouring countries, and the agency had a correspondingly weak presence in these states.

67. In Serbia and Montenegro, the two remaining republics of Yugoslavia, the agency maintained extensive operations to assist refugees from the wars in Croatia and in Bosnia and Herzegovina. In financial and caseload terms, UNHCR's operations in the remaining Yugoslavia were comparable with those in Kosovo – assisting about 200,000–300,000 persons in each. Nevertheless, Kosovo remained the most compelling focus because of the ongoing violence and the potential for worse to come.[21] This had further implications for the agency's involvement in the conflict.

68. In accordance with the concept of a "comprehensive" refugee policy, the High Commissioner actively sought ways to end the violence in Kosovo. Evidently influenced by the agency's experience in Bosnia and Herzegovina – where the humanitarians felt that they had become a substitute for more decisive political and military action – the High Commissioner consistently emphasized that humanitarian action in Kosovo could not solve what was essentially a political problem. Her diplomatic activity included two visits to Kosovo and meetings with President Milosevic in Belgrade during the second half of 1998.

69. Since political and humanitarian issues were closely linked, the High Commissioner and her Special Envoy for the former Yugoslavia were also regularly involved in the international diplomacy that focused on Kosovo. This

took place both bilaterally and in multilateral fora such as the Humanitarian Issues Working Group (HIWG), a high-level mechanism established as part of the international diplomacy over the war in Bosnia and Herzegovina.

70. The High Commissioner consistently expressed concern for all victims of the conflict in Kosovo regardless of their ethnicity. However, there was little doubt that she viewed the Serb military presence as the principal cause of the violence, and the Yugoslav government as the main obstacle to a political solution. This was expressed in public statements, in meetings with President Milosevic, and in a strongly worded letter of 26 September 1998 calling on the Yugoslav president to end the disproportionate use of force that was spreading terror and death among the Kosovo Albanians.[22]

71. As the repression in Kosovo continued, the agency seemed to be moving from a minimalist humanitarian position, which condemns violence regardless of who perpetrates it, to a position that effective humanitarianism must also "bear witness" to violence and seek to reduce it. Humanitarian organizations have historically embraced both alternatives, depending upon the situation and their inclination.[23] By choosing to engage in the conflict rather than merely dealing with its symptoms, humanitarians may also limit their access and effectiveness in other respects. That happened to some extent in this case, although it was mostly brought on by UNHCR's close working relationship with NATO.

72. UNHCR's decision to enter into a close operational relationship with NATO during the emergency was not easily taken. The air strikes were conducted without a UN Security Council resolution explicitly authorizing the use of force. As an organ created by the UN General Assembly, UNHCR was affected by the discrepancy between NATO's actions and the strict rules governing the use of force found in the UN Charter. As a UN humanitarian agency with an explicitly non-political mandate, UNHCR could also reasonably be expected to dissociate itself from the NATO bombing campaign.[24] Yet as an agency whose budget depends on voluntary contributions made almost entirely by NATO member states, and working in the same operational theatre as that in which NATO forces were deployed, UNHCR was pulled in the opposite direction. The High Commissioner's engaged position on the Kosovo conflict had the same effect. Finally, but decisively, the practical challenge of coping with a mass influx of refugees for which the agency was unprepared, made the High Commissioner accept NATO support. It seemed the only option to take to save lives.

73. A main reason why the High Commissioner resisted the final steps towards field co-operation with NATO during the emergency was concern over the agency's substantial operations in the rest of Serbia and in Montenegro, and the need to maintain relations with Belgrade. As it turned out, the High Commissioner's outspoken criticism of the Yugoslav use of force in Kosovo had already soured relations to the point where Serbs blamed UNHCR for having provoked the air strikes. The agency's subsequent co-operation with NATO merely completed the process. UNHCR's operations in all of Serbia (including Kosovo) came to a virtual standstill during the air strikes. Only one Russian and national staff remained, and all supplies in Belgrade were confiscated by the local Red Cross. The profile of partiality probably also complicated the agency's protection role in FYR Macedonia, as we shall see.

Notes

[1] This chapter was written by Astri Suhrke and Michael Barutciski.

[2] According to the 1981 census, Kosovo Albanians represented 77.3 per cent of Kosovo's population. At that time, the Socialist Federal Republic of Yugoslavia comprised six republics: Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia.

[3] In response to the escalating violence in Kosovo in June 1998, the NATO Council authorized its military planners to develop "a full range of options". A few days later, NATO air exercises were held over Albania and FYR Macedonia to demonstrate NATO's capability to project power rapidly into the region. On 24 September the NATO Council approved preliminary steps to execute "a limited air option and a phased air campaign in Kosovo". On 13 October the NATO Council authorized the activation order for "limited air strikes and a phased air campaign in Yugoslavia". On 16 October, NATO decided to "maintain its readiness to launch air operations against Yugoslavia" to ensure that Serbia complied with the Accord on Peaceful Solution (Holbrooke–Milosevic agreement) concluded two days earlier (documents cited are from Marc Weller, *The Crisis in Kosovo 1989–1999*, Cambridge: Documents & Analysis Publishing, 1999).

[4] The principal bilateral operations were run by Austria, France, Germany, Greece, Israel, Italy, Saudi Arabia, Spain, Turkey, United Arab Emirates, the UK and the USA. In addition, some NATO countries, including the Partnership for Peace members, contributed forces for humanitarian support under NATO's AFOR umbrella.

[5] Between 14 and 18 July 1994, about 850,000 persons walked across the border from Rwanda to Goma, in Congo. In April 1991, some 1.4 million Kurds fled from northern Iraq into Iran, while half a million headed for the Turkish border.

[6] Brent Burkholder, *Mortality among Kosovar Refugees in Albania and The former Yugoslav Republic of Macedonia*, March–June 1999. National Academy of Sciences, 18 November 1999; incomplete figures for Albania do not permit conclusions about the entire refugee population. Kukes figures show mortality rates approximating the complex emergency threshold (1 death per 10,000 per day) only for the third week of the emergency. "Mortalité chez les réfugiés à Kukes", UNHCR health co-ordinator, note, 25 June 1999. The standard indicator is the Crude Mortality Rate (CMR). The aim in an emergency is to keep it to under one in 10,000 for the population as a whole, and to under two in 10,000 for children under five years old.

[7] As the ambassador of a NATO country later said, "Even if we were winning militarily, we would have lost the war at home if Milosevic had not started expulsions and let us win the propaganda war." Interview with the evaluation team, 3 December 1999.

[8] A typical statement by NATO's spokesperson was: "NATO… [has] not caused this terrible humanitarian tragedy. But… NATO countries today are in the forefront of the international community's effort to help these people." Press briefing, 29 March 1999 [http://www.nato.int/kosovo/press].

[9] There was, for instance, persistent fear that Serb forces would try to stop a NATO ground advance by using refugees to block the main route between Kosovo and FYR Macedonia – a narrow two-lane road.

[10] Competing interests were most obviously reflected in competition for access. For instance, US deployment of Apache helicopters to Albania required the expansion and conversion of Tirana's tiny airport to one capable of handling huge transport aircraft and around-the clock operations. The job was quickly done by US and other NATO forces, and clearly benefited the humanitarian operations as well. But military requirements also clogged landing slots – it took 500 flights of the huge C-15 transport aircraft to establish the Apache Task Force. This was equivalent to 25 days of exclusive use of the airport, which also was the principal point of entry for relief supplies serving some 400,000 refugees. *Washington Post*, 29 December 1999.

[11] *A statistical overview of asylum applications lodged in Europe by citizens of the Federal Republic of Yugoslavia: January 1998 to February 1999*. UNHCR, Geneva, 2 April 1999.

[12] *DPC Informa*, vol. IV, No. 12 (July–August 1999), and [http://www.esteri.it]. Italy had led the multinational force that was sent to Albania when social order collapsed in 1997 ("Operation Alba").

[13] The most bilaterally oriented donors saw UNHCR's function as solely to bring in the refugees when the camp was ready, as an Austrian high-level official said. Interview, 6 October 1999.

[14] In FYR Macedonia, for instance, ECHO channelled 7.8 million euro through UNHCR as against 25 million euro through NGOs. Later in the emergency, ECHO made substantial contributions to UNHCR, totalling 33.8 million euro by the end of June. (Source: ECHO/Geneva and the European Commission/Skopje).

[15] See preceding note.

[16] In the first allocation (April), UNHCR received only 22 per cent of the total, but the agency received around 36 per cent of both allocations combined (141.5 million kroner of a total of 383.7 million kroner). Source: Ministry of Foreign Affairs.

[17] The national NGO figure includes $2 million allocated to the International Federation of the Red Cross. The data covers funds allocated during the period March–June 1999 inclusive, or allowed to be carried over to that period. Source: Department of State/PRM.

[18] Establishing the precise interaction requires careful research into the funding dynamic of each donor. This was beyond the scope of this evaluation.

[19] The combined pressure of refugees and the country's exposed position led the government to deny the USA permission to station the Apache helicopter Task Force in FYR Macedonia. The Task Force was established in Albania instead. *Washington Post*, 29 December 1999.

[20] Relations with NATO had developed under the PfP structure (training, reform of Albanian armed forces, and joint military exercises). During the war in Bosnia and Herzegovina, Albania had placed its air space and military bases at NATO's disposal. In 1998 Prime Minister Nano had requested that NATO station troops in Albania, and under Majko's tenure there had been active discussions about placing a NATO force on the Kosovo–Albanian border to control weapons smuggling. NATO decided in early 1999 that this would require some 30,000 men and was not feasible.

[21] Around 500,000 refugees from the 1992–95 war in Croatia and in Bosnia and Herzegovina faced "extremely difficult circumstances" in the Federal Republic of Yugoslavia. The country was ravaged by war and economic sanctions, and at least half of the refugees required humanitarian assistance. In Kosovo, the fighting had displaced about 300,000 persons, most of whom received some form of assistance. UNHCR's 1999 planning budget for Yugoslavia totalled $60 million dollars, with $35 million designated for Serbia and Montenegro, and the rest for Kosovo. *UN Consolidated Inter-agency Appeal, January–December 1999*, p. 28.

[22] In a public version, the High Commissioner said in a press release on 11 March 1999 that "the shelling and intimidation by the security forces and the Yugoslav Army are not only causing Albanian villagers to flee, but are fuelling a cycle of violence and fear". UNHCR, Press Release.

[23] Some UNHCR officials maintain that the agency was encouraged to take a more engaged or "witness" position because the UN High Commissioner for Refugees in 1998 was asked to report on humanitarian conditions in Kosovo to the UN Secretary-General. The information was incorporated in the Secretary-General's monthly reports to the Security Council. Yet the section on humanitarian issues in the final reports mainly describes displacement patterns (see e.g. S/1998/834, and S/1998/1068). The High Commissioner's position is more readily explained by her long-standing advocacy of a "comprehensive" refugee policy and the frustrations of the Kosovo conflict.

[24] Paragraph 2 of UNHCR's Statute: "The work of the High Commissioner shall be of an entirely non-political character; it shall be humanitarian and social and shall relate, as a rule, to groups and categories of refugees."

2
Preparedness[1]

74. There is little doubt that the speed and magnitude of the refugee movement took the international aid community by surprise. No aid agency has subsequently claimed that it anticipated this kind of outflow – more than 800,000 people within the 11-week period, of whom half a million came in the first couple of weeks. In this respect, the High Commissioner was not alone in confessing surprise, although she and Carol Bellamy of UNICEF (the United Nations Children's Fund) were among the first to do so publicly.[2]

75. Preparedness is largely a function of heeding early warning signals and undertaking contingency planning. The present chapter will discuss UNHCR's preparedness in these two respects.

Early warning

76. In the UN system, "warning" is divided into two kinds: "early warning", as directed by OCHA, focuses on long-term risk analysis, while assessment of short-term developments ("late warning") is part of contingency planning. Since it was evident to all that Kosovo had been a conflict area for at least a decade, the province did not figure in the UN "early warning" discussions. There was inter-agency contingency planning, but not for massive refugee outflows. In the months before NATO launched air strikes against Yugoslavia, conventional thinking about Kosovo in the UN system, the OSCE and NATO simply did not include the prospect of an exodus.

Common assumptions

77. There seemed to be good reasons for the failure to predict. Truly massive outflows are historically rare, and in the intervening periods memories fade and the term "massive" becomes deflated. In the Balkans, ethnic cleansing had occurred before, but the combined speed and magnitude of this displacement was unprecedented.[3] Moreover, previous violence had generated mostly internally displaced persons (IDPs) rather than refugees. In the absence of compelling information to the contrary it seemed safe to assume that the pattern would continue.

78. Information commonly shared among the international aid community concerned with Kosovo reinforced this assumption. For instance, OSCE reports, which after October 1998 became an important daily source of reporting on the security and political situation, pointed out in early 1999 that the Yugoslav border was heavily mined, and that the army had established a "security zone" along the Macedonian and Albanian border to prevent UCK infiltration.[4] It was expected that the border would be closed if the conflict worsened, with more people bottled up in the hills and on mountainsides. The UNHCR Special Envoy for former Yugoslavia, who from mid-1998 also covered Albania, emphasized this factor in his analysis, concluding that an escalating conflict most likely would produce more massacres and IDPs – about which UNHCR could do little – but only a few thousand refugees.[5]

79. Throughout this period, UNHCR as well as the collective attention of the humanitarian community was focused on the appalling conditions of the IDPs in Kosovo, and on prospects for return and reconstruction. The Holbrooke–Milosevic accord in October 1998 produced a cautious optimism, as the Secretary-General reported to the UN Security Council in November (S/1998/1068). It was the basis for the 1999 Joint Appeal for funding, which anticipated the return of some refugees and IDPs. When the Rambouillet peace talks commenced in February 1999, donors met to discuss reconstruction and rehabilitation. UNHCR's Special Envoy attended two such high-level meetings in late February.

80. The refugees, by contrast, were somewhat of a side-show. UNHCR's case-load of Kosovo refugees in the region was quite small – some 35,000 in countries bordering the former Yugoslavia.[6] When the peace talks stalled in February, reinforcements of men and equipment were brought in to Kosovo and attacked guerrillas fighting under the UCK umbrella and related villages.[7] Between 23 February and mid-March, Serb military activities had produced some 30,000 new IDPs, according to UNHCR. The events reinforced the assumption that increased violence would produce more casualties and IDPs rather than refugees. It also seemed to cast doubt on one of the few voices that had argued differently. The director of the CIA (Central Intelligence Agency) had told the US Congress in early February that the Serbs were preparing a spring offensive that probably would produce "huge" refugee flows.[8]

81. NATO air strikes introduced a qualitatively different dimension to this pattern. In retrospect, analysts reacted in two ways. One line of thinking holds that "in wars, all bets are off", and that flexibility is the best preparedness.[9] Another line of thinking takes the parameters of the past situation as its starting point, and changes only a few of these. For instance, it was clear that the international humanitarian presence which supported some 260,000 IDPs in Kosovo would evacuate once the air strikes started. As a result, current and newly displaced persons might then be expected to move across borders to locations where relief would be available.

82. In UNHCR, the Special Envoy essentially followed this last line of thinking, but changed other parameters and came to another conclusion. He believed that population displacement as a result of NATO's air campaign would primarily be internal, since the roads and borders were mined and the summer passes blocked by snow, but also since the Kosovo Albanians with whom UNHCR had regular contact had conveyed the impression that they would not flee, but wait for a new turn in the war. In Headquarters, the Special Envoy's support unit prepared contingency plans for only 100,000 refugees.

83. The critical assumption was the widely held belief that the air strikes would be a solution rather than a problem. The air strikes were publicly premised on the notion that the Yugoslav authorities would quickly back down (as they had done in Bosnia and Herzegovina after NATO air power was used) and agree to the terms of the Rambouillet peace plan. As the principal rationale for the military campaign, this view acquired the air of orthodoxy in NATO countries. It dominated the public discussion and set the framework for planning in humanitarian agencies that, like UNHCR, were heavily dependent upon public information for making policy decisions.

Signals and the responsibility of senders

84. UNHCR received no compelling information from other institutions which caused them to question this line of thinking. NATO might have had intelligence

information suggesting that the Yugoslav army was preparing for a NATO attack by planning a counter-offensive, and that civilians as a consequence would be expelled or likely to flee. If so, the alliance did not divulge such information, and probably could not have done so without undermining its claim that the forthcoming military campaign would be brief, surgical and successful.[10] NATO / SHAPE (Supreme Headquarters Allied Powers Europe) did post a liaison officer to UNHCR for a few days in late January to discuss contingency planning. In reality, this was limited to plans for evacuating humanitarian workers in the event that NATO launched air strikes. NATO's Civil Emergency Planning Department, which was the focal point for contact with UNHCR, claims to have made no assessment of probable population displacement caused by the air strikes.[11]

85. The OSCE's institutional mandate and capacity in Kosovo suggested that the organization had some responsibility to assess human rights consequences of NATO air strikes, including population displacement. Indeed, a major OSCE report issued half a year later does precisely this.[12] The report demonstrates that the air strikes triggered a qualitatively different and more murderous pattern of violence on the ground in Kosovo, and carefully documents the logic of the violence that produced the exodus. However, in the OSCE's monthly report issued on 20 March – the same day its observers evacuated from Kosovo in anticipation of the air strikes – there is no warning that this might occur.[13]

86. The lack of warning might mean one of two things. Possibly, the OSCE did not expect the escalating violence on the ground, despite its close monitoring of human rights and military movements in Kosovo from October 1998 to March 1999. It is also possible that this was expected but not communicated in regular reports to OSCE members and the UN Secretary-General. As with NATO, the organization had no interest in distributing assessments that would undermine a military campaign that most OSCE members supported. Certainly no information to this effect was submitted to UNHCR.

87. Curiously, some contrary signals came from Washington. Just before the air strikes started on 24 March, the office of population and refugee affairs in the Department of State started asking persistent questions regarding UNHCR's preparedness in case of large refugee outflows. The communications had an urgent tone and a formal classification that suggested this was not routine information gathering. Two pressing notes dated 18 and 19 March asked whether UNHCR was prepared for an additional 40,000–80,000 refugees, as well as for "massive outflows". The Special Envoy of the High Commissioner and the head of the Yugoslavia "desk" in the agency, FYLU (Former Yugoslavia Liaison Unit), discounted the messages as alarmist, responding that UNHCR was well prepared for 100,000. In the event of "a catastrophic situation" they assured the USA that the agency had back-up resources to draw on.

88. It is difficult to assess the significance of these communications from Washington. Possibly they simply expressed institutional concerns of a department with sufficient resources to methodically consider alternative refugee scenarios in a conflict where the USA had much at stake. It might also have been an indirect way of alerting UNHCR to likely scenarios based on hard intelligence about Serb activities. Given the sensitivity of the information – and the adverse political consequence if it became known in advance – it was wrapped in a form and sent through a low-level channel that defused the significance of the message.[14]

89. When Serbian forces later expelled thousands of Kosovo Albanians to neighbouring states, and others fled the renewed violence on the ground, NATO sources denied that this was triggered by the air strikes. Rather, they claimed it

was part of a long-planned Serb offensive that had already been known to NATO intelligence in December 1998.[15] The claim was conceivably an attempt to deflect public criticism of the air strikes – a NATO "spin" on events. If not, it raises serious questions about the responsibility of a regional organization, and its members, to inform UNHCR of likely refugee consequences of military activities. Sharing information with the UN system is, of course, effectively making it public. And passing information indirectly may not work if the message differs radically from the dominant public rationale for policy. A decision not to inform at all, however, may have serious humanitarian consequences.

Institutional views and priorities

90. It is striking that the governments most likely to be affected by refugee outflows departed from conventional international thinking and openly warned of large-scale refugee outflows. The Italian government tended to think in terms of worst-case refugee scenarios because, if they were to materialize, proximity and close relations with Albania made Italy a likely destination. This had happened repeatedly in the 1990s.[16] When the Italian Prime Minister Massimo D'Alema visited President Clinton in early March 1999, he warned that if bombing failed to subdue Milosevic, there would be 300,000–400,000 refugees fleeing to Albania and onwards to Italy.[17]

91. The Macedonian government warned NATO in December 1998 that an air campaign against Serbia might produce massive refugee outflows. The Albanian government warned of large-scale refugee flows just prior to the air strikes. Tirana informed the OSCE on 20 March, and NATO and UNHCR a couple of days later. By then, the Albanian National Commissioner for Refugees claimed that 100,000 persons were assembled on the Kosovo side of the border, swelling the border towns and poised to cross at the first opportunity. Some 50,000 could be expected immediately.[18] In retrospect it seems that the Albanians were exaggerating only slightly – the first 50,000 did not cross until a few days later. By contrast, UNHCR officials were strikingly conservative in their assessment. Responding to the Albanians on 24 March, the head of FYLU concluded that while an influx of 50,000 was possible, it was not likely "at this time", hence no particular action was required.[19]

92. Since interests influence perception, and UNHCR is mandated to protect and assist refugees, it might be expected that UNHCR would be more institutionally inclined than other actors to consider the possibility of a massive refugee outflow. This was not so. In fact, a near-complacent attitude in UNHCR on the eve of the air strikes was noticed by other actors, who questioned the agency's preparedness and its contingency plans (see below).

93. UNHCR's preparedness reflected the widespread notion that the air strikes would rapidly succeed, or at worst produce only a few thousand refugees. As such, UNHCR was part of the dominant international consensus at the time. As the lead agency for humanitarian assistance in the former Yugoslavia, UNHCR was a central participant in the "humanitarian diplomacy" in the region. The agency both contributed to and was influenced by the evolving thinking about the Kosovo conflict and its likely solutions.

94. The agency position also reflected its experience in the former Yugoslavia and its current involvement in Kosovo. For UNHCR, the IDP operation in Kosovo was a major one. As lead agency, UNHCR co-ordinated a large, multi-agency, high-profile and emotionally taxing operation that assisted some 200,000 civilians caught in the conflict.[20] Its Pristina office had grown into a

major province-wide network. The High Commissioner, as noted in the previous chapter, was actively promoting a settlement of the conflict. Her Special Envoy was engaged in the diplomacy as well. By comparison, the refugees from Kosovo were a minor operation – fewer than 30,000 in FYR Macedonia and Albania. UNHCR had correspondingly limited capacity in both countries. After her September 1998 visit to the region, the High Commissioner had hinted that the Tirana office be strengthened, but nothing was done about it before the emergency.[21]

95. The primary and compelling focus on internal victims of the Kosovo conflict, it seemed, had shifted institutional preoccupation away from the possibility – however remote – that a large-scale outflow of refugees might result, to assistance for the IDPs. Had UNHCR been more focused on its traditional refugee-specific mandate, it might have been more ready to prepare for worst-case refugee scenarios simply because refugees were its primary concern. Instead, as the agency's constituencies and interests multiplied, institutional attention became divided and diffused.

The legacy of Bosnia

96. UNHCR's experience in Bosnia and Herzegovina had left a significant legacy in two respects: fear of being used as "a humanitarian fig leaf", and a recognition that decisive military action had brought that war to an end. This shaped the perspective of the High Commissioner and the top leadership of her office. Air strikes, however painful, gradually came to be seen as necessary to end the war. While never taking a public stand on NATO's use of military force, the High Commissioner expressed preparedness for that possibility in a letter to the UN Secetary-General on 30 September, in which she reported on her recent visit to Kosovo and Belgrade. As the conflict progressed and peace talks failed, she evidently moved closer to that position, and by early March had concluded that air strikes were a "second-best option" if political pressure failed.[22] In a sense, UNHCR's deep involvement in Kosovo had led its leadership to a logic similar to that held in many NATO countries. If there were no readily acceptable alternatives to air strikes, it was tempting to discount the possibility that disastrous consequence would follow from them.

97. UNHCR has since claimed that the donors would hardly have supported requests for large-scale contingency planning in early 1999 because they expected that the peace talks would prevail.[23] Subsequently donors anticipated that the air strikes would rapidly succeed, and to support planning for massive outflows would be to undermine the confidence in their own policy.[24] This may well be correct. However, it seems that the reason UNHCR did not ask donors to support such contingency planning was because the leadership shared exactly the same assessment.

Institutional capacity for early warning

98. Is there still an argument for strengthening UNHCR institutional capacity for political analysis of the early or late warning kind?

99. The UN system has made considerable investment in "early warning". At the same time, there is growing awareness of the limits of such systems and the relative importance of other factors for proper action.[25] UNHCR has limited capacity for political analysis that facilitates early warning. The capacity is mostly concentrated in the regional bureaux and, during the early to mid-1990s, the Centre for Documentation and Research (CDR). CDR could provide both

documentation and analysis from its network of external, political analysts to support the bureaux, although the latter tended towards a self-sufficient position. CDR suffered staff cuts during the 1998 retrenchment, however, and lost its analysis function. In the period described here, the unit provided only documentation and was even more isolated from the bureaux than before.

100. In the case of Kosovo, a peculiar desk system reporting to the Special Envoy and the High Commissioner, and located outside the bureau structure, was in charge (see chapter 4). As a small unit dependent on a very few individuals, it was a structurally weak apparatus for undertaking political analysis. Moreover, its mission was by origin and until the emergency started oriented towards internal affairs in the former Yugoslavia, rather than the neighbouring areas that would be the relevant scene if a refugee crisis occurred.

101. The thin structure proved a serious handicap in managing the emergency, as discussed in chapter 4. It also was a disadvantage in the period leading up to the crisis, since assessing the evolving conflict was left to very few individuals. On the other hand, given the force of the international political consensus and the agency's preoccupation with the needs within Kosovo, it is unlikely that a stronger capacity for political analysis in the operation would have produced radically different warnings.

Contingency planning

102. UNHCR had already in the early 1990s initiated a regional inter-agency planning process to prepare for possible refugee outflows from Kosovo. Accelerated after 1995, it was in many ways an exemplary process. It took place at the field level with some support from Headquarters, and included other UN agencies, NGOs and, in Albania's case, government officials. Planning figures were adjusted periodically to take into account developments in Kosovo that might cause people to flee, and conditions in the receiving countries that would affect asylum. The process considered only the more likely and generally manageable scenarios, however. When the unlikely but worst-case scenario occurred, the contingency plans became irrelevant. In this respect, all the UN agencies involved fared the same.

Albania

103. Growing tension in Kosovo in 1992 had prompted the Albanian government to ask UNHCR to plan for refugee inflows. The process was resumed in 1995, involving UNHCR as lead agency, other UN agencies represented in Tirana and some NGOs.[26]

104. In early 1998, intensified conflict in Kosovo made UNHCR's Special Envoy for the former Yugoslavia reactivate the contingency planning. As before, it was an inter-agency process, called by UNHCR and involving NGOs and the government as well. This planning was assisted by OCHA and had a specifically regional dimension. By May 1998 a common *United Nations Humanitarian Regional Contingency Plan related to Kosovo* had been produced.

105. The Albania component of the plan had a minimum estimate of 20,000 refugees and a maximum estimate of 100,000, both figures reduced by half if the influx occurred during winter. A division of labour among the humanitarian actors and the government offices that would apply in an emergency was established.[27] Detailed scenarios for reception and assistance were developed for all sectors, including management and co-ordination.[28] The plan identified an

inflow threshold that would trigger the mechanism (700–1,000 in one week), and outlined a process to enhance in-country preparedness.[29]

106. The planners recognized that Albania's weak infrastructure and poverty were major constraints. All food assistance would have to be imported (and the WFP was directed to assess food stocks in the region). Transport and security problems would probably be significant. The planners recommended that refugees be quickly moved out of the Albania–Kosovo border area, which probably would become a fire zone in a military conflict. Seven sub-committees were established to consider these and other issues. In particular, campsites and potential collective centres needed to be identified and rehabilitated. In case of a major inflow – defined as maximum 100,000 – it was assumed that the customary host family solution would be supplemented by accommodation in collective centres (communal buildings, factories, military facilities). Tented camps were a last resort because of the harsh winter climate.

107. It was a model planning process that provided a good framework for assisting the refugees who arrived in mid-1998. The planned division of labour and co-ordinating mechanisms were activated; supplies and aid personnel were rapidly brought up to the border. However, the 1998 influx only comprised some 20,000 persons.

108. The plan did identify some major assistance problems that in fact occurred during the spring 1999 emergency, but the scale in 1999 made a decisive difference. With nearly half a million refugees arriving in a few weeks, the plan became virtually useless. For a start, the co-ordination plan had no slots for some 180 NGOs, several bilateral military contingents, a NATO humanitarian force, and a large, assertive OSCE presence. Rather than pre-configured, a division of labour had to be created through the aid process itself.[30]

109. From mid-1998 onwards, contingency calculations gravitated towards the smaller figure. The relatively small inflow in June made the maximum planning scenario of 100,000 seemed even more remote. Moreover, the parallel process of planning for existing and most likely case-loads seemed to dominate contingency thinking. For instance, the Joint Appeal for funding issued in June and August 1998 operated with a contingency figure of 20,000 above the current and estimated caseload, making a total of 50,000.[31] By December 1998 the Joint Appeal for 1999 was issued against the backdrop of optimism created by the Holbrooke–Milosevic Accord. The planning figure for Albania for the coming year was only 25,000 refugees.

110. As UNHCR leapt from one short-term funding appeal to another, planning came to focus on the most likely short-term scenarios, driving the most unlikely ones into the background. Insofar as the dynamic was inherent in the UN consolidated appeal system, all UN agencies and the donors shared some responsibility for the process and its results.

111. From the perspective of UNHCR's Tirana office, moreover, it was in some respects immaterial whether the contingency plan on the shelf estimated an inflow of 20,000 or 100,000. The agency's central emergency reserves in Amsterdam and Copenhagen would be critical in any event, since the security situation in Albania prevented the aid agencies from keeping major stocks in Albania, with very little in the north, where most refugees were expected to arrive.[32] UNHCR emergency reserves of basic non-food items were supposed to cover immediate needs for 200,000–250,000 persons. Given Albania's proximity to western Europe, shortfalls in the event of a massive refugee movement could be made up by procurement and rapidly brought in. Standard UNHCR

procedures likewise called for sending in Emergency Response Teams (ERT) in the event of a large inflow.

112. There was one area where additional preparations were required to make the contingency plan readily operational – the rehabilitation of collective centres and site planning. During the 1999 emergency some donors and NGOs criticized UNHCR for not having made sufficient preparations in this area. While the sites and centres called for in the May 1998 plan hardly would have made much difference in the face of an inflow four times greater than that anticipated, the point reflects the related donor criticism that UNHCR was not even prepared for the inflow it *had* expected.[33]

113. The May 1998 plan recognized that a large influx would require collective sheltering in public buildings and possibly camps, and presumed that work would start on site identification and shelter rehabilitation. All observers agree that this process barely got off the ground. There was little or no agreement on sites for camps. Albanian land ownership structures were unclear, and several "owners" often turned up at a promised site to demand rent at gunpoint. Scarcity of good land made the government offer sites unsuitable for camps.[34] In the northern border area, the opposition party controlled local authorities that consistently worked at cross-purposes with the central government (and vice versa). Security conditions in the north were appalling, forcing UNHCR to close its sub-office in Bajram Curri in September after shooting incidents.

114. To identify collective shelters was also more difficult in practice than on paper; by the time of the emergency only half a dozen collective shelters had been selected for rehabilitation. Three donors (Germany, Switzerland and Italy) had agreed to finance enhanced preparedness under the 1998 plan, but were discouraged by the slow process, alternately blaming the local UNHCR office for being too weak and the Albanians for being unco-operative. When a building was finally cleared for rehabilitation, donors competed to finance it.

115. Renewed tension in Kosovo in January 1999, following the Racak massacre, made the Special Envoy call on the regional offices in Albania and FYR Macedonia to revise the contingency planning process in co-operation with the FYLU "desk" in Headquarters. In Tirana, contingency plans were this time adjusted upwards slightly, with estimates of 50,000–100,000. Familiar difficulties then arose. UNHCR could not get a precise commitment from Italy about promised tents; the Albanian military did not respond to repeated requests for support for camp building, transportation, etc.

FYR Macedonia

116. In FYR Macedonia the reactivated contingency planning in 1998 revealed the contradictions between technocratic and political imperatives of planning for refugee inflows. From an operational perspective, it clearly was wise to prepare in advance; from a political perspective, visible preparations for a refugee inflow that the Macedonian government and much of its people viewed as a national security threat could be counterproductive and undermine the possibility of asylum.

117. The UNHCR office in Skopje took a low-profile approach to avoid negative reactions. The result was a low-visibility planning process, involving informal and low-key talks with the government rather than formal meetings. The UNHCR representative similarly advised against sites surveys for camps, claiming that small to medium inflows – up to around 20,000 – could be

accommodated by host families. An inflow exceeding that number was believed to require large-scale international assistance and probably a camp solution. In that event, the Skopje office believed that the government would declare a humanitarian emergency and – possibly after a delay at the border – permit the refugees to enter and be lodged in camps. But visibly to prepare for such a "worse case" scenario might provoke political opposition and complicate the response. This view was shared by the small Skopje-based staff of other agencies that participated in the spring 1998 planning session.[35]

118. UNHCR made a modest effort to develop the camp option in mid-1998, but the site planner sent out from Geneva could accomplish little in the absence of co-operation from the government. To insist on visible planning under those circumstances would probably have been counterproductive. Similarly, when UNHCR in January 1999 asked the Skopje office to review contingency plans, NGO registration was one of the items on the list. Given the reluctance of the Macedonian government to prepare for a major refugee inflow, this remained difficult, and slow NGO registration remained an issue during the first weeks of the emergency.

119. The inter-agency plan for FYR Macedonia that resulted from the spring 1998 exercise reflects political realities in FYR Macedonia at the time. The plan takes an inflow of 20,000 refugees as a "medium" estimate – the figure which the government had publicly announced as the upper limit. It became the benchmark for agency preparations; the local UNHCR office promised to stockpile supplies for 20,000.[36] Informally, the government had suggested it might admit more in an emergency, perhaps even 70,000. That became the maximum estimate in the inter-agency process.[37]

120. In retrospect, it is evident that the Skopje-based aid agencies correctly identified the response dynamic if a large inflow were to occur, including a likely "delay" at the border. The numbers were greatly underestimated, however. Instead of the maximum estimate of 70,000 refugees, FYR Macedonia received around 330,000, of whom about 100,000 came in a massive wave during the first week alone, by car and train.

Inaccurate assessments

121. One of the striking aspects of the immediate pre-emergency period is the sense of confidence displayed by key UNHCR officials about the agency's emergency capacity in the region. The issue here is not that they predicted a modest inflow – this was increased to 100,000 in the contingency plans at the time of the air strikes. Rather, officials repeatedly assured donors and likely recipient countries that the agency had a ready capacity to implement its contingency plans. Such assurances were made early in the year, and also on the eve of the air strikes. Their estimates were not quite correct, which could easily have been verified at the time. An important consequence of inaccurate estimates was to create expectations that were not met, and to reduce the credibility of the agency as critics charged that UNHCR was not prepared to assist even the number of refugees that figured in its own contingency plans.[38]

122. For instance, the Albanian ambassador in Geneva was informed at a meeting on 22 January that UNHCR had an in situ capacity to respond to an influx of 50,000. This referred to capacity in the country, as distinct from the region, where the large stocks in Belgrade gave credibility to a regional assistance capacity. The claim was repeated on 25 March to the same ambassador, who was assured by UNHCR that it was immediately ready to assist 50,000 new refugees in Albania, and a total of 100,000 in the region as

called for in its revised contingency plans. However, when the first large wave of refugees arrived in Albania three days later, UNHCR's Tirana office reported that in-country stocks were only sufficient for 10,000 persons. Stocks were mainly kept in the south, one day's drive from Kukes at the northern border crossing where refugees predictably arrived. The Kukes sub-office had reported a few days earlier that local stocks of food and non-food supplies were depleted, and that the Albanian subprefect requested UNHCR to augment stocks in preparation for what he expected would be a large inflow. After the air strikes commenced, moreover, UNHCR could not expect to utilize its large stocks in Belgrade.[39] Over time, UNHCR did acquire the estimated capacity, but it was clearly not in situ.

123. A similarly confident position was struck vis-à-vis the USA in late March on the eve of the air strikes. Asked about UNHCR's contingency plans for large refugee flows into FYR Macedonia and Albania, FYLU reportedly confirmed that UNHCR could handle a surge of nearly 100,000 refugees. Stocks were in place in the region, local authorities were co-operative, the agency had sufficient implementing partners, and funding for additional contingency preparations was not needed since the agency currently had adequate resources on hand – funding under the Consolidated Appeal was sufficient to carry UNHCR through April.[40] Ten days later, as the emergency unfolded, UNHCR joined other UN agencies in pleading for funds, claiming that the 1999 Consolidated Appeal had met with very poor response – only 8.6 per cent of the appeal had been funded.[41] It was only one of several rapid reverses.

Missed opportunities?

124. Identifying missed opportunities is a favourite exercise in counterfactual history and must be treated with caution, since it is impossible to know what would have happened if the missed opportunity in fact had been seized. Nevertheless, there seem to have been two missed opportunities at this point, both relating to broader policy issues.

125. Growing tension in Kosovo in late February and into March had produced an increase in refugee arrivals in FYR Macedonia. Initially the Kosovo Albanians were allowed to stay for three months, but the government limited entry when the inflow increased. By the third week of March, UNHCR estimated that 16,000 had arrived, but the number was probably higher. Around that time, and as air strikes seemed imminent, the government approached UNHCR staff to discuss the camp option.[42] Fearing that a large influx might be inevitable, the government was finally prepared to consider camps. The discreet host family option was no longer serving its political purpose, and local media accused the government of losing control over the refugee population that was housed with the local ethnic Albanian community.

126. On 23 March – the day NATO air strikes were announced – the Deputy Minister for Foreign Affairs gave the UNHCR office in Skopje a list of four possible campsites to be examined. In Geneva, the news was relayed to donors at a briefing on 24 March and presented as a significant change from the past policy of the Macedonian government. Inexplicably, the initiative then seemed to evaporate. It left no readily available paper trail nor was it pursued by the Skopje office. Neither the Special Envoy nor the head of FYLU could recall it in retrospect, and found no trace of it in their otherwise extensive files.

127. UNHCR did not develop the camp option, and was soon overtaken by events. When several thousand refugees a week later congregated at Blace, a desperate Macedonian government asked NATO to build the camps. NATO's

role in the humanitarian sector was controversial and not initially welcomed by UNHCR, as we shall see. For the agency, therefore, this would seem to be an important opportunity lost. It would have been an opportunity to review and possibly mobilize civilian alternatives, including civilian defence agencies, to build the camps, rather than NATO. Initial camp construction was relatively modest task, Stenkovec 1 and 2 accommodated 40,000 refugees at the outset. At the very least, taking the option seriously would have enabled UNHCR to demonstrate to the Macedonian government that it was a serious and effective partner in the early discussions of asylum and camp development.

128. The incident suggests a broader failure to plan proactively for certain kinds of events. A massive refugee flow might be seen as improbable, but if it did happen, it almost certainly would take a certain course, that is, entail camps after a "delay" at the border as the contingency plan had predicted. This should facilitate proactive planning, as the commander of the British engineer brigade deployed to FYR Macedonia (KFOR) demonstrated. When the air strikes started, he did a bit of site surveying on his own and was more than ready when called upon. The first collective site inspection took place on 1 April by the KFOR brigadier, the Macedonian Deputy Minister of Foreign Affairs, and a high-ranking official in the US embassy; UNHCR was not present.

129. A second missed opportunity was a failure to plan proactively with respect to asylum, in particular the possibility of a "humanitarian corridor" to reduce the pressure on FYR Macedonia by rapidly transferring refugees to Albania, where it was known they would be admitted. The notion was partly developed during the 1999 emergency, but, as critics correctly argue, if planned in advance and carried out in an orderly form under UNHCR supervision, it might have prevented the near-catastrophic accumulation of refugees that occurred on the Blace border crossing early on during the emergency.

130. The idea of a "humanitarian corridor" was part of the public discussion about asylum in FYR Macedonia in 1998. It was briefly discussed in early 1998 during the inter-agency session that produced the contingency plan, but was quickly discarded. The main reason was the assumption that only voluntary transfers were legitimate, and that this was unlikely to happen. UN staff involved in the planning believed the refugees would not want to go to Albania, and doubted if anyone – including the Macedonian authorities – would be ready to send them involuntarily. It seemed unclear at the time whether Tirana would agree as well.[43]

131. Under these circumstances, the corridor idea was fundamentally at odds with UNHCR's position that refugees must not be transferred involuntarily, and that unconditional first asylum remains the core of international protection. As it turned out, the Macedonian government took a different view, and the initial irregular transfers served to discredit the entire idea (see chapter 6).

"Thinking outside the box"

132. Planning for the unlikely but momentous event requires unconventional thinking, or "thinking outside the box". Preparing for massive emergencies falls in this category. It requires a institutional and cognitive effort different from the contingency planning which focuses on the more likely scenarios. It is typically a headquarters rather than a field-based exercise. Both are required, and UNHCR had a few years earlier been developing both forms. In the Kosovo case, however, only contingency planning for the more likely events was undertaken.

133. Planning for the worst case would rely heavily on standby capacities from other institutions that could be rapidly deployed. UNHCR had strengthened this element of planning since the Great Lakes refugee emergency, when the national service packages were introduced. The packages were part of a broader contingency planning for massive influxes that the emergency response section started developing in 1995. Apart from military contingents, this included negotiations for standby agreements with civil defence or disaster agencies as well as NGOs. Plans were based on modules that rapidly and flexibly could be used to mobilize support.

134. The modular planning process involving major external support seems subsequently to have been deactivated, although exactly how and why is unclear.[44] Standby agreements or national service packages were not mentioned in the 1998 inter-agency contingency plans, nor in the contingency plans FYLU revised on 26 March, two days after the air strikes started. The contingency plan presented to the donors on 30 March, when the emergency was a recognized fact, is likewise silent on this point. This is understandable insofar as the plans operate with much smaller numbers than would require the quick back-up of large-scale external resources. But these plans did not have attached, as it were, a back-up plan for worst cases where such resources would be needed and figured in.

135. The revised contingency plan of 26 March had estimated that the air strikes might be followed by a refugee flow of 100,000, and had affirmed that the necessary stocks and support structures were in place.[45] When the plan was put to donors on 30 March, only the estimated number of refugees on the front page had changed – from 100,000 to 350,000 – the rest remained the same, although by then even less adequate than before.

136. When presenting the plan to donors on 30 March, UNHCR officials did mention national service packages as a possibility to be explored. As it turned out, bilateral initiatives were then already under way or being planned, particularly on the military side. The services did arrive, but not always on UNHCR's terms. Civilian rescue services that could have helped provide a civilian alternative in FYR Macedonia were already preparing their own, bilateral efforts in Albania (e.g. the joint Swiss–German camp construction for 15,000–20,000 persons).[46] Others that could have helped were not contacted proactively.[47]

Conclusions

137. The primary conclusions of the evaluation in relation to emergency preparedness follow.

Early warning

- The power of mainstream thinking, and the influence of institutional interests, help explain the failures of early warning. UNHCR was not alone in failing to anticipate the exodus, but greater attention to its core mandate of caring for refugees should have made it more attentive to the possibility – however remote – that massive outflows might materialize.

- Prudent planning suggests that events with a low probability of occurring should be taken seriously if the consequences entail significant risk. Instead, the agency's major operation to assist internally displaced persons made the in-country focus on Kosovo dominant.

Contingency planning

- Contingency planning focused on the most likely rather than the rare "worst case" scenario. Within this limit, the planning process was exemplary. It was an inter-agency planning process that involved NGOs as well.

- Funding did not appear to be a restraining factor in the development of contingency plans for either country.

- Failure to "think outside the box" for the "worst case" rendered the planning process irrelevant to the emergency. There was no active planning for massive influxes based on standby arrangements (other than the standard NRC and DRC agreements) or national service packages, although planning modules of this kind had been developed in the mid-1990s.

- The agency appeared to miss some subtle opportunities in proactive planning. One concerned ways to reduce the pressure on first asylum in FYR Macedonia, which might have helped pre-empt the near-catastrophic build-up at Blace during the emergency. Another opportunity concerned leadership for a civilian alternative to NATO's controversial role in camp construction in FYR Macedonia.

- Inaccurate estimates of the agency's capacity were conveyed to concerned states, including a key donor and the largest asylum country. This created expectations about performance that were not met, and sharpened criticism.

Notes

[1] This chapter was written by Astri Suhrke.
[2] Sadako Ogata, "Returning the Refugees", *Financial Times*, 20 April, 1999. The Executive Director of UNICEF, Carol Bellamy, admitted that the response of the UN agencies had been inadequate because "nobody had anticipated the scale and the speed at which it happened". Press briefing, 14 April 1999. Similar views were expressed by representatives of UNDP and WFP during informal consultations to discuss this evaluation, Geneva, 11–12 November 1999.
[3] The 1995 Croatian expulsion of Serbs from Krajina may have involved 1/3-1/4 of the numbers, although it took place in just a few days.
[4] For example, see OSCE-KVM, *Daily Report*, 4 March 1999.
[5] Interview, 4 October 1999.
[6] UNHCR estimate as of January 1999.
[7] OSCE, *Monthly report on the situation in Kosovo pursuant to the requirements set out in the United Nations Security Council resolutions 1160 and 1230*. Mid-February 1999–20 March 1999.
[8] Cited in *New York Times*, 18 April 1999.
[9] Articulated e.g. by a high-level US diplomat interviewed by the evaluation team, 3 December 1999.
[10] This analysis is based on the assumption that SACEUR would have been authorised to carry out air strikes even if he had received such intelligence information. There is no compelling public evidence to the contrary.
[11] Interview, Brussels, 26 October 1999.
[12] OSCE/ODIHR, *Kosovo/Kosova: As Seen, As Told*, December 1999, ch. 5 "Violation of the Right to Life" [http://www.osce.org].
[13] OSCE, *Monthly report on the situation in Kosovo pursuant to the requirements set out in the United Nations Security Council resolutions 1160 and 1230*. Mid-February 1999–20 March 1999.
[14] This interpretation is supported by the statement made by the Secretary of State in Washington on 25 March to the effect that plans were being prepared to receive "a flood of refugees". The flood was not evident to ordinary observers until two to three days later. On the other hand, when the Macedonian Prime Minister called on 22 March to express his concern about the likelihood of large refugee inflows, the Secretary appeared more sanguine and the US embassy in Skopje was not instructed to give a response until 25 March. By this time the situation had changed. The message reflected the same assessment as the Secretary's public statement, giving assurances of US government support in the event of large refugee flows.

[15] Reported in the *Washington Post*, 11 and 18 April 1999. The claims concerned "Operation Horseshoe" and did not specifically extend to claims of prior intelligence of expulsions. However, not all the refugees during the emergency were expelled. Given the nature of the warfare in Kosovo, it was clear that a Yugoslav offensive would involve civilians and make people flee.
[16] Most recently, the new Minister of the Interior, Russo Jervolini, signed an agreement with Albania in November 1998 to control reduce illegal immigration after a wave of new entries reportedly had created a sense of panic in southern Italy. Jervolini also appears as a central policy maker during the Kosovo emergency.
[17] In an often-cited exchange D'Alema asked Clinton, "Then, what will you do?" Clinton referred to his National Security Advisor, who answered: "Keep bombing." *New York Times*, 6 March 1999.
[18] Letter from Enton Lita, National Commissioner for Refugees, Republic of Albania, to NATO, Civil Emergency Planning Department, 23 March 1999; statement by the Albanian ambassador in Vienna at the OSCE Permanent Council, Special Kosovo Watch Group Meeting, 20 March 1999.
[19] Letter from head of FYLU to NATO, 24 March 1999, referring to letter from Lita.
[20] The number fluctuated as people were moving back and forth. UNHCR used an estimate of 260,000 in early March.
[21] Interview, Geneva, 1 October 1999.
[22] Stated at a meeting of the Trilateral Commission in early March 1999 in Washington, DC.
[23] Both donor and UNHCR officials interviewed for this report said that donors dislike funding contingency planning. Funding can go either through the Joint Appeal or outside it. The German, Italian and Swiss contributions to rehabilitate collective centres in Albania were made outside the Joint Appeal and initiated locally. There is no designated mechanism for funding contingency planning per se.
[24] UNHCR response to a British parliamentary report, included in House of Commons, International Development Committee, Fourth Special Report, *Kosovo: The Humanitarian Crisis* (27 July 1999), paras. 12–13.
[25] See *The UN and International Organisations as Channels for Danish Humanitarian Assistance.* Copenhagen: Danida, evaluation, 1999-9, Vol. 8.
[26] 1992 UNHCR contingency plan for Albania, cited in *Contingency Planning Support Mission to Albania 9–15 March,* UNHCR / EPRS / OPS 98 / 04, p. 2 (1998).
[27] This included seven international agencies that participated in the planning exercise – UNHCR, UNDP, UNICEF, WHO, WFP, EU (ECHP, ECMM) and OSCE – as well as two international NGOs (MSF Belgium and OXFAM), two Albanian NGOs (Albania NGO Forum and the Albanian Red Cross), and representatives from two Albanian ministries – Defence and Interior (Office for Refugees) – as well as the Office of the Prime Minister.
[28] Management and overall programme-co-ordination; protection, reception and registration; food and nutrition; logistics and transport; shelter and other infrastructure; domestic needs and household support; water; environmental sanitation; health and nutrition; community services and education.
[29] Based on Emergency Contingency Plan, Albania, Draft Version, Tirana, May 1998, and United Nations Humanitarian Regional Contingency Plan Related to Kosovo, May 1998 (Draft).
[30] The plan was useful for UNHCR only to organize the initial response on March 27, when the first stocks were brought from Durres to Kukes, and the humanitarian organizations already in the country were contacted and started operations as planned. Possibly, the planning process had been useful for the Albanian government as well, which responded to the 1999 emergency with a speed and effectiveness that surprised many observers.
[31] *Humanitarian Assistance Needs Related to the Kosovo Crisis, 1 June–31 August 1998.* United Nations Consolidated Inter-Agency Appeal, June 1998.
[32] UNHCR's warehouses in Albania had been looted twice in 1998.
[33] House of Commons, International Development Committee, *op.cit.* Third Report.
[34] On the eve of the emergency, one major site had been identified (14 ha at Mamurras), which was swampy and steep.
[35] Participants at the inter-agency session came from UNHCR (2), UNICEF (1), WHO (World Health Organization (1), and WFP (1 national staff).
[36] ICRC was even more conservative, announcing at the inter-agency planning meeting in Skopje in March 1998 that it would establish stocks for 3,000 persons for three months.
[37] *Emergency Contingency Plan for the Former Yugoslav Republic of FYR Macedonia.* Skopje, May 1998 (Draft).
[38] This was a major point in the criticism of the British parliamentary report cited above.
[39] Other supplies in the region that could be shifted quickly were also estimated. The Albanian minister was told there was tent capacity for over 23,000 persons. In fact, tent supplies were quite low, as FYLU noted the next day, 26 March, when reviewing stocks (only 780 stocked in Skopje, or enough for fewer than 10,000 persons).
[40] As reported by US delegation / Geneva in cable of 20 March 1999, unclassified.
[41] *Donor briefing on the Kosovo Emergency*. Geneva, 30 March 1999.
[42] The discussion involved the senior protection officer from both the UNHCR / Kosovo office and the UNHCR Skopje office.
[43] Interview with participant in the inter-agency planning process, 4 November 1999.
[44] Repeated requests to the head of the EPRS at the time of the emergency went unanswered.
[45] Draft Regional Contingency Plan related to Kosovo, 26 March 1999.

[46] The disaster relief units of the Swiss and German departments for development co-operation (SDR and THW) informed UNHCR on 30 March of their preparations to construct the camp, complete with tents and sleeping bags. A Swiss site-planner was already en route to Durres.
[47] UNHCR had in the mid-1990s been negotiating standby agreement with the Swedish Disaster Agency (SRSA) which had the capacity to provide service modules including site preparation, water and shelter and emergency stocks for several thousand persons within 24-48 hours. This time the agency had to contact UNHCR itself to offer its services (on 31 March), even though Swedish government financing seemed guaranteed.

3
"Day One" – the initial response[1]

138. In retrospect, the "Day One" phase of the emergency appears short and decisive. It started on the weekend of 27–28 March, when tens of thousands of refugees entered northern Albania. By the middle of the week a parallel crisis was unfolding on the border between Kosovo and FYR Macedonia, where several thousand Kosovo Albanians were trapped in a cold, muddy field at the Blace border crossing. By the following Saturday and Sunday, April 3–4, "Day One" was drawing to a close in the sense that initial guidelines for the humanitarian response had been formulated, principal decision-making structures were in place, and a division of labour was emerging. Key actors had staked out their positions and images of effective response had formed.

139. The highly compressed set of events was partly what made it a crisis. The relief effort required very quick responses, and a principal criticism of UNHCR has been that the agency was slow to respond. If so, why was this? And in which areas? Given the highly politicized nature of crisis, the response required skills in crisis diplomacy as well as protection and assistance.

140. To assess the role of UNHCR in the critical first phase it is necessary first to piece together the history of "Day One". That is the principal purpose of this chapter.

Albania

141. At the time of the emergency, UNHCR had a rather small office in Tirana, consisting of six international staff – mid-level and junior – and 12 national staff. For security reasons, the agency had reduced its presence in the north, which was the likely entry point for refugees. The sub-office in Bajram Curri had been closed in September 1998 after shooting incidents, and the sub-office in Kukes was down to one national staff.

The first arrivals

142. The Albanian staff member at the Kukes sub-office emerges as one of the heroes of the first chaotic days at the border. Between March 27 and March 29, when some 64,000 refugees arrived, he was effectively a one-man UNHCR presence in the area. Subsequently more staff arrived, first from the Montenegro office and then, on 2 April, the Emergency Response Team (ERT) of 12 persons from Geneva.[2]

143. A trickle of refugees had arrived in Kukes just before the air strikes commenced, but on 25 March a new pattern became apparent.[3] The 100 or so refugees reported that Serb soldiers had opened "a corridor" to the border and force-marched women and children across after killing the men and burning the houses. If this continued, a heavily mined border would not be an obstacle to massive crossings, as had been assumed earlier.

144. Friday 26 March was quiet, but over the weekend the first large waves appeared. Some 2,800 crossed at Morini, just north of Kukes, and long lines

were forming on the other side. In Tirana, the inter-agency contingency plan went into effect. The UN agencies and the NGOs met in the evening, and by midnight the first convoy with aid set off for Kukes with an Albanian police escort.

145. The response met the immediate needs of the refugees, not least because the Albanian government co-operated with transport and collective centres, and host family arrangements worked. But staff and supplies were being stretched, above all on UNHCR's side. The Kukes office a couple of days earlier had warned of shortages of food as well as non-food items, and had asked for help to handle the media that – sensing a story – had started to call.

146. The next day – Sunday 28 March – the sub-office in Kukes reported: "Be informed that a lot of refugees are on the way to here." The same message was sent out by the international media and was announced in the morning by the NATO spokesperson in Brussels. A total of 28,000 arrived that Sunday, according to subsequent statistics. By early afternoon the prefecture had registered 10,000. The pattern was again expulsion and arrival by the main road that cut through the heavily mined border. The following day, another 40,000 arrived, also by road through Kukes. The cumulative arrival through Kukes was by then over 60,000, already exceeding the expected inflow in UNHCR's contingency plan as adjusted two days earlier in Geneva. The agency was still represented in Kukes by one national staff and three seconded technical staff newly arrived from Bosnia.

147. The UNHCR office in Tirana recognized that it needed support. On 27 March the office urgently requested personnel reinforcement, and the Special Envoy immediately dispatched two persons from staff in the region. The situation demonstrated the tight limitations on regular staff resources: of the seven persons requested by Tirana, only two could be spared immediately. Rapid and substantial reinforcement required a decision to invoke the emergency mechanism, which was only done two days later.

Invoking the emergency mechanism

148. The decision to invoke UNHCR's emergency preparedness mechanism on 29 March meant that the emergency staff did not arrive at Albania's northern border until 2 April. By that time, donors had already started organizing their response, and the border was choked with media and aid personnel in addition to refugees. This further undercut the status of UNHCR in Albania, and reinforced the inclination of Tirana to work with NATO and individual governments for assistance.

149. In UNHCR's Kosovo Task Force in Geneva, FYLU had reported on Saturday 27 March that lines of 10,000–15,000 refugees were waiting to cross the border. Early next morning – when the international media was congregating on the border to record the dramatic entry of what turned out to be twice that number – FYLU reported these developments in the Task Force as well. The news caused the head of the Emergency Section to call the field office in Tirana and ask if he wanted assistance. The answer came back immediately: "send as many as you can." The message was received on Sunday morning at 8.30 a.m. A day later – at the Task Force meeting on Monday morning – the Assistant High Commissioner decided to deploy the emergency response team.

150. Why the delay, and did it matter? In the middle of a flow of events, it is admittedly difficult to assess a trend. Even so, there seemed to be sufficient

information to make the decision on Sunday morning, possibly even on Saturday when the lines of refugees were forming.

151. Normally a request for emergency deployment is conveyed by the field representative to the bureau in Headquarters, and in small-scale emergencies the final decision is made by the head of EPRS. In recent years, especially in large emergencies, the final decision has been taken in the Executive Office (the High Commissioner or the Assistant High Commissioner). In this case, it meant that a request would pass from the Tirana office to the Special Envoy in Sarajevo and the desk in Geneva (FYLU), and then to the Executive Office. This did not happen. The Special Envoy and the FYLU desk received no request for aid, and did not ask. Instead, the head of a line unit in Geneva – the emergency section – called the field directly and asked if help were needed. The Executive Office then made the final decision, but only 24 hours later. The Special Envoy was on his way from Bosnia to Albania when he learned that Geneva was mobilizing the emergency teams.

152. It seems that the special "desk system" which was established to handle Kosovo-related events was not a suitable structure for identifying a sudden crisis and mobilizing the response. As further discussed below (chapter 4), this decision-making system was decentralized, very thinly manned at top, and there was a large management distance from the field to the High Commissioner to whom the operation reported. The system might have been functional for a long-term stable operation, but not for an emergency. The evolving crisis was apparently not detected soon enough either at the top or the bottom of the operation. It is difficult to identify exactly where the blind spot was, or precisely why it occurred, but in general terms it is clear that the structures of the Kosovo-related operations were not sufficiently strong to correct for individual errors in judgement.

153. Once the alarm had sounded, the mobilization process worked according to UNHCR's standards for emergency response. The ERT was mobilized on 29 March and was ready to leave Geneva the next day – well within the 72-hour time frame the agency has set itself. The extraordinary speed was partly due to luck. A group of staff had just completed an emergency training session in Geneva and could leave immediately, missing only the graduation ceremony. At the same time, arrangements were made to bring in emergency supplies from the central reserves.[4] The subsequent one-day delay in ERT deployment was not UNHCR's fault, but due to lack of flight clearance from NATO/EUROCOM which gave priority to military use of the airspace, as noted in chapter 1.

154. UNHCR's emergency team arrived in Kukes on 2 April after the day-long drive to the border. By comparison with UNICEF and WFP, which opened offices in Kukes a day later, that was quite respectable.[5] Within the constraints of the situation, the Kukes team performed well (see chapters 4 and 5). The race to the border during Day One had another dimension, however.

155. Visibility was important. The international media had flocked to the border early to report the weekend drama. The *New York Times* ran a major story on 29 March entitled "Long Lines of Refugees Hounded into Albania", citing the OSCE sources who said that 15,000 refugees had arrived and an estimated 150,000–200,000 were "on the way", forming a queue some 15 km (10 miles) long on the Kosovo side of the border. The story was filed the day *before* UNHCR invoked its emergency preparedness, and when the agency only had two or three persons at the border.[6]

156. The Italians had been to the border as well. The Minister of the Interior – who was involved due to Italian fears that the refugees might arrive on their

shores – met UNHCR's Special Envoy on the road to Kukes on 30 March. It was a meeting rich in symbolism. The minister was on her way down from Kukes; the UNHCR Special Envoy was on his way up. The minister came with a large convoy that literally blocked the road; the Special Envoy was in a UNHCR four-wheel drive, joined by a couple of staff members who were to reinforce the Kukes office. The minister was visibly upset. Why, she asked, was UNHCR not at the border? Refugees were pouring in by the thousands – some 85,000 had by that time entered through the northern passes – but she had not seen UNHCR. She then called Rome on a satellite telephone and ordered high-protein biscuits from the large, inter-departmental task force that the government had assembled to deal with the crisis.

157. Italian officials were some of UNHCR's most vocal critics, claiming that the agency had failed to react effectively to the emergency. Among the donors, Italy probably had the most immediate interests in the Albanian situation and long-established ties with the country. As noted in chapter 1, Italy mounted a large bilateral humanitarian operation during the emergency and channelled comparatively little through UNHCR. Arguably, Rome would have taken a major role in the emergency response regardless of UNHCR's performance. Its "Operation Rainbow" was already well under way by the time the minister discovered UNHCR's limited presence at the border. Nevertheless, the signs of UNHCR's limited capacity – as symbolized by the meeting on the road to Kukes – no doubt reinforced that determination.

Humanitarian crisis diplomacy

158. The High Commissioner's Special Envoy appeared to be in an impossible situation. He had two parallel crises in two countries on his hands, and a mandate to address both diplomatic and operational issues. He covered a large area with poor infrastructure (but had no helicopter at his disposal) and only a small staff in his Sarajevo office. On the first weekend of the crisis, he was on the phone to deal with the problems in Tirana and Skopje, and also advised the High Commissioner on strategy for dealing with the role of NATO and the major powers. On 30 March he left Sarajevo for Montenegro (another likely destination for Kosovo refugees), then continued to Kukes, bringing additional staff and assessing operational needs.[7] From Kukes he proceeded to Tirana to meet the Prime Minister (in his capacity as diplomatic envoy), and inspected conditions at the airport (in his capacity as chief of operations).

159. The situation at the airport was a shambles, with chaotic arrivals and consignments of relief supplies. The meeting with the Prime Minister did not go much better. Facing the biggest crisis of his political career, the young and inexperienced premier was furious. He accused UNHCR of not having done anything to address the emergency at the border and threatened to walk out of the meeting. Two days earlier, the Prime Minister had similarly rebuked the UNHCR Tirana representative in front of foreign aid and embassy representatives.

160. In retrospect it is clear that the first days of the crisis required "presence" in all its dimensions, and this demand outstripped the capacity of the local UNHCR office. The Special Envoy should in theory support the representative in assisting the government, assuring that help was on its way, and negotiate co-operation with the multitude of other actors streaming into the country during the first days of the crisis. In fact, the Special Envoy spent only one and a half days in Tirana during this week, having to rush to Skopje where another crisis was unfolding. A senior UNHCR official arrived on 1 April to take charge of the office, and was duly introduced by the Special Envoy to the Albanian

government and key members of the diplomatic community. By this time, however, much of the damage was done in terms of UNHCR relations with the Albanian government.

161. Having just been informed by UNHCR that a large refugee inflow was unlikely, and that the agency at any rate was prepared to assist some 50,000 immediately, the Albanian government was understandably upset. The Prime Minister was at any rate predisposed to deal with NATO, the OSCE and bilateral actors to address the refugee crisis.

162. As noted in chapter 1, the Albanian government was developing closer relations with NATO as part of its strategy of moving the country closer to the Western world. The current crisis had significantly improved the prospect by enhancing its strategic value to the alliance. Albania was the only frontline state that gave NATO unrestricted use of its territory and air space for the military campaign against Yugoslavia. NATO plans for a possible ground invasion of Kosovo centred on Albania as a staging area. As a result, both sides had an incentive to forge closer relations. In areas where military and humanitarian affairs intersected, NATO tended to drive out UNHCR.

163. For instance, in organizing air support for humanitarian relief, NATO and not UNHCR became Tirana's interlocutor and set the terms. Tirana had asked NATO to provide air support for relief supplies at least two days before the High Commissioner on 3 April made a similar request to NATO's Secretary-General. Albania's request went directly to NATO without UNHCR involvement; in fact, the intermediary was an official at the US embassy.[8] NATO gladly complied with the request, immediately dispatching a team from the European Command. A few days later, Albania put all its bases and air space at the disposal of the alliance.

164. Tirana also preferred to work bilaterally with other states rather than with UNHCR as a channel for assisting refugees and affected communities in Albania. The government welcomed a German, French and Italian delegation that arrived on 31 March to discuss assistance. A couple of days later, the German Minister of the Interior arrived to discuss further aid plans. The talks evolved into an assistance package agreed to at an EU meeting a few days later – the Luxembourg meeting discussed below – when several governments agreed to aid Albania to receive refugees. UNHCR was not involved in these discussions, only informed afterwards.

165. Compared with the EU and NATO, UNHCR had little to offer Albania and was effectively sidelined. Nevertheless, UNHCR's weak presence during the initial phase, when the local UNHCR representation seemed to fade away and a senior official was still on his way, accentuated the marginalization. During the first week of the crisis, a task force was set up in the Prime Minister's office to deal with the refugee situation ("the War Room"). It was composed of the Prime Minister's representative, two representatives of the OSCE, one from the US embassy, and the mid-level UNHCR staff who headed the local office and failed to register as a forceful presence. When the "War Room" evolved into a new and formal mechanism for co-ordinating the humanitarian response, UNHCR was again sidelined. Instead of organizing the international relief effort through the Office of Refugees in the Ministry of Local Government – which UNHCR had helped establish – the government supported a new co-ordinating unit, the Emergency Management Group (EMG).

166. The EMG was established in close co-operation with the OSCE. Having played an active role in Albania before the emergency, the OSCE now actively sought a humanitarian role as well. Aided by UNHCR's weak presence, the

OSCE representatives in Tirana seized the initiative in the EMG.[9] UNHCR lost out in the institutional rivalry. The agency had no more than a marginal role in the co-ordinating body for most of the emergency and to this day disputes its significance (see chapter 5). The weak start appeared to handicap UNHCR's operations in Albania for a long time. It is significant that when the Italians in late April prepared to hand over their camps to UNHCR management, the Albanian government strongly protested.[10]

FYR Macedonia

167. The government of FYR Macedonia had generally admitted Kosovo Albanians until 30–31 March, when a qualitatively different scene developed at the border. As Macedonian border guards slowed the entry by meticulously checking arrivals, vehicles with refugees accumulated on the other side, at times in a line stretching back 10 km. Then the trains packed with refugees started to appear. By 1 April, six trains carrying some 25,000 Kosovars had arrived.

168. Like most governments faced with a sudden, massive influx of refugees, Macedonian authorities nearly panicked. Only some 3,000 passengers on the early trains were allowed in for processing. Subsequent arrivals were bottled up at the Blace field on the Macedonian side of the border, without shelter and receiving minimal assistance. The spectacle attracted intense international attention for days. Except for a few medical evacuations, tens of thousands of refugees remained trapped in the muddy field until 4 April. Several thousand were then allowed into camps, built literally overnight by NATO forces. Another several thousand were evacuated by the government, with US assistance, in a controversial relocation operation to Turkey, Greece and Albania. By April 6, Blace field was empty.

169. The government initially insisted that the refugees only be allowed into FYR Macedonia on a transit basis, and that their status and eventual physical location had to be clarified prior to entrance. In the meantime, they were trapped at Blace, receiving minimal assistance. The protection issue thus had to be resolved first. It was equally obvious, however, that the protection issue had political implications that were beyond the power of UNHCR to sort out. The Macedonian government wanted international assistance and assurances that at least some refugees would be transferred elsewhere.

170. Blace was unblocked with the help of a package developed over the weekend of 3–4 April that combined NATO-built camps with an agreement to evacuate some refugees, and promises of economic assistance. Already on 3 April, the World Bank had taken the initiative in the assistance sector, calling together donors, the IMF (International Monetary Fund) and other international organizations to consider the impact of the refugees on local economies. The following Monday, the World Bank formally announced that it was preparing an emergency credit of $40 million to FYR Macedonia as a first step.

171. The more critical elements in the package were developed largely by the USA, with NATO support, in the space of a few days in Skopje. Both the USA and NATO had strong representations in FYR Macedonia.[11] UNHCR had not, nor did the agency play a major role in developing this particular solution.

Unblocking Blace

172. The government of Macedonia had approached the US embassy already, on 27 March, asking if the USA would take in some of the refugees that were

arriving. Declining the request, the USA started to work on other alternatives. By this time, the camp option had been revived by the government as a way of accommodating the refugees in a controlled environment if large numbers were to appear. That eventuality materialized by mid-week when the trains bringing thousands of refugees arrived.

173. The quickest way of constructing camps was to use the NATO forces already deployed in FYR Macedonia. By the middle of the week, the political attaché in the US embassy along with government officials and KFOR representatives was surveying possible sites, and on 1 April the government formally agreed to request that NATO build the camps. Approval from the High Commissioner was then sought.

174. The Macedonian decision of April 1 was relayed to the High Commissioner, who objected. Rather, she preferred that civilians construct the camps. In Skopje, the US embassy reacted by vigorously renewing its efforts.

175. The situation at the border was deteriorating rapidly as a steady stream of new arrivals added to those already trapped in rain and cold weather at the inhospitable roadside field. There were also important political considerations. The US embassy feared that unless the refugee problem was solved, the Macedonian government would pull back from its support for NATO in the Kosovo conflict. The government had already given several signals to this effect, and they became stronger during the second half of the week. In effect, the government requested aid to solve the Blace problem – which had placed it in an impossible position – or it would not continue to support NATO's military campaign against Yugoslavia. Recognizing as a political reality the government's fear of instability, the embassy took the threats seriously. US allies were contacted for help in accepting refugees, and before the end of the week Turkey had promised to take 25,000. A high-level US delegation was on its way to the region, armed with assurances of aid and US agreement in principle to take some of FYR Macedonia's refugees. And efforts were redoubled to convince the High Commissioner that there was no alternative to NATO forces establishing transit camps for the refugees at Blace.

176. The embassy alerted Washington, which in turn contacted the UN Secretary-General. The latter conveyed his hope to Ogata that the UN system and NATO would work closely together in this matter, as an observer later put it. In Brussels, Xavier Solana, the then Secretary-General of NATO, started writing letters to Ogata (2 and 3 April), pointing out that the NATO Council had asked him urgently to offer NATO's assistance. The offers were repeated in late-night telephone calls and accompanied by detailed proposals of support for humanitarian operations in both FYR Macedonia and Albania. On 3 April, Ogata requested NATO support, including KFOR construction of camps in FYR Macedonia.

177. NATO was more than ready to undertake a humanitarian role in relation to the Kosovo conflict (see chapter 7). The ink on Ogata's letter to Solana was hardly dry before the British engineer brigade in KFOR on Saturday morning started levelling the ground near the abandoned airfield just south of Blace. Initial supplies of tents, blankets, water and food were brought in from NATO; UNHCR helped to lay out the camp and later organized blankets. During the late evening of 4 April – Easter Sunday in the Gregorian calendar – the first buses brought refugees from the "holding area" at Blace to two newly established transit camps (Stenkovec 1 and 2). Initially 5,000 were transferred, and gradually more followed.

178. Critics have claimed that the High Commissioner delayed the unblocking of Blace for two days while she pondered the question of co-operation with NATO. The criticism is somewhat misplaced, in that the camps were a necessary but not sufficient basis on which FYR Macedonia could admit the refugees. The decisive factor was the assurances that other countries would help by offloading refugees from FYR Macedonia and by providing general support.

179. The last, critical elements of the package were not in place until April 3, when the high-level US delegation arrived. Like the High Commissioner's Special Envoy, the delegation had a two-country crisis on its hands and had chosen to go to Tirana before Skopje. Discussions with the Macedonian government that Saturday included both general support and possibilities for emptying Blace. US officials promised to pay for direct air evacuations from Blace to Turkey, and expressed US willingness in principle to take in refugees as well as provide aid.

180. It is doubtful if any single offer, event or pressure was decisive in unblocking the border crossing. Rather, it was the conjunction of pressures and offers that occurred on Saturday April 3. The UN Secretary-General called the Macedonian Prime Minister. So did NATO's SACEUR. NATO and UNHCR formally agreed that NATO could help to build refugee camps. The US ambassador hosted a working dinner with only Blace on the agenda; present were Macedonian Cabinet members, a high-level delegation from Washington and the UNHCR Special Envoy, who had arrived that morning. During dinner, the Norwegian Foreign Minister, concurrently the chair of the OSCE, called to convey Norway's offer to take immediately 6,000 refugees from the border area. The call, apparently, was the straw that broke the last remaining resistance. The Prime Minister agreed and the package was formally discussed at an extraordinary Cabinet meeting on Sunday morning.

181. During this period of crisis diplomacy, the head of UNHCR's local office completely fades into the background. A more vigorous representation regardless of formal rank might have made a difference; at any rate, the modest role of a mid-level staff is not surprising, given the heavy political stakes and high status of the key players on the Skopje scene. The Special Envoy was their logical counterpart. He did not arrive until April 3, having previously attended to the crisis in Albania. By the time he arrived in Skopje, the solution to the Blace problem was well in sight. He fully agreed with the evolving package and helped to finalize it. His rapid departure the next day marked the transient nature of UNHCR's diplomatic role. As in Tirana, a senior emergency co-ordinator arrived at the same time, but only to catch the tail-end of the crisis diplomacy of Day One.

182. The role of UNHCR partly reflects initial reluctance, for a number of reasons related to principles and precedent (see chapter 6), to relocate refugees outside the region. At the first major meeting with donors on 30 March in Geneva, the Assistant High Commissioner, who chaired the event, asked all states to open their borders to Kosovo refugees but did not mention transfers. As pressure mounted at the Blace field, UNHCR/Geneva explored relocation to neighbouring countries, especially Greece and Bulgaria, but by the end of the week had received no immediate offers.

183. It is indicative of the agency's stand during the first week that it hesitated to accept an unsolicited offer from Norway to take 6,000 refugees from FYR Macedonia. The offer was made to Geneva on Tuesday March 30, but not accepted until early Friday morning – that is, when thousands had been trapped at Blace for two days. The change of policy was formalized in a policy statement by the High Commissioner on Sunday 4 April, which presented "burden-

sharing" of refugees as a possible solution to the first asylum problem in FYR Macedonia. The statement came the day after the Macedonian government had agreed to unblock Blace.

184. Apart from principled concern to uphold first asylum principles, the High Commissioner's hesitation to call for immediate burden-sharing with states outside the region seemed realistic. Most west European governments initially resisted the idea. Indeed, early west European efforts were mainly directed towards keeping the refugees in the region. The British Foreign Minister proposed a "security zone" on the Kosovo–Macedonian border as an alternative to the Blace field. The German government promoted plans to transfer refugees from Macedonia to Albania and offered Tirana financial aid to build camps. This was the main purpose of visit of the German Minister of the Interior to Tirana on 3–4 April. The French government, for its part, announced that relocating refugees out of the region would merely assist the Serb policy of "ethnic cleansing".

185. The possibility of unblocking Blace by means of the much-discussed "humanitarian corridor" to Albania was revived during these critical days. The Tirana government told the German minister, among others, that it would take in 100,000 refugees if others provided economic and material assistance. However, when the "corridor" was used to empty Blace on 5–6 April, it entailed semi-forced and irregular transfers that were sharply criticized by UNHCR and human rights groups. Why, then, did UNHCR not seize the idea and promote it in more appropriate forms?

186. The idea was considered in high-level discussions in the agency, but discounted for entirely pragmatic reasons. Albania, it was felt, was already stretched to its limit. There were inadequate plans or preparations for sheltering the many thousands who already had arrived. Bringing in additional refugees was not a defensible solution to the immediate crisis.

187. By default, then, UNHCR ended up supporting extra-regional evacuations. Once the decision was made, on April 4, the agency took the lead in developing and co-ordinating the programme under its Bureau for Europe.

Conclusions

188. Day One was in may ways a formative phase for the development of policies and relations among actors. The narrative of events during these days reveals the same pattern in both Albania and Macedonia. While focusing on humanitarian issues, diplomacy unfolded in the context of conventional power relations among states. Here, UNHCR had little leverage and was rapidly marginalized by more powerful actors. Yet the agency was weaker than it needed to be. Two institutional aspects stand out in this respect:

- The organizational structure established to deal with ongoing and relatively stable operations in the former and remaining Yugoslavia was not suited to an emergency. The unfolding crisis was not identified for one or two days – a delay that had political costs.

- There were insufficient high-level staff to handle the diplomatic aspects of the crisis. The organization was "thin at the top" in Headquarters, and the Kosovo-related operation only had the capacity to fight one major diplomatic battle at a time.

189. The idea of a "humanitarian corridor" was revived and considered by UNHCR, but implemented in perverted form by others. More attention to the idea at an earlier stage could possibly have made "the corridor" a relevant and defensible strategy to reduce the pressing protection problems in FYR Macedonia.

Notes

[1] This chapter was written by Astri Suhrke.
[2] This section is partly based on reports sent by the Kukes sub-office during the first few days, some of which the evaluation team retrieved from the Kukes office.
[3] UNHCR, Kukes sub-office reports.
[4] See ch. 4, section on logistics.
[5] SitRep, 4 April 1999
[6] The UNHCR Tirana office was quoted as heroically honest: "We'll never get enough stuff up there in time" – it was a day up, a day to unload, and a day down. UNHCR's presence was a slim contrast to the OSCE observers who had come from Kosovo in their brightly painted orange vehicles in substantial numbers. Partly as a result, the OSCE came to play a significant role in the organization of the emergency.
[7] The caseload in Montenegro turned out to be quite small; see ch.4.
[8] The embassy was reinforced at the outset of the emergency; one official was assigned to assist the Prime Minister's Office in dealing with the refugee situation. It is symptomatic that on April 1 (possibly March 31), a US embassy official was assisting the PM's deputy in drafting a letter asking NATO to provide airlift support for relief supplies.
[9] The head of the OSCE office publicly criticized UNHCR staff in Tirana in strong language, telling a Dutch daily that they were "weaklings" who could not even make "a dent in a pack of butter". Hence, he said, others had to co-ordinate. *NRC Handelsblad*, 12 April 1999. He later apologized to UNHCR and claimed that he had been misquoted. The episode seems typical of the heated tempers and some hasty criticism made at the height of the emergency before normal civility returned.
[10] Cable from Italian embassy, Tirana, 21 April 1999, and letter from the Under-Secretary, Ministry of Foreign Affairs to the Under-Secretary, Ministry of the Interior, the same day.
[11] The US ambassador also held the negotiating portfolio for the Kosovo conflict and as such carried particular weight. NATO had assigned a high-level liaison officer to the government, who had been in position since November 1998.

4
Management[1]

190. This chapter focuses on UNHCR's emergency management, starting from its field offices and working up to Headquarters. After reviewing the management of the emergency, we examine specific issues that relate to performance: the restructuring of Headquarters in early 1999, emergency staffing, information management, logistics and financial constraints.

Field management

Kukes, Albania

191. The Kukes UNHCR office was initially staffed by one local staff and a Senior Protection Officer who by coincidence was visiting from Tirana. On 30 March two experienced staff from Podgorica arrived with the Special Envoy. On 1 April the Emergency Response Team (ERT) from Headquarters arrived in Tirana and proceeded with 12 staff to Kukes on 2 April. Thus, six days after the first large inflow of refugees, the Kukes office was well staffed.

192. Co-ordination with the local government was begun immediately. Meetings started on 30 March attended by NGOs already in place. However, there were also expectations by all, including UNHCR staff, that UNHCR should have provided significantly more relief materials in the first days of the emergency. In reality, UNHCR's relief materials arrived somewhat slowly and in limited quantities relative to needs (see section below on logistics). This contributed to a perception of UNHCR as being ineffective, despite its active co-ordination and monitoring role. Logistics was strong in Kukes, where the UNHCR logistics team, composed of seconded DRC staff, established a well-organized transport, storage, and distribution system for relief materials. This system was used by many different agencies.

193. The Kukes UNHCR staff reported mixed levels of support from Tirana. The head of the UNHCR office in Kukes reported good support from the emergency co-ordinator, particularly during his visits to Kukes and through twice weekly telephone contact. However, the balance of the Kukes staff interviewed reported poor support from Tirana. It was commonly referred to as "the black hole: reports and requests go in, but nothing comes back".

Other field offices in Albania

194. While UNHCR quickly re-opened its office in Shkodra, on 30 March, it was staffed with just one Protection Officer and two national staff. Three weeks into the emergency, the 19 April staff list shows that the office had been supplemented by only an additional two national staff. The 10 May staff list shows the Shkodra office approaching reasonable staffing levels with three field officers and six national staff. However, a mid-level manager (P4) Head of Office was never assigned. Shkodra was an important office, both receiving refugees who had transited through Montenegro and supporting all of those refugees moving south from Kukes. Staff from the office reported that they received little support from Tirana.

195. Elsewhere in Albania there were several major concentrations of refugees with no UNHCR office up to a month after the emergency began. The Tirana situation reports stated that offices were opened on the following dates: Durres – 28 April, Korce – 1 May, Fier – early May, Elbasan – 13 May, and Vlore – first week in June. This differs significantly from reports by UNHCR Headquarters to the donors that gave a map showing UNHCR offices in the Status Report on The Kosovo Special Operation as of 30 April 1999. Staffing lists show that those who did go to field offices were usually junior.[2] NGOs report that these staff appeared to have limited if any management or emergency experience. Of the five field offices in Albania additional to Kukes, only Durres was headed by an emergency-experienced mid-level manager, who started on 17 May. It is noteworthy, however, that the Tirana UNHCR office, in prioritizing needs against its limited resources, did have officers visiting these field locations before there were sufficient resources available to open offices. NGOs and the OSCE both reported that these field offices once opened were initially ineffective in establishing co-ordination systems.

Tirana

196. The pre-emergency Tirana office, with six international staff, was reported as effective by its national partner, the Office of Refugees in the Ministry of Local Government. The UNHCR office was characterized as weak by several embassies and some of the pre-emergency NGOs, who cited the nature of the response to the 1998 influx and slow rehabilitation of collective centres under the contingency plans for Albania.[3]

197. During the Kosovo emergency, the Tirana office was strongly criticized by almost all agencies and organizations interviewed for this report. The majority of this criticism focused on the lack of experienced staff and the rapid turnover. Most respondents viewed the frequent changes in leadership as the major weakness and pointed to a significant void in mid-level managers (P4/P5).

198. With the emergency, the small Tirana office became a major Branch Office.[4] This required experienced senior management and sufficient qualified staff to implement large emergency operations in a complex environment. To quote Chapter 1, "Principle of Response", in the UNHCR *Handbook for Emergencies*: "Of particular importance is the priority given to deploying enough UNHCR staff of the right calibre and experience to the right places …"[5]

199. The need to strengthen the office was immediately apparent to Headquarters, and a senior staff member was sent on 1 April. He arrived without terms of reference and with the title of Envoy, which did not imply an active management role. Despite instructions from the Special Envoy, staff reported some confusion within the office as some tasks were the responsibility of the Representative, while some were under the new Envoy.[6]

200. Parallel titles and authorities in the office added to the confusion. As mentioned above, besides the Representative and the Envoy, there was a Special Envoy who visited Tirana, and a Special Advisor to the Special Envoy who also spent a considerable amount of time in Albania.[7] When the Representative left on 23 April, the Envoy became the Emergency Co-ordinator. On 6 June the Emergency Co-ordinator's replacement again started to use the title of Representative. With this series of changing titles and staff turnover, it is not surprising most external interviewees perceived a higher turnover rate of staff than that which actually occurred.[8]

201. Overall, the lack of a clear and decisive management structure within the office during the critical first weeks reduced UNHCR's credibility in the aid community.

202. The following "snapshot" of the total emergency staff sent to Tirana was taken from the Branch Office's staffing lists, and reflects the acute shortage of experienced mid-level managers and the slowness of UNHCR's response to staffing needs.

Date	Senior officers	Mid-level managers	Officers
10 April	1	3*	17
19 April	1	3*	19
10 May	1	9†	33
6 June	1	5‡	49

*Fund raising, water co-ordination, OCHA team leader.
†As *, plus EPRO, logistics, public health, field officer, head of operations, protection.
‡Fund raising, programme, logistics, administration, OCHA team leader.

203. Mid-level UNHCR management staff did not start arriving in significant numbers until mid-May. The particularly critical position of Senior Programme Officer was not filled until 14 May.

204. The slow deployment of mid-level staff had numerous consequences. It made it impossible to manage effectively an office that was responsible for the co-ordination of a vast emergency relief operation and to respond to numerous requests from the host government, donors, NGOs, as well as its own field offices. For instance, the representative of a donor that in principle was strongly committed to multilateralism complained that its consulate in Tirana tried in vain for weeks to get an appointment with a senior UNHCR official to discuss co-ordination of funding. Similarly, both primary interlocutors in the Albanian government – the Office of Refugees and the head of the principal co-ordination body, the EMG – had expectations of UNHCR's performance that were not met during the first six weeks.

205. Most respondents interviewed found that UNHCR's performance improved gradually as the situation stabilized, demands were reduced and more staff arrived.

206. Staff turnover at lower levels within the central office was reported by other UNHCR staff and by NGOs as making the operation difficult. It meant restarting the learning curve among both new staff and working-level interlocutors. Work was interrupted as replacement staff frequently had different skills from their predecessors. The adjustment period for the new staff reduced effectiveness. NGOs described the turnover of lower-level programme staff and the late arrival of senior programme staff as causing many problems.[9] By early May, however, junior staff grew into their positions, management structures were firmed up and, as additional staff arrived, UNHCR's effectiveness improved.

FYR Macedonia

207. Several problems in the management of the emergency response in FYR Macedonia can similarly be attributed to a weak management structure, slow

deployment, and the relatively junior level of most of the staff. The improvement over time was marked, however, and more clearly so than in the case of Albania.

Skopje

208. Before the emergency, UNHCR had a modest presence in FYR Macedonia, with a liaison office of only three international staff. The office was not implementing programmes; it merely monitored a small residual case-load from the conflict in the former Yugoslavia, helped draft national refugee law, and maintained a presence as a consequence of the tense situation in Kosovo. Pre-emergency observers gave mixed opinions. Some embassies saw it as reasonably competent; others were mildly critical.

209. As in Albania, UNHCR Headquarters quickly recognized the need for stronger management in Skopje. An Emergency Co-ordinator was sent by Geneva and arrived on 4 April. His arrival, without written terms of reference,[10] complicated the existing division of tasks between the head of the Skopje Office and the head of the Pristina office, who had been evacuated from Kosovo and immediately appointed Acting Emergency Co-ordinator of the Skopje operation. The allocation of responsibilities between the existing Head of Office, the evacuated Pristina Head of Office, and the Emergency Co-ordinator appointed by Headquarters, within the office and as presented to external agencies, was unclear.[11]

210. By May there was greater stability in leadership, but by then the damage appears to have been done. All agencies interviewed perceived staff turnover in the leadership position in Skopje as weakening UNHCR's performance. The host government eventually requested a *Note Verbale* from Headquarters stating who was in charge of the office.

211. The proximity of the camps enabled field staff to operate from Skopje. While this eliminated some problems by allowing the small middle-management staff in the Branch Office to co-ordinate field staff,[12] it created others. In the case of Cegrane, the most distant camp, daily transport of staff to and fro resulted in a reduced UNHCR presence in the camp. The short day did not provide enough time to co-ordinate, meet refugees, or investigate protection concerns. The "commuter" presence weakened the agency's effectiveness, as both NGOs and UNHCR staff reported. A field office was evidently planned for Cegrane camp but had not opened before the repatriation in June.

212. A second problem created by the proximity factor was the additional demand on very scarce office space and equipment in Skopje. Many staff reported that sharing desks and computers in the office reduced their effectiveness.

213. An organigram of 27 April shows that Skopje had fared slightly better than Tirana, but was still very weak in critical areas. While three of the six posts defined as mid-level management were staffed, those of Protection Co-ordinator, Field Co-ordinator, and Host Families and Collective Centre Co-ordinator were vacant. In these three critical areas, lines of authority went directly from the Deputy Emergency Co-ordinator to one Protection Officer, five staff of the Humanitarian Evacuation Programme (HEP), and 13 Field officers in the camps or at the border. The critical position of Senior Programme Officer was not filled until 5 May. Missing were a number of experienced mid-level managers to support the junior UNHCR and seconded emergency roster staff.[13] As in Tirana, the rapid turnover of staff meant repeated periods of relearning.

214. The camps had no experienced mid-level managers and only a small number of junior staff (P2/P3) and secondees. One month after the start of the emergency, all mid-level management (P4) field positions (field and camp co-ordinators) were still vacant. Of the 20 officer-level (P3) positions, eight were still vacant. There was no Senior Protection Officer and only five of 10 HEP positions were staffed.

215. The lack of key mid-level (P4/P5) managers left the Emergency Co-ordinator and his deputy heavily over-tasked. This weakened their capacity to supervise the numerous junior staff and to develop strategies to "take control" of the emergency. They also had to co-ordinate with the host government, donors and external agencies, and meet and brief a stream of arriving dignitaries, and so on.

216. By the second half of May, however, UNHCR staff, NGOs and a few donors reported a noticeable change towards greater effectiveness. By then, a clear management structure was established, junior staff had grown into their positions, and additional staff had arrived to support the over-tasked leadership

Montenegro

217. The operation in Montenegro was a comparatively small part of the emergency response. After a brief evacuation preceding the start of the NATO air strikes, staff returned on 30 March following the initial arrival of internally displaced persons (IDPs) from Kosovo. By 6 April the number of IDPs had reached 35,000 and several international NGOs had arrived or returned. The total number of new IDPs peaked at 59,071 in mid-May; of these 38,517 crossed Montenegro and continued to Albania. The remaining 20,554 were housed in collective centres and with host families. On 21 June the spontaneous return to Kosovo began.

218. Two UNHCR staff from the Montenegro office were deployed on 30 March to Kukes to help with the operation there. The three remaining international staff were supplemented by several mission staff sent by Headquarters, among these were a Senior Protection Officer from Belgrade and a Security Officer. The Head of the UNHCR office in Podgorica and the staff posted to Montenegro remained during the entire emergency.

219. UNHCR had a limited assistance role in Montenegro. Much of the agency's relief supplies had been stored in Belgrade and were confiscated by the Serbian Red Cross when NATO launched the air strikes. UN sanctions and the necessity of using Belgrade as a transit point made it difficult for UNHCR to bring in supplies. Other organizations were better positioned – the ICRC had relief materials stored locally, and several NGOs imported directly into Montenegro. UNHCR's operation focused instead on co-ordination and on the protection of IDPs detained by the Yugoslav authorities when they entered Montenegro. With support from the Montenegrin authorities, the protection staff succeeded in securing prompt release in all except two of about 300 cases.

220. Representatives of Montenegrin authorities as well as national and international aid organizations commented positively on UNHCR's performance during the emergency. While the case-load was small and there were no camps to be supervised, the situation was demanding in other respects. Most UNHCR and NGO staff were from NATO member countries, which affected their ability to work in a war zone subject to international sanctions and NATO air strikes. One important factor behind the positive reviews was that the staff were both experienced and knowledgeable.

Headquarters management

Responsibility structure for the Kosovo emergency: the Special Envoy and the FYLU

221. The Special Envoy was the direct link between the High Commissioner and UNHCR's field operations in the Balkans. While the Special Envoy was based in Sarajevo and focused on the former Yugoslavia, his support unit, the Former Yugoslavia Liaison Unit (FYLU), and his supervisor, the High Commissioner, were in Geneva. On his appointment in April 1998, the Special Envoy was given the task of the direct supervision of UNHCR representatives in Croatia, Bosnia and Herzegovina, and the Federal Republic of Yugoslavia (including the Kosovo operation). In June 1998 he was additionally given the additional responsibility of the operational management of the June 1998 influxes of refugees into FYR Macedonia and Kosovo.[14] On 11 January 1999 full responsibility for both Albania and FYR Macedonia were formally added (both special and general programmes).[15] Several donors, NATO officials, embassy staff and UNHCR staff commented that the Special Envoy seemed over-burdened. The second Special Envoy, who took the post at the end of April 1999, established an office with senior deputies and several staff. He also inherited two branch offices, as noted above, that, although weak, had started to improve.

222. The Headquarters structure for the support of the whole of former Yugoslavia was centred in the FYLU. On 12 August 1998 FYLU was moved from the executive office to the Bureau for Europe. In this new structure, formal responsibility was directed from the High Commissioner to the Special Envoy, and then to the representatives in the field. According to the memorandum announcing the move, FYLU "will continue to function as a largely self-contained special unit, and the head will continue to work directly and most closely with the Special Envoy, as before."[16] By contrast, responsibility for operational support went from the High Commissioner, through the Head of the Department of Operations (the Assistant High Commissioner – AHC), to the Regional Bureau for Europe, to FYLU, and then to the Special Envoy. Secondary reporting lines were also established from the representatives in the field to the Director of the Bureau for Europe.

223. The 11 January 1999 memorandum referred to above sought to clarify the reporting lines. The UNHCR offices in former Yugoslavia were to report to FYLU for "general operational matters and administrative issues", and to the Special Envoy in Sarajevo for "substantive operational matters". The second reporting line to the Bureau for Europe was to be copied for all substantive issues. The new structure seemed to bring little clarity in the field, except to identify several supervisors. One head of office compared it to an inverted pyramid – "one worker with three bosses".

224. While FYLU participated in Europe Bureau meetings until the beginning of the emergency, it continued to work almost exclusively with the Special Envoy, or the AHC when the Special Envoy was in the field. UNHCR staff reported that other than the management of the HEP, the Bureau for Europe did not assume an active management role in the Balkans. At the beginning of April 1999, despite the memorandums, FYLU generally reported through the Special Envoy and/or the AHC to the High Commissioner.

225. From the start of the emergency until 31 May, FYLU was staffed with seven officers and seven General Service staff.[17] Among these was a Senior Resource Manager who shared with the Bureau for Europe those duties that were primarily in support of FYLU. During this period FYLU was supplemented by staff evacuated from the Belgrade UNHCR Office. With effect from 1 June,

FYLU was increased to 16 officers and eight General Service staff. In August 1999 a significantly expanded organizational structure was announced for Headquarters (see appendix A) with a grades stricture containing appropriately higher grades.

226. Most donors in Geneva, UNHCR field staff and international organizations that dealt with FYLU had significant praise for the unit, despite their overall criticism of UNHCR's management of the emergency.

Authority vs. responsibility structure

227. For the emergency manager in the field, it is essential that staff, computer and vehicle resources have been addressed administratively in order for them to deal with substantive issues such as distribution of relief materials. Neither FYLU nor the Special Envoy, however, had control of the required resources or the authority to direct support. More generally, the same applied to the decision-making structure relevant to the emergency. The authority over UNHCR's resources to support the emergency operation were vested in the Directors of the "four pillars", but they were not responsible for the substantive decisions regarding policy implementation through operations.

228. The heads of the "four pillars" comprise the most senior management committee in UNHCR as restructured in early 1999. The committee comprises the four directors of the major divisions in UNHCR: the Division of Communication and Information, the Department of International Protection, the Department of Operations, and the Division of Resource Management. The heads of the four pillars met two to three times per week and, in addition to other ongoing issues, considered any Kosovo emergency issue raised at that level by FYLU through the AHC. Support issues that had not been resolved at lower levels were then discussed and responsibility passed to the director who had authority over the resources involved.

229. The FYLU, as noted, had no authority over specific support requirements but, armed with the budget for the emergency, had to negotiate with other units for specific items required. The FYLU's role was that of a Headquarters desk; it received requests from the field and tried to meet them through co-ordination in Headquarters. In accordance with normal Headquarters practice, FYLU – as the desk equivalent – then had to negotiate for support such as computer purchasing, additional staff, support missions by specialist staff, and logistics support.

230. To facilitate this process, FYLU organized a daily "Kosovo Task Force" meeting. The core membership was about 10–12 persons, but the task force also served a larger information-sharing function, and meetings were often attended by 30 or more persons. While the task force was effective in the latter respect, it had no authority to direct support or to set institutional priorities.

231. The competitive element involved in all intra-organizational negotiations for scarce resources was in this case enhanced by an early decision by senior management that additional Headquarters posts would not be created for the emergency. As one senior manager noted, "new Headquarters posts have a tendency to grow deep roots and are hard to remove when conditions change". The decision seemed understandable in the light of the recent downsizing, which had created a surplus of staff whose contracts were not terminated, so that unassigned staff were used to the greatest extent possible. Thirty-two of the 96 staff awaiting placement were deployed. External recruitment was seen as a last resort and did not start until mid-June.

232. Whether due to resource limitations or management procedures, the shortage of field staff was, as we have seen, a critical weakness in the emergency response. The FYLU sought staffing support from two sources: the Emergency Preparedness and Response Section (EPRS) for staff coming from previous "emergency rosters", and Career and Staff Support Service to provide staff from a pool of volunteers. Beyond co-ordinating with these offices, direct negotiations were frequently required between FYLU and various supervisors to persuade them to release specific staff for the emergency. The FYLU staff reported that a number of the key staff requested were never released. Not until 20 May was an executive decision taken to direct staff on mission rather than relying on volunteers. As a result, about 25 additional staff were directed to the region.

233. In direct contrast with the solicitation of volunteers and the complex negotiation process is UNHCR's own guidance on principles of response in the *Handbook for Emergencies*. "By definition, the needs of a refugee emergency must be given priority over other work of UNHCR."[18]

234. Some elements of the management of the Kosovo emergency were clearly unusual. On certain occasions, senior management became involved in decisions which one might have expected to be taken at a lower level. There was also occasional micro-management of appointments by the Executive Officer. Another activity, the HEP, which was integral to the emergency operation, was largely turned over to the Director of the Bureau for Europe. Staff found this arrangement beneficial since FYLU was over-burdened and the Bureau for Europe had direct links with many of the countries participating in the programme.

The Emergency Preparedness and Response Section

235. UNHCR Headquarters relies on a small section, the EPRS, for initial response to an emergency. Since the Rwanda emergency of 1994, the EPRS has responded to comparatively small refugee influxes. The current EPRS staff of five officers and four general service staff are primarily of two types:

- an EPRO who is an experienced manager at sub-office or field office level (P4), and usually has a good understanding of programme, protection, logistics, administration and team building;

- technical specialists in administration to assist with the creation of accounts, records, posts and the various UN administrative procedures.

For small influxes of refugees this composition and size has proved appropriate.

236. Additional staff resources are available as required from the Emergency Response Team (ERT) roster. This comprises about 30 UNHCR staff who have received a 10-day training course. Following training, ERT members work at their normal posts but are "on call" for an emergency for a six-month period. The last source of additional emergency staff is the standby agreements that have been used extensively, with good results. Existing standby arrangements with several governments can be activated within four or five days. These agreements provide staff with specific skills and United Nations volunteers. The standby agreement staff are primarily experts in specific areas such as social services, logistics, telecommunications or vehicle operations, to name a few.

237. Deployment rosters from the EPRS show that an initial team of 12 people was sent to Albania on 31 March. During the period from 1 to 9 April, 13 emergency staff were sent to Skopje. This exhausted the immediate deployment

capability of the EPRS, the deployments including staff assigned to the EPRS, emergency response roster staff, standby agreement staff and United Nations Volunteers.

UNHCR restructuring

238. The restructuring of UNHCR Headquarters was undertaken in early 1999, just prior to the Kosovo emergency. The reasons were outlined in an Inter-Office Memorandum which in turn was based on a lengthy report by the UNHCR Inspector General.[19] The restructuring was justified with reference to a series of challenges facing the agency, including new developments in the field of protection and humanitarian norms, the tight financial situation with pressure on budget and staff, the appearance of new actors and processes in the humanitarian field, partly following the UN reform, and growing external scrutiny of the agency's activities.

239. The prospect of massive refugee emergencies was not included among all these challenges. The restructuring was designed primarily to promote the other functions of UNHCR and to enhance its ability to deal with general policy tasks in the humanitarian field. The Kosovo case indicates, however, that the restructuring reduced the capacity of the agency to respond in a rapid and flexible manner to a massive inflow.

240. In the revised Headquarters structure, similar types of tasks were grouped into divisions and departments. This created a less integrated operational capability under any of the Four Pillar directors, and thus required extensive executive office management participation.[20] The High Commissioner (with Deputy and Assistant) is the first level that has authority over all of the elements required to manage an emergency response, but that is clearly too high in the organization to be running the operation on a day-to-day basis.

241. The consolidation of the responsibilities of the AHC with those of the Head of the Department of Operations probably weakened the role of the latter. The dual responsibility tends to favour broader organizational priorities over those specific to the lower-level Department. With a number of ongoing field operations and numerous demands on the Executive offices, each of the two roles, moreover, would seem to be a full-time responsibility.

242. As part of the restructuring, the managers of UNHCR's existing operations, the Bureau Directors, were given a lower position in the hierarchy than hitherto, thus reducing their authority and potential input into decisions at the four pillars level (see attached organigrams). The Division of Operational Support was moved up.

243. A critical element of the new organizational structure, then, is the separation at Headquarters of the responsibility for operations, on the one hand, and the authority over the resources required to carry them out, on the other. Below the High Commissioner, no single manager has both responsibility for and authority over the resources required to support a field operation. This may be an effective method of controlling or balancing support demands, but does not facilitate agile and flexible implementation. In this structure, FYLU was responsible for providing support to the field, yet it did not control the resources necessary to do so. The cumbersome negotiations required to extract support slowed down UNHCR's response.

Emergency staffing

244. The staffing weakness in the field centred on the lack of the deployment of experienced mid-level management staff. Some specific reasons for this are discussed below.

The deployment selection process

245. For the emergency, UNHCR had two sources of staff. An existing group of trained and relatively experienced staff, composed of current and previous staff from the Emergency Response Team (ERT) roster, were managed by the EPRS. The Human Resources Service managed a second group of staff who had responded to an e-mail message to all staff on 8 April.[21] This message contained a brief outline of the creation of a pool of volunteers with "some direct experience in difficult or emergency operations". From both of these sources staff went through a "selection process" for deployment, but each pool was limited to voluntary participation.

246. The voluntary process yielded unimpressive results. A review of UNHCR's deployment lists for April and May shows that only an additional 29 staff were deployed in the first half of April and 31 during the second half. In May, UNHCR deployed 87 staff to the emergency. The offices in Skopje and Tirana did not reach peak strength until June with many positions vacant in mid-April, according to the staffing levels created by a Human Resources Service mission to the field. Experienced mid-level managers among the deployments were rare. A senior programme officer was not sent to Skopje until 5 May and to Tirana until 14 May. As evidenced by the actual deployments, the volunteers did not tend to be key middle managers with successful past emergency experience. UNHCR staff reported, and deployments confirm, that the volunteer pool was almost exclusively junior staff, thereby considerably limiting "available resources".

247. Volunteering for an emergency is a difficult decision for UNHCR's experienced staff. In UNHCR emergency experience is not a formal requirement for promotion, although it counts in practice. In addition to the personal discomforts, long hours, and usually dangerous security conditions, it entails professional risks. Staff reported that if an emergency does not "go well", their reputations on which future career progression depend will likely be damaged. On the reverse side, the lack of an implemented appraisal system leads to recognition for exceptionally effective emergency participation being limited to the top manager or two in an operation. Not volunteering, particularly when a supervisor is reluctant to release, is a much safer career option. These considerations limit the effectiveness of a volunteer system for experienced staff.

248. One limiting prerequisite for potential volunteers was the requirement to "obtain their supervisor's release beforehand".[22] As reported by FYLU and the staff themselves, experienced middle managers who were eventually deployed found that this release was difficult to negotiate.[23] The negotiation process took days and occasionally several weeks to complete.

Rapid turnover of staff

249. The rapid turnover of the emergency staff, as mentioned above, was a continuing problem. The 8 April message quoted above specified an "initial period of one month". In a review of the overall deployment of staff during April and May, 21 per cent of the staff were deployed for a month, 45 per cent

were deployed for two months, and only 34 per cent were deployed for longer periods. In order to obtain volunteers it is thought to be necessary to limit family separation and the impact on supervisors who are losing valuable staff.

250. An element related to staff turnover in emergencies grows out of UNHCR's policy of rest and recuperation leaves during the emergency. Staff are given six days off, away from the emergency, every 28 days for the relief of stress. Due to the small number of staff deployed and the very few experienced management staff, stress on deployed staff is significant. Some UNHCR staff reported that they were working up to 20 hours per day every day. NGO staff and donors reported that UNHCR field staff were frequently "burned out" and seemed unable to reach decisions, coherently explain something, or follow even a short discussion. This leave policy means that about 25 per cent of staff are absent at any particular time. When one applies this planned loss of deployed staff to the field office staffing numbers outlined above, staffing becomes even weaker than was outlined in the preceding section "Field management".

251. UNHCR makes no systematic performance evaluation of staff going on short-term emergency missions. One reason for this is the frequent rotation of both staff and managers, so that often there is not sufficient overlap to permit in-place evaluations. The result is that senior managers do not have good information regarding possible future deployments, while at the same time emergency participation or performance is not a major consideration for career progression. Moreover, UNHCR staff have reported that this lack of documentation or recognition of their hard work in the field was a negative aspect of participation in the emergency.

Information management

252. A systematic flow of information is important to Headquarters management and is critical for getting support to the field. It is equally important for meeting funding requirements by keeping the donor community informed. UNHCR Headquarters and the branch offices in most capitals received many requests for information during the Kosovo emergency. What was happening? What was UNHCR doing? Discussed below is information management from these two perspectives. First, internal information sent to and from the field in support of management is considered, and second, external information provided to the donors and the press.

Internal information

253. The traditional method used by UNHCR for information flow in emergencies is through situation reports from the field offices. Both a suggested format and guidance on reporting are outlined in the UNHCR *Handbook for Emergencies*:

> It is essential regular situation reports reach headquarters … more frequent reports will be necessary in the initial stages of an emergency … reports should give an overall view … indicating progress achieved, problems encountered, and steps planned … The reports should give a cumulative picture …[24]

254. In the Kosovo emergency these reporting standards were not consistently met. There were early comprehensive situation reports from both Kukes (2 April) and Montenegro (31 March). Such reports continued to be sent on a regular basis. Though staff in Shkodra report that they sent situation reports to Tirana,

these and any written situation reports from the remaining four field offices in Albania to the Branch Office in Tirana were not found. In April, situation reports from Tirana to Headquarters averaged about one every other day, and the reports were brief. Later, the reports evolved into summaries covering 10–12-day periods. These reports were still comparatively brief and issued too infrequently for a rapidly evolving emergency. The relatively limited reporting was a visible symptom of an over-burdened manager in Tirana.

255. Reporting from Skopje was continuous during the initial phase of the emergency (March 26–April 4), but a hiatus of about one week occurred before regular situation reports were issued from April 13 onwards. These tended to be more comprehensive, covering UNHCR's major areas of concern from a high-level perspective, as well as providing some useful details.

256. It was reported by staff at Headquarters and in the field that much information was also exchanged via e-mail and through the telephone.

257. A second element of situation reporting is that information must flow down as well as up. UNHCR staff in the field stated that concerns raised in situation reports were not regularly responded to. This occurred between all levels. Lower-level staff in Tirana did not get the information they felt they needed from Headquarters, and working-level staff in the field office in Kukes did not receive the information they requested from Tirana. In both of these cases, management staff appear to have had regular telephone contact. UNHCR field staff in Kukes, directed to move the refugees south, reported that their requests for information from Tirana as to where the refugees would be going and what living conditions they would face, were not answered. They reported that this greatly hindered not only their efforts to move the refugees south to safer areas, but also undermined their credibility among the refugees and NGOs. The Tirana office, for its part, often lacked information due to inadequate consultation by other organizations and states, and insufficient UNHCR staff throughout Albania to gather information.

External information

258. Headquarters and FYLU seemed unprepared for the massive amount of detailed information requested by the donor community in Geneva and their national capitals. Several donors acknowledged their voracious appetite for detailed information on events and on UNHCR's actions in the emergency.

259. In this demanding context, the information cell established by UNHCR initially appeared overwhelmed. Most of this apparent weakness was due to lack of information from the field rather than from any structural weakness in the information cell. Some donors reported that the information cell did not have the details requested at hand, and that staff could not provide in-depth information or did not return calls. Many established a pattern of calling FYLU or the AHC directly to get current information, which naturally added to already overburdened offices.

260. The lack of information during the first days was exacerbated by a gap in news releases from Headquarters. During the initial days of the crisis – 27–29 March, when refugees streamed across to Albania and started to gather at the border with Macedonia – the public information section in Headquarters issued no regular public information about the emergency. The first regular news release ("Update") appeared on March 30.[25]

261. The "Update" subsequently became a regular source of statistical and other information, and was put on the UNHCR website on 31 March. Several donors reported that both the hard copy and on-line data were useful. Information was also provided through regular briefings of donors in Geneva, which became more frequent during the emergency. By the second week of the emergency, donor briefings took place about two or three times a week. In a generally dense meeting schedule, this was not inconsiderable.[26] By this time, however, several donors had established additional sources of information and were less dependent on UNHCR.

262. Situation reports received by Headquarters were distributed throughout UNHCR's branch offices but did not always meet the demand for public relations information. Some wanted overall regional situation reports, others sought detailed information on issues of particular interest. Again, the need was most acute in the initial days of the emergency when some offices started calling the field directly.

263. Donors and UNHCR staff in Skopje and Tirana both reported problems with external relations. The high political interest in this emergency meant multiple senior-level delegation visits every week. For UNHCR, this made serious demands on the time of senior officials. Donors, for their part, reported that they were not given enough time and information.

264. Some donors complained that offers to the Donor Relations and Resource Mobilization Service were not systematically tracked and answered. For instance, a British offer of protocol staff for the offices in Skopje and Tirana in response to UNHCR's obvious needs in this area, was not answered. UNHCR had not responded by late September to an Italian government request in July for a summary of the distribution of an earmarked donation of $1 million for tents in Albania. The donation was made in response to the urgent appeal of the Special Advisor to the Special Envoy.

265. Initially press information was a similar problem. The first public information officer in FYR Macedonia had been evacuated from Kosovo, and senior press information staff did not arrive until mid-April. Incidents such as a controversial early press statement contributed to tension with a major donor and the host country. More generally, it was evident that the emergency required senior, experienced press staff, and none arrived in Skopje until mid-April.

Logistics

266. UNHCR's logistics requirements are outlined in detail in several UNHCR publications. The UNHCR *Handbook for Emergencies* begins its chapter on logistics with the following: "The ability to deliver the right supplies where and when they are needed is a prerequisite for an effective emergency operation."[27] Effective logistics involves getting relief materials to where they are needed and accurately tracking commodities to allow for accountability. In Albania and FYR Macedonia, different circumstances led to very different results.

267. Reports from participants and a review of the documents up to 15 April indicates that a reasonably effective logistics system was promptly established in FYR Macedonia, due mainly to three factors. First, there were the combined logistics efforts of NATO, DfID and the Danish Refugee Council's Convoy Operations Team, as well as a UNHCR senior logistics officer who was sent to Skopje on 8 April. Secondly, there was a reasonably adequate infrastructure in the country. Third, the refugees were mainly concentrated in areas a

comparatively short distance from the airport, which was accessible by a good road infrastructure. Deliveries and distribution of the relief materials available to the Skopje office appear to have been well handled and their movement documented. A computerized commodity tracking system was operating by the second week of April.

268. In Albania the situation was much more difficult. A chaotic Tirana airport, a considerably less organized commercial system, the greater distances over difficult roads, and a moving and spreading refugee population severely limited the very small UNHCR logistics staff during the operation. These were later complicated by major problems with customs clearance that became a significant limiting factor within days of the start of the emergency.

269. Logistics staff in Tirana reported that an additional major complication was the lack of an operating commodity tracking system software package at Tirana airport. Arriving shipments were not effectively noted and details of materials received could not be entered for electronic transmission to Headquarters. Documentation on arriving flights was poor: "relief materials for refugees" written on a scrap of paper was not uncommon. In-kind donations from charitable groups or governments and UNHCR's own shipments were sometimes indistinguishable. The Albanian army was also seeking to move the relief materials quickly to the refugees with no regard for documentation. During the initial weeks, chaos was the rule at the Tirana airport. When documentation was not clear, whichever group reached an arriving aircraft first "claimed" the materials for their distribution system. The small UNHCR logistics staff with a laptop computer and a tent to work from recognized their limitations and were primarily focused on getting relief materials to the refugees rather than documentation.

270. After the initial rush to deliver materials, UNHCR staff reported that bureaucratic Albanian customs requirements and limited staff to track shipments by air, land, and sea reduced UNHCR's logistics capability. As in the field offices, there were very few staff to cover many entry points. In July discussions with the Supplies and Transportation Section (STS) in Headquarters indicated that customs clearance at Durres port was a continuing problem. At least one other major participant in the emergency, the Italian government, had similar problems.[28] While the Albanian government was aware of these problems, no significant changes were made at the time.

271. While there were no reports by staff or NGOs of large-scale thefts of relief materials while in transit, actual tracking of shipments via a paper trail was not possible due to the loss of documents. In September, logistics histories were still being reconstructed by the Tirana logistics staff from memory, records from receiving offices, and lists of materials shipped by the STS. The lack of a paper trail eliminated any possibility of accounting accurately for the relief materials sent to Tirana other than by memory and the general impressions of observers.

Headquarters logistics

272. UNHCR's day-to-day operation requires only a very limited Headquarters logistics capability. The STS is small and staffed accordingly. As reported by logistics and EPRS staff, it does not have the additional capability to deploy logistics teams and has only a very limited surge capacity. The focus of the evaluation is on the items in the Central Emergency Stockpile, their delivery, and the suitability of both the stockpile quantities and items.

273. UNHCR purchased and shipped significant quantities of relief materials starting at the end of April, when it was apparent that the emergency would not be over quickly. UNHCR's management faced a difficult decision in early April with regard to the purchase and shipment of massive amounts of relief materials.[29] If the emergency was short-lived, as most political leaders were predicting in early April, purchasing and shipping large quantities of materials would have been hard to justify in retrospect. The more financially conservative option of waiting to see if the refugees would quickly return invited criticism of slow response. In the light of the recent budget cuts, a financially conservative position is understandable.

274. The Central Emergency Stockpile levels and type of items are established through discussions between the EPRS and the STS. Targets as well as stock availability are reviewed every six months. In 1999 they were based on the expected immediate needs of 200,000–250,000 refugees, with the higher figure in effect when the emergency occurred. The list of items to be stockpiled and the fairly conservative stockpile levels are dictated by both financial limitations and practical considerations. Some items, such as the traditional heavy cotton tents, rot in storage and some items, such as cooking sets, are bulky, taking up considerable storage space and thus leading to increased storage expense. In principle, the agreed list is a compromise between immediate emergency needs and these limitations. The following target stock levels and actual amounts were noted from UNHCR's stock levels preceding the emergency as of 10 March:

	Target stock level	Actual stock level
UNHCR vehicles	20	21
Blankets	75,000	49,800
Plastic sheets	75,000	54,780
Plastic sheets in rolls	1,500	834
Kitchen sets	5,000	0
Jerrycans	50,000	1,950

As the table demonstrates, both the actual stock level and, for some items, also the target stock levels, were inadequate for an expected caseload of 200,000–250,000.

275. The UNHCR vehicles shown in the table are held by the traditional supplier of UNHCR vehicles at no cost as part of his rotating inventory. These vehicles are not radio-equipped; adding radio equipment dictates a one-day delay per vehicle before deployment. An additional 47,400 jerrycans were stated as "with the supplier" or "available within 72 hours".[30] The STS staff reported that part of their planning for available stocks included some ECHO-funded relief materials that were earmarked for the Great Lakes. As their presence in the reserves was fortuitous, and their availability for Kosovo uncertain, the ECHO-funded material is not included in the above totals.[31]

276. The table may seem misleading because it does not include the category of frame agreements – supplies that can be readily procured (e.g. blankets). In the Kosovo emergency, however, this pipeline was opened somewhat late. A review of UNHCR's purchases up to 15 April and their contracted delivery dates confirms the shortages noted in the stockpile above. On 12 April UNHCR exercized their frame agreements and signed purchase orders for 100,020 blankets to be delivered from 18 April to 9 May. On 13 and 15 April, purchase orders were signed for 33,000 kitchen sets for delivery between 21 April and 15

May. These items were not, however, purchased until mid-April and not delivered until late April and May. Blankets and cooking sets are potentially critical items in an emergency, and neither was deployed in a timely fashion. Their delivery in late April and May cannot be considered effectively to have met *immediate* needs.

277. The items available in the stockpile were promptly dispatched. This is confirmed by STS release forms completed during the first eight days of April and cargo manifests for 11 charter flights, donated by the United Kingdom, begun on 30 March and completed on 12 April. In addition to the stockpile items on hand, 1,206 tents were flown in from Dubai, and 10,000 cooking sets (from frame agreement) were flown in from Cairo.

278. Some items not on the list are frequently urgent requirements in an emergency. In the Kosovo emergency, as well as in the Persian Gulf, a shortage of tents was a critical element during the first days of the emergency. In almost all emergencies shelter is critical, and the alternative stockpile item of plastic sheeting is unsuitable for many parts of the world.

Financial constraints

279. On 9 May 1999, nine days after assuming his new duties, the second UNHCR Special Envoy of this emergency held a press conference and stated that "UNHCR was facing a major finance crisis in the Kosovo Relief Operation".[32] Emphatic in this press release was an urgency expressed as "Cash – now – today".

280. The background of the press conference was concern that ECHO had not been releasing a promised contribution of 20 million euro. But the episode raises broader questions about financial constraints and UNHCR's system of tracking expenditures.

281. UNHCR published on 30 April a listing of donations and carry over cash totalling $77,343,681 for the Kosovo emergency. The same document published, as part of the UNHCR Albania Update, a projected budget to the end of June 1999, based on the Alert and Addenda 1 & 2, of $142,954,942. If expenditures were exactly and evenly spent following the appeal, donated funds would be exhausted on 8 May.[33]

282. A review of actual expenditures recorded by UNHCR on 12 August 1999 for the period March–June shows that only $52,301,064 was recorded as spent by this time**.** This figure is less than the actual donations received and considerably less than the projected budget. However, some of this amount might have been spent after 9 May, when the Special Envoy held his press conference, and considerably more might have been spent for the whole period, since UNHCR's system of financial tracking has a substantial time lag. The critical question therefore is what information was available *at the time* to the Special Envoy.

283. The budget in the Alert (1 April) and the two subsequent Addendums (5 April and 21 April) was published based on estimates with many unknown factors. The extent of bilateral actions, the slow UNHCR response outlined elsewhere in the evaluation, and the spontaneous repatriation were not predictable as these appeal budgets were being drafted. These events, which reduced both overall and initial expenses, could not be foreseen. Therefore the over-estimation of expenses and the large appeal budget, even considering the low level of expenditures recorded by August, cannot be faulted.

284. The crucial two-part question is: how much could have been known by the Special Envoy, or his financial staff, during the first week of May about actual expenditures and about meeting immediate expected needs from the $77 million received?

285. The answer to the first part of the question – the actual amount of money spent – was not exactly determinable in the ongoing emergency environment. This was due to the three factors. First, the lack of senior programme staff in both branch offices meant that there was no central point in the field to determine authoritatively field programme expenditures to date. Second, UNHCR's programming methods are slow and cumbersome. Discussions, though not yet formalized with a sub-agreement, were under way with a large number of NGOs and various elements of both host governments. Final budgets are usually not agreed until the end of this process, but expenditures in many cases start almost immediately, based on initial budgets to allow work to start. Even those agreements that were signed were recorded in Headquarters considerably later. From a planning perspective, those budgets given to each branch office were assumed to being spent on schedule, even though their expenditure would not be reflected for a considerable time. Lastly, the staff in Headquarters, both those ordering relief materials and those planning the deployment of staff and ordering vehicles, radios and computers for the offices soon to be opened, were consuming budgets at a rate neither known or tracked by the Special Envoy and his financial staff.

286. The second half of the question was whether existing and expected needs were being met from the viewpoint of the Special Envoy in early May: UNHCR was finally opening the field offices in Albania that had previously just been planned. An additional office was planned for the distant camp of Cegrane in FYR Macedonia. Procurement and delivery of significant quantities of relief materials was finally under way. Several of the bilaterally established camps had already been turned over to UNHCR and the balance was expected soon. Some would require modification and all would require staff and sub-agreements. The staffing reviews of the two country operations had been completed: together they would require more than 300 staff. The donor community was growing louder in its demands that the High Commissioner take a much more active role. The majority of the refugees in both countries were with host families and at that point getting minimal, if any, support. It was feared by many in UNHCR and the NGO community that the host family network could not be sustained, and its collapse would be catastrophic. In the two days prior to the meeting, 20,000 additional refugees had crossed into FYR Macedonia. Security for the refugees in Albania was seen as complex and expected to be expensive. Registration in Albania, while still under discussion, would be labour-intensive, complex, and expensive. Lastly the outcome of the war, while certain in the minds of many political leaders, was considerably less certain from the perspective of the refugee camps in Albania and FYR Macedonia.

287. While it was possible in early May to conclude that there was not an urgent cash flow crisis, it is also clear that the potential needs of UNHCR in the next two months were significant and, based on the above considerations, would exceed the donations to date.

Conclusions

Field management

288. The effectiveness of field operations in both Albania and FYR Macedonia was reduced by:

- lack of mid-level managers
- late arrival of senior staff
- over-burdened senior staff
- rapid turnover of staff
- unclear lines of authority between existing and newly deployed staff

In an immediate sense, these shortcomings were attributable to lack of Headquarters support and management of the emergency.

289. In Tirana the series of job titles added to the confusion. Titles are comparatively important as they imply expertise, authority, and areas of responsibility. For example, envoys do not traditionally manage operations.

Headquarters management

290. The structure at Headquarters for the Kosovo operation had limitations. While FYLU focused on day-to-day support, the High Commissioner was the only senior staff in Headquarters with direct, overall responsibility for the operation. Unlike a traditional desk, FYLU did not have a Bureau Director for support. Missing was a senior director of operations to provide overall direction, evaluate progress, force difficult decisions, and marshal support. In May, while formal structures did not change, Headquarters took greater notice and gave more support to the operation. Significant quantities of relief items were ordered, key staff were released, and eventually a decision to direct staff on mission was taken.

291. The first Special Envoy during the emergency did not have the staff required for both directed tasks. Missing was a senior staff member to provide a regional supervision of operations issues while the Special Envoy focused on the political and diplomatic issues. Similarly, the unclear position in the structure of FYLU, and its small size, led it to concentrate on the daily events and support requirements in Kosovo. The next layer up, the executive offices and the Special Envoy, focused on the larger political issues. Missing was a Bureau Director with an operations focus. In August, well after the emergency phase, this structural problem in Headquarters was addressed in a strengthened structure for the management of the operation.

292. UNHCR's *Handbook for Emergencies* states:

> The more critical the situation, the more important it is for the Representative to find the time to take stock, determine priorities and develop a plan for what needs to be done, when, by whom, and how.[34]

This concept is even more critical for Headquarters. A plan of action was required to define authority structures, identify weak areas, establish timetables and, most importantly, give authority to those responsible, and responsibility to those with authority.

293. The demands of a major emergency are significantly beyond the capability of EPRS, the Emergency Response Team Roster, and existing standby agreements.

The UNHCR restructuring

294. Previous evaluations have revealed problems similar to those observed in the Kosovo case, and which basically stem from the lack of systematic method that brings responsibility for operations and authority over resource allocation together. The restructuring in early 1999 did not improve this situation. For agencies such as UNHCR that have considerable "reactive" responsibilities but little control of the preceding events, management structures need to be flexible and agile. The restructuring – while intending to regroup Headquarters functions in a "rational and compact manner" – probably reduced flexibility and agility.[35]

Emergency staffing

295. Field staffing was delayed by:

- reliance on voluntary methods for emergency staffing, which is not conducive to creating a pool of staff with specific skills and high experience levels;
- the lack of organizational incentives and a number of personal and professional disadvantages to volunteering for emergency missions;
- the lack of an implementation plan to identify critical staffing elements in meeting the needs of the emergency;
- the reluctance of supervisors to release needed staff.

296. The deployment practices imposed great stress on staff, and contributed to problems of "burn-out" and poor performance.

297. The lack of a staff performance evaluation system for emergency participation was a disincentive to volunteering, and undermined future deployment and staff management decisions.

Information management

298. Internal reporting through situation reports was somewhat irregular.

299. Satisfying all of the donors' requests for information was impossible for an organization with UNHCR's resources. However, the UNHCR information cell was also handicapped by the limited information from the field. Other structures of information partly compensated.

300. External relations with visiting delegations made great demands on the time of field staff, and this function was not sufficiently recognized in Headquarters by providing appropriate staff.

301. At the beginning of the emergency the deployment of senior press staff to the field was inadequate.

Logistics

302. The logistics capability of each office was very limited. In the less complex environment of FYR Macedonia this level of support was sufficient. In Albania,

which is perhaps more typical of the environment of traditional refugee emergencies, UNHCR's logistics capability was inadequate (the notable exception was Kukes, as described above).

303. The limited size of the logistics staff and the lack of commodity tracking at the Tirana airport precluded the creation of systematic records and a subsequent accurate accounting to the donors. Continued shortage of logistics staff reduced the effectiveness of overall efforts in this area.

304. The levels of UNHCR's emergency stockpiles were below the agreed target levels for 200,000 refugees and the frame agreements were utilized late.

305. Frame agreements are a good method of establishing surge capacity beyond immediate needs. Their effectiveness as part of the emergency stockpile is, however, dependent on refugees arriving comparatively slowly. As evidenced by the Kosovo emergency, however, they were not delivered in time to meet immediate needs when refugees arrived quickly in massive numbers.

306. The shipment of the available stockpile items was prompt. Once it became clear that this was not a very short-term emergency, UNHCR did procure and ship massive quantities of relief materials.

Financial constraints

307. The cash flow crisis announced in mid-May appears to have reflected not an immediate crisis, but funding shortages based on expected needs. The Special Envoy apparently had inadequate information because of slow routines for tracking and reporting expenditures. An action plan as described above would have allowed both more accurate appeal figures for 30 April and subsequent addenda, and would have allowed the tracking of estimated expenses.

Recommendations

Field management

308. From the onset of the emergency, field management needs to have clear structures of responsibility and authority. Titles should be consistent and convey the function and level of responsibility.

Headquarters management

309. UNHCR should examine the relationship between structures of authority and responsibility at Headquarters level so as to facilitate agile support of emergency operations. The combining of both responsibility and authority in emergency operations into a defined structure through an early planning process is essential to effective operations. This planning process requires oversight by a member of the executive office who can balance broad organizational priorities.

310. Deployment of the Emergency Response Team should trigger immediate planning for a major emergency. The expectation that there will be warning for major emergencies or that a small emergency will remain small are unrealistic.

311. To strengthen further overall emergency management capability, UNHCR should

- include provisions in staffing tables that require key positions in operations management to be filled by staff with EPRO experience;

- reinstate the "Checklist for Headquarters" in the revised *Handbook for Emergencies*. Most civil emergency organizations have checklists for irregular major events. Disciplined use of "emergency checklists" for activities that are important, complex and have a degree of consistency, promotes organizational learning.

Emergency staffing

312. UNHCR should review its emergency response methods to reflect the fact that the demands of effective response typically start high and taper down. The needs in the first few weeks of an emergency are the greatest. As this organizational effectiveness increases, staffing needs go down.

313. A critical issue in emergency response is surge capacity to be found in the Headquarters support structures. The managers of sections in Headquarters that have direct roles in supporting emergencies need to have external surge capacity. While this can be facilitated by Human Resources or EPRS, the determination of needs and selection of staff is a responsibility of each section chief. UNHCR needs to have a surge capacity that allows the release of their brightest staff for emergency response in the field. Similar surge capacity needs to be identified for key branch office staff throughout UNHCR.

314. To increase staff incentives to go on emergency missions, UNHCR needs to:

- institute systematic performance assessments for even short emergency missions; and

- ensure that successful emergency participation weighs heavily towards promotion and career progression.

Information management

315. For emergencies, especially the high-visibility crisis, additional senior staff should be assigned for public information in Headquarters (e.g. by temporarily assigning a senior staff member as Deputy for Information). Immediate field deployment of experienced press officers is equally important.

Logistics

316. Serious consideration should be given to divesting responsibility for suitable items to other agencies whose core task requires greater logistics capacity. For example, responsibility for food-related items such as cooking sets could be transferred, and could presumably be absorbed by the World Food Programme with its significantly larger logistics capability.[36]

317. The composition of the emergency stockpile should be reviewed. Since traditional cotton tents will rot in long-term storage, tents of synthetic materials

should be in the contingency stockpile.[37] Current target stock levels for blankets and cooking sets are insufficient for estimated caseloads of 200,000–250,000.

318. Maintaining stocks for the immediate needs of 200,000–250 000 refugees is both a significant and continuing expense. UNHCR, in endeavouring to meet this expense, has compromised by supplementing the stockpiles with frame agreements. As evidenced by the Kosovo emergency, this was not effective for rapidly growing emergencies. Alternatively, the caseload figure could be reduced to reflect those items that are actually in the stockpile, with frame agreements being used for surge capacity. UNHCR should seek guidance from the donor community on what level of stockpile they are willing to support on a continuing basis.

319. If UNHCR continues to use ECHO-earmarked stocks as part of their Contingency Emergency Stockpile, they should seek a formal agreement with ECHO to support this.

320. Although UNHCR is supposed to provide relief materials in an emergency, logistics is not its core task. Nevertheless, a limited surge capacity in logistics is required, and can be developed by a combination of training existing non-logistics staff, standby agreements, commercial contracts, and the identification of consultants or retired and former staff with logistics skills. Lastly, senior management awareness of the importance of logistics in an emergency needs to be raised.

Financial constraints

321. Effective management requires an overview of expenditures. UNHCR should establish reporting procedures to establish, at a minimum, estimated expenditures in emergencies.

Notes

[1] The principal author of this chapter was Rick Garlock.
[2] Junior staff referenced in the evaluation were P2- and P3-level officers. The specific titles and backgrounds of the deployed staff were requested, but were not provided by UNHCR. It was UNHCR's position not to release confidential personal data. Versions from which confidential data had been removed could not be made available in time for the evaluation.
[3] The registration of the 1998 case-load, funded by UNHCR and implemented by the Office of Refugee, was not impressive. Registration of 24,000 refugees was begun in summer of 1998 but was not completed until February 1999.
[4] Branch Office is a common title for the main UNHCR office in a country.
[5] UNHCR, *Handbook for Emergencies*, Part I, "Field Operations", December 1982. This older version of the *Handbook for Emergencies* is referred to throughout this chapter, as the version available to staff during the emergency.
[6] The Special Envoy noted that he introduced the new Envoy to the UNHCR Office staff and several external agencies as the new Officer in Charge of UNHCR in Albania.
[7] A Special Advisor to the Special Envoy, S. de Mistura, from UNIC, was appointed for the period 18 April–16 May.
[8] One senior NATO official whose primary focus was working with UNHCR, counted 12 changes of staff in UNHCR's top three management positions, the emergency co-ordinators in each country and the Special Envoy. While there were probably fewer than 12, the perception of frequent change of leadership was widespread among persons interviewed.
[9] Agreements made verbally in the urgent situation of the first weeks were unknown to later staff. Senior staff arriving late did not always approve of major sub-agreements previously made by junior staff. It took one NGO several months to get written approval of an early agreement involving $800,000. Similarly, UNHCR programme staff reported that some NGOs were able retroactively to change agreements to their own advantage, because the UNHCR programme staff who had negotiated the original agreement had departed. An additional factor was the time spent

by both Headquarters and the field offices in selecting staff, getting them to the field location, and briefing them about the office and the operation.

[10] The Special Envoy noted that he introduced both the UNHCR Skopje Office and several major external agencies to the new Emergency Co-ordinator and presented him as the person in charge.

[11] Rather than their using teamwork to meet prioritized needs, staff reported that there was competition between the three over the scarce internal resources of staff, office space and equipment.

[12] However, UNHCR field staff reported that very little supervision was actually received from the over-tasked mid-level managers in the Skopje office. Pressing questions frequently received the response: "A senior officer will be here next week, and he'll have the answer."

[13] UNHCR junior staff were P2 and P3 levels. Seconded staff were usually more experienced in specific specialities but lacked UNHCR policy guidance or methodology experience.

[14] Formalized in the UNHCR Inter Office Memorandum 60/98, 12 August 1998.

[15] UNHCR Inter Office Memorandum 05/99, 11 January 1999.

[16] UNHCR Inter Office Memorandum 60/98, 12 August 1998, para. 1.

[17] Organigrams of FYLU provided by UNHCR.

[18] UNHCR, *Handbook for Emergencies*, December 1982, Ch. 1, para 1.3.2, "Principles of Response".

[19] IOM No. 20/99/Rev1. 15 February 1999; Review of UNHCR Headquarters Structure by the Inspector, 19 November 1998

[20] Review of UNHCR's HQ Organigram.

[21] E-mail Message to all Staff, "FLASH" – Kosovo Emergency Roster, 08 Apr 99 15:34:35.

[22] Ibid., para 2

[23] Three of UNHCR's veteran mid-level managers from past emergencies, who did not deploy, said they were discouraged from volunteering by their supervisors.

[24] UNHCR, *Handbook for Emergencies*, December 1982, annex 2, para. 1, "Example of a Standard Situation Report".

[25] At least one regional office (in Washington, DC) issued their own, based on information collected by calling directly to the field.

[26] As an FYLU official later recalled, there were weekly donor information meetings for missions, sister agencies, ECHO and NGOs, weekly Humanitarian Working Group meetings called by the EU Presidency, and the ad hoc "Contact Group Ambassadors Humanitarian Working Group" meetings. These came on top of other information/co-ordination meetings, such as three times weekly inter-agency telephone conferences, strategic planning meetings with NATO, and, of course, in-house meetings: the daily Kosovo Task Force meeting and the three times weekly "four pillars" meetings.

[27] UNHCR, *Handbook for Emergencies*, December 1982, para 5.1, Introduction.

[28] Interviews, Rome, September 1999.

[29] From 18 April to mid-May UNHCR purchased: 700,000 blankets; 21,880 tents; 335,000 plastic sheets; 473,820 mattresses; and 620,000 Hygiene parcels.

[30] UNHCR Central Emergency Stock Pile, 10 March 1999

[31] Though ECHO has traditionally been very flexible about earmarked donations, there is no formal agreement allowing them to be considered as part of the Contingency stockpile. Report of 9 April shows all ECHO-funded stocks not diverted to Kosovo as being sent to the Great Lakes region. Report of 6 May shows the replacement of earmarked blankets diverted to Kosovo being delayed until September due to limited production capacity.

[32] UNHCR, Update, 9 May 1999.

[33] This date was arrived at very simplistically by dividing the budget by 90, the number of days in the period it covered, which revealed that planned expenses were $1,588,377 per day; thus $77 million in donations received would last 48 days.

[34] UNHCR, *Handbook for Emergencies*, December 1982, Para 12.2.2, "Plans of Action".

[35] IOM No. 20/99/Rev1, 15 February 1999, para 9.

[36] UNHCR's Headquarters logistics staff does not support this recommendation.

[37] UNHCR's Headquarters logistic staff reports that the stock pile is reviewed every six months and that the inclusion of tents is under consideration.

5
Assistance and co-ordination[1]

322. The provision of humanitarian assistance to the Kosovo refugees was characterized by a large number of agencies, unusually generous funding and an intensely bilateral, competitive environment. The result was an operational context that challenged UNHCR to fulfil its role as lead agency in a company of actors many of whom had greater resources and power than UNHCR and an optional regard for its co-ordinating authority.

323. This chapter explores UNHCR's role in the provision of assistance and co-ordination. Its operational activities were relatively limited,[2] therefore the main focus of this chapter is its co-ordination role. A brief description of the overall response is included to place the evaluation of UNHCR performance in context.

Description of the emergency

324. Humanitarian aid to the refugees from Kosovo was provided by the host governments, bilateral programmes, the UN, intergovernmental and Red Cross agencies and hundreds of NGOs.[3] Despite the speed and scale of the emergency, a humanitarian disaster was avoided.

Albania

325. Two-thirds of the refugees entering Albania crossed the border within the first two weeks of the emergency. They arrived in large numbers in a pattern dictated by expulsion and hence difficult to predict, carrying few or none of the basic necessities needed to survive. A parallel influx of international actors also occurred. From a handful of agencies prior to the emergency, at least 180 international NGOs, most of the UN agencies, various intergovernmental agencies and thousands of NATO troops were operating at its peak. The government of Albania (GoA) was instrumental in the response throughout, not least as a result of its willingness to accept unlimited numbers of refugees. Additionally, with UNHCR funding, the authorities were able to mobilize people, transport and resources to provide food in the early weeks of the emergency, public buildings for shelter and the distribution of assistance.[4] By 5 April, refugees were present in all 12 of Albania's prefectures.

326. Bilaterally arranged national contingents and later, NATO troops under the AFOR umbrella, built camps and provided facilities for over 50,000 refugees.[5]

327. Shelter for those refugees not hosted by Albanian families was provided through tented camps and collective centres built or rehabilitated by various government, humanitarian agency and bilateral arrangements. In an unusually direct operational approach, donors commonly established the camps and installed facilities using national military or civil defence units, handing them over to international NGOs who managed the camps and implemented all services.[6] Just prior to repatriation, the number of occupied shelter sites rose to 278, with a further 54 under construction, sheltering 40 per cent of the refugee population.[7] The dispersal of so many sites throughout the country in itself represented a considerable logistical challenge.

328. The availability of shelter was critical as camp completion was initially slow compared with need. Despite the availability of considerable international resources for the construction of camps, building was delayed due to the lack of suitable land and of clarity of land ownership, leading to lengthy negotiations. In Kukes some 15,000 people were still sleeping on their tractors by the end of April and the situation for 4,000 refugees in Shkodra was described as "complete chaos".[8] The shelter situation in Kukes was exacerbated by the reluctance of the refugees to move south, and at least 100,000 refugees remained in Kukes more or less throughout the emergency, despite intense efforts on the part of the GoA and UNHCR to persuade the refugees to move.[9] As well as real concerns for the security of the refugees so close to the border, this prevented transit spaces being freed up for newcomers and further complicated shelter planning.

329. Throughout almost the entire emergency there was intense pressure to build more camps. Planning capacity was increased due to the expectation of additional refugees being transferred to Albania through the Humanitarian Transfer Programme (HTP) from FYR Macedonia (as discussed in chapter 6), and the possibility of refugees leaving host families for the camps. By early June capacity exceeded need.[10] The low-take up of HTP from FYR Macedonia, the repatriation and the continued reluctance of many refugees to leave Kukes contributed to an under-utilization of the camps. In addition, establishing exact figures for capacity was difficult, due to the number of different sites and to site donors often acting autonomously, resulting in widespread confusion over the availability of places and the actual needs.[11] UNHCR requested donors to stop building more camps, with varying results.[12]

330. Food for the camps and collective centres was provided by the WFP, distributed by some 40 partner NGOs. Joint bakery projects with UNHCR and local procurement of fresh food was undertaken to complement the WFP basic food basket. Whilst food shortages were reported in the first two to three weeks before the pipeline was established, provision soon met basic needs and malnutrition was avoided.

331. UNICEF led on educational services and, along with the World Health Organization (WHO), supported health needs for women, children and vulnerable groups. NGOs provided services in all sectors, undertaking camp management, health, water, sanitation, community and psychosocial services, information provision and support for special needs groups. The majority of the support was directed towards refugees in camps and collective centres.

332. The working environment in Albania presented particular challenges to humanitarian aid that slowed, but did not prevent, the provision of assistance. Fragmented government control resulted in non-implementation in the prefectures of centrally agreed policies. Early chaos and congestion at the airport resulted in many aid flights not being able to land. In addition, massive bottlenecks at the ports led to large quantities of relief goods and equipment being stuck for days and even weeks. Security was a significant problem, particularly in the north. This constrained, but did not on the whole appear to have prevented, agencies in carrying out their work in most of Albania.[13]

333. Despite comprising up to two-thirds of the refugee population, refugees with host families received disproportionately limited assistance as donors and agencies focused most of their attention on the camps. CRS and the IFRC, via the Albanian Red Cross, undertook the task of distributing food as well as non-food items to refugees in host families; not all, however, received assistance.[14] The inherent logistical challenge of distributing to a widely dispersed population, the lack of registration and policy confusion resulting from the commercial nature of most of the arrangements with the families meant that many host families and

refugees received no assistance at all.[15] A full account of the extent to which this caused hardship is not known, due to the lack of overall monitoring of their status.

334. By far the most significant providers of assistance were the Albanian population who hosted up to 285,000 of the refugees, albeit mostly on the basis of payment from the Kosovar refugees, particularly in the towns.[16] In Kukes, a population of only 25,000 hosted up to 90,000 refugees. The mixture of the economically motivated involvement and the generosity of the Albanian population in their response, combined with the relative wealth of many of the refugees who were able to pay for accommodation and food, were arguably the most significant factors in avoiding a potential crisis.[17]

FYR Macedonia

335. Appalling conditions for refugees waiting in the no-man's-land at the Blace border post were exacerbated by limited access for most of the humanitarian agencies, particularly in the early stages of the emergency. In addition to border restrictions, government control of humanitarian activities created a complex and often difficult working environment. FYR Macedonia's security concerns and resulting reluctance to extend existing camps, allow additional camps or extend the hosting of the refugees by local families generated intense pressure on the existing camps. Alternatives such as the temporary use of public buildings were not available. Consequently the response was dominated by initial rapid camp building and subsequent extensions to accommodate new arrivals, well beyond the acceptable limits of the camps.

336. NGO numbers increased dramatically and, as in Albania, the world's media poured in often, outnumbering humanitarian workers in high-profile areas such as the border.[18] More than 14 humanitarian flights per day landed at Skopje airport during April, often arriving with little or no documentation and without co-ordination with either UNHCR's AirOps Cell in Geneva or NATO's AirCell.[19]

337. As discussed in chapters 3 and 7, NATO forces built and initially serviced the tented camps of Stenkovec I and II, Radusa and Nepostrene in combination with NGOs which installed water and sanitation facilities and provided health care. They were completed by mid-April and sheltered nearly 46,000 refugees. Meanwhile the number of refugees estimated to be with Macedonian host families had reached 66,000. NATO supported subsequent camp construction, carried out by agencies such as Technisches Hilfswerk (THW), with tent erection and supply of food and non-food items such as blankets. The NGOs gradually took over the management and running of the camps during the second half of April, providing services in all sectors and often taking on sectoral lead agency roles.[20]

338. Reports of a further 100,000 refugees moving towards the border in the third week of April placed additional pressure to increase capacity on the already overflowing camps and an unco-operative government. Lengthy negotiations took place with the Ministry for Urban Planning and Construction (MUPC) over the construction of the new Cegrane camp for a further 30,000. This was eventually agreed to on 20 April, but preparation was delayed due to government insistence on the use of its state contractor Pelagonija that replaced existing NGO services on 27 April. This was resolved following considerable pressure from UNHCR and the donors, and the refugees were transferred from Blace to Cegrane the next day.[21] They arrived in a camp without water and sanitation facilities and in the midst of intensive efforts on the part of NATO, THW and several NGOs to prepare for their arrival.[22] The opposing interests of the government and the refugee response was hence played out again through the conflicting objectives of UNHCR and the

government. The government's approach tied permission to construct or extend camps to infrastructure development and benefit to the local community, whereas the humanitarian agencies prioritized an emergency life-saving approach emphasizing temporary structures and speed. The two priorities were contradictory. Valuable time was lost and unnecessary suffering endured by the refugees as a result. It was not UNHCR's role to implement development programmes; rather this responsibility lay within the wider UN system and the international community, as discussed in chapter 8.

339. The WHO facilitated health information, guidelines on standards and epidemiological surveillance, UNICEF immunization, education, child-friendly environments, and health and nutrition support and education, negotiating access to schools and providing supplies.

340. Water was generally adequate, gradually reaching minimum standards, but sanitation remained dangerously inadequate at many camps. The health sector performed well, no epidemics occurred and basic health services were covered in the camps. Further health provision was provided by the FYR Macedonia health services, although disagreements over reimbursement to the Ministry of Health by UNHCR created periodic refusals to treat or release patients. The problem was finally resolved by the end of May.

341. The WFP provided food for the camps and for refugees in host families. A survey of the camps in June revealed that the provision of food there was below acceptable limits and was subsequently adjusted by the WFP; no cases of malnutrition were reported.

342. The NGOs and the Macedonian Red Cross provided food for the host families themselves and also provided hygiene parcels and mattresses. Single food distributions were also carried out by the WFP during May for unregistered host family refugees. Again, considerable difficulties were encountered in providing for the host families, dispersed throughout much of the country. The refugees hosted by families represented over 62 per cent of the refugee population.[23] Nonetheless, most of the humanitarian response was focused on the camps. A WHO survey showed that around 50 per cent per cent of Skopje host family refugees complained of lack of food, with 25 per cent in the provinces insufficiently provided for.

343. As in Albania, concerted action on the part of the humanitarian agencies and donors, combined especially with the participation of the local population, averted the potential disaster of massive mortality and high morbidity rates normally associated with such a large and rapid influx.

Montenegro

344. Compared with the scale of the emergency in Albania and FYR Macedonia, Montenegro remained a relatively small-scale programme. Local communities with an Albanian population set up a Local Crisis Board (LCB) whose membership included IDPs. The LCB organized immediate assistance and accommodation though the host population. Shelter was also provided through collective centres, assisted by the LCB, national NGOs, the International Committee of the Red Cross (ICRC), the Yugoslav Red Cross and the Montenegrin Red Cross.[24] UNHCR, the Red Cross and, upon their return, international NGOs supported running costs, immediate health care and relief items for the collective centres, as well as rehabilitation and reconstruction activities. The WFP, Catholic Relief Services and Mercy Corps International provided food. Assistance was

hampered by difficulties in importing materials into Montenegro and the inaccessibility of stocks, including fuel, held in Belgrade.

UNHCR's operational role

345. Whilst originally a secondary function of UNHCR, providing significant material assistance has become increasingly expected of the agency by donors, host governments and other humanitarian agencies. It is also clearly UNHCR's expectation, as evidenced by its willingness to undertake an operational role and its increased operational capacity since its inception.[25] This evolution has been encouraged by EXCOM, the Inter Agency Standing Committee and the UN General Assembly.

346. According to the *Handbook for Emergencies*, UNHCR is "responsible for ensuring that the immediate needs of the refugees are met in an effective and appropriate manner".[26] This entails the overall responsibility of ensuring that governments and other actors make available the resources necessary to meet the immediate needs of refugees. This role therefore results in a "gap filling" function to provide for assistance falling outside the special competence of other UN agencies and other humanitarian actors.

Provision of material assistance

347. UNHCR imported and distributed large quantities of relief items.[27] Whilst considerable, it was proportionally small compared with the vast resources fielded by the bilaterals. More significantly, following the rapid deployment of Central Emergency Stocks in early April, subsequent supplies arrived much later in the emergency, in June and July.[28] The majority of the tents did not arrive until July, far too late to be of use.[29] Additionally, customs clearance difficulties in Albania meant that rapid delivery of key items was prevented as goods were tied up at the ports, in some cases for over two weeks.

348. UNHCR Albania expended almost $41 million between March and the end of 1999.[30] The main sectors supported were, in order of magnitude, transport and immediate assistance for receiving prefectures, shelter, sanitation, food and water.[31] Joint bakery projects were run with the WFP, shared warehousing was provided in Kukes, and non-food items were distributed. A cash grant project of nearly $8 million for host families was initiated in May, although the complexity of implementation meant that payments (via the banking system) were not received until after the repatriation.[32]

349. In FYR Macedonia UNHCR expended almost $34 million. Most sectors were supported, with an emphasis on shelter, legal and protection support, and community services.[33] UNHCR had also initiated a food programme for the host families early on in the emergency.[34]

350. The Montenegro programme was part of an overall FRY budget of which almost $54 million was expended. Most of this amount was spent in Kosovo; in Montenegro little was required in the way of relief supplies. The programme concentrated on co-ordination, protection and liaison.

351. By 14 April, UNHCR was funding 13 camps and collective centres, sheltering 14 per cent of the refugees in shelter in Albania.[35] By mid-May the figure rose to 16 per cent, and by the beginning of June the proportion stood at 12 per cent of those refugees in shelter, representing around 5 per cent of all the

refugees in Albania.[36] UNHCR's limited role in this highly visible sector further challenged its co-ordination function and credibility.

352. UNHCR set up shared facilities such as the joint AirOps Cell with NATO in Geneva, which co-ordinated all flights going into the region, and the Joint Logistics Centre established in Skopje during April.

353. Whilst UNHCR's provision of material assistance was probably relatively minor in comparison with the bilaterals, the Kosovo emergency was not in need of additional material resources. Indeed, many of those interviewed reported that the opposite was the case with assistance being supply- rather than need-driven. Gaps arose in part as a result of a flood of materials, often inappropriate, causing bottlenecks at the ports and airport, with UNHCR under considerable pressure from donors to accept unneeded assistance. Were some of the gaps that existed due also to weak co-ordination rather than scarcity of resources?

354. Arguably, the main impact of UNHCR's relatively minor role in the provision of assistance was on its capacity to co-ordinate the relief effort. If the visibility, control and influence arising from a majority funding of material assistance enables co-ordination, did UNHCR's limited role thus weaken its co-ordination function?

355. By June, UNHCR was funding around 20 per cent of the international NGOs in Albania and a similar proportion in Macedonia.[37] Whilst this appears to be insufficient to generate a "critical mass" of NGOs to establish effective co-ordination, a comparison with the emergency in Goma in 1994 is instructive in this effect. In Goma, where UNHCR is generally considered to have been a much more effective co-ordinator than in Albania, the proportion of NGOs funded by UNHCR was almost exactly the same (22 per cent). The main difference, it seems, relates to timing and credibility. While many NGOs in Goma were also financially independent from UNHCR later in the emergency, they were strongly dependent on it for funds earlier in the response.[38] By the time the NGOs achieved greater financial independence, UNHCR had already established co-ordination mechanisms which it had the credibility to maintain, regardless of whether it continued to be the main funder. The reverse occurred in Albania and FYR Macedonia, with few NGOs seeking funding from UNHCR in the early crucial weeks of the emergency.[39] UNHCR had neither the stick of funding control nor the carrot of valued co-ordination mechanisms. Clearly, funding plays a strong role in assuring co-ordination. Of equal importance however is skilled co-ordination, valued in its own right by many NGOs. Examples supporting this are the 35 NGOs in FYR Macedonia who wrote to the government and donors in support of UNHCR's co-ordinating role; only about a third of those NGOs were funded partners. Similarly, UNHCR Kukes successfully co-ordinated the NGOs without, for example, a single implementing partner in health.

Registration

356. A key foundation of the efficient delivery of assistance is knowledge of the numbers, location and demographics of the refugees, normally ascertained through registration. Registration is considered here in this context, while the relationship of registration to protection is discussed in chapter 6.

357. UNHCR has been strongly criticized for failing to complete registration of the refugees in Albania. Nonetheless, the vast majority was registered in some way.[40] However, registration was basic and fragmented; figures were disputed throughout the emergency and the exact numbers of refugees in host families was unknown.[41]

358. UNHCR planned a comprehensive "meticulous" registration in Albania, using new kits provided by Microsoft. These kits were designed not only to record detailed information, but to produce a plastic identity card for each refugee complete with photograph. The plan became a prolonged affair and a subject of tense negotiation between UNHCR, the International Organization for Migration (IOM), the Council of Europe, and the OSCE. Internal disagreements within the GoA further delayed the process and a general protocol was not signed until 22 May, planning having begun on 12 April. The kits did not perform well in the summer heat and took an average of 20 minutes to produce one card. This registration had only just begun by the time of the repatriation.

359. In FYR Macedonia the Ministry of the Interior and the FYR Macedonia Red Cross, funded by UNHCR, registered the host family refugees. IOM initially registered the refugees in the camps and those selected for evacuation to third countries. Subsequent camp registration was carried out by UNHCR, NGOs and the OSCE. The registration was completed just in time for the repatriation.[42]

360. UNHCR's Senior Regional Registration Officer had been assigned to Skopje, and a new approach, called Optical Markersheet Reader (OMR) registration, which had been piloted previously and could scan up to 7,000 registration forms per hour into a database, was used with considerable success. The OMR and the proximity of the camps to each other and to Skopje all combined to enable rapid registration and consolidation of information.

361. UNHCR has stated that the widespread criticism of its registration resulted from a misunderstanding of the normal objectives of registration and the conditions required to carry it out. The objectives of registration are to establish population figures for the purposes of planning programmes and to facilitate family tracing if required. UNHCR registration is normally carried out in phases, starting with estimates, proceeding to basic counting and completing the process only once the refugee population has stopped moving. As discussed in chapter 6, there was intense pressure from donors on UNHCR to carry out a registration that would provide credible, individual identity cards before the population was stable. This objective was above and beyond the normal expectations of registration in the early phases of an emergency. Given the centrality of registration to UNHCR's mandate, was it nonetheless an objective that UNHCR should have been able to achieve?

362. Completing the new, sophisticated Microsoft registration within 11 weeks would have been impossible. The inevitable glitches in a new system, the logistical challenges and the time taken to process each card did not add up to the time available. At 20 minutes a card, the process would have taken four months in Albania, working around the clock.[43] Completing even a "normal" UNHCR registration exercise would have been a considerable achievement.[44] In view of the continuing mobility of the refugees and the dispersal into host families, completing a full UNHCR registration within 11 weeks – a deadline only known with hindsight – was an unreasonable expectation against which the agency failed to defend itself and for which it could not possibly prepare.

363. Notwithstanding the difficulties encountered under such adverse conditions, there are a number of weaknesses that UNHCR can and should address in the light of the importance of registration to its mandate.[45]

364. Some of the subsequent problems arising from the dispersal of the refugees would have been reduced had UNHCR been able to field sufficient staff to co-ordinate an initial registration at the border in both countries. Additionally, in Albania it would appear that UNHCR was diverted from carrying out a standard registration by the ideal of the Microsoft system. Whilst the result, along with the

success of the OMR, will no doubt greatly benefit registration in the future, the wisdom of piloting an entirely new technique in the middle of a major emergency is questionable. Indeed the Microsoft system is in any case not viewed as appropriate to the initial phase of an emergency.[46]

365. More worrying, however, are striking structural weaknesses within UNHCR that would undermine even the achievement of "normal" registration objectives:[47]

- Despite the fact that registration is a key activity, UNHCR has only one Regional Registration Officer (based in Nairobi), and there is no Headquarters unit dedicated to registration.

- Each of the UNHCR programmes in the Balkans was using different, home-grown and mutually incompatible registration systems. This removed the utility of the registration databases as a regional tool enabling tracing and return planning.

- UNHCR's registration guidelines were reportedly not being followed by its staff, and those guidelines that existed had been under revision since 1998.

- The responsibility for registration falls into the gap between different organizational pillars in UNHCR's headquarters structure, resulting in no overall management of the process.

366. Finally, registration became something of an interagency battleground. UNHCR's limited time and resources should have led the agency into closer partnership with other agencies and into delegating responsibilities. This happened to a certain extent with the OSCE in both Macedonia and Albania.[48] However, in both countries the relationship with a potential partner, IOM, collapsed in the face of accusations of secrecy, excessive protectiveness, disagreements over ownership regarding data, and what appears at first sight to have been a display of agency territorialism. There was a lack of clarity over the respective mandates between both agencies. Moreover, as a result of pressure from donors, IOM was considering the inclusion of information regarding war crimes in the registration data collection, an objective that could be problematic for UNHCR's protection mandate. UNHCR therefore legitimately wished to protect its control of information and registration, but, owing to the magnitude of the project and its resource limitations, it was in a weak position to do so. Had UNHCR been able to produce a ready-to-use system, familiar to staff and regionally compatible, its ability to delegate, insist on an acceptable format and enforce standards would have been greatly improved.

Co-ordination

367. Co-ordination is one of most frequently used words in the language of humanitarian assistance. Various interpretations of co-ordination appear in numerous texts and evaluations and many were central to the expectations expressed regarding UNHCR's role during the Kosovo emergency. It is important therefore to clarify how UNHCR interpreted its mandate to co-ordinate and assess its performance in relation to those expectations. This is particularly relevant in view of the fact that many of the humanitarian agencies in Albania and FYR Macedonia were either unaware of UNHCR's mandate to co-ordinate or interpreted it in accordance with their own agenda, thus generating a wide variety of expectations.

368. UNHCR's role as lead agency mandated it to co-ordinate the UN agencies. It had no clear legal mandate to co-ordinate other actors. Notwithstanding the broad expectations of other actors, UNHCR itself clearly expected to fulfil the role of overall humanitarian co-ordinator in the Kosovo response. The agency's description of its mission ("UNHCR's Added Value") states that UNHCR field staff "take a leading role in co-ordinating all the actors: government, multilateral and NGOs".[49] UNHCR's Statute seeks to provide for the protection of refugees through, inter alia, "facilitating the co-ordination of the efforts of private organizations concerned with the welfare of refugees". The UNHCR *Handbook for Emergencies* refers extensively to the objectives and activities of co-ordination, advocating the principle of one co-ordinating body acting as a channel for all international assistance. UNHCR's role will therefore be evaluated with respect to its own objectives for system-wide co-ordination and its status as lead agency.

369. The meaning of lead agency has evolved since its first use in 1981 when the Secretary General reserved the right to designate, in exceptional and system-wide emergencies, "a lead entity from among the UN organizations, agencies and bodies".[50] The term has evolved since 1981 in an ad hoc manner through General Assembly Resolutions, EXCOM discussions and specific requests from the IASC and the Secretary-General. The concept of lead agency, and of the role of co-ordination, has never been precisely defined in the UN secretariat.[51] It is understood in broad terms that the lead agency is charged with overall operational and field co-ordination of the UN agencies and organizations. Various mechanisms exist to support this role, particularly the Memoranda of Understanding (MOU) established in 1996 and 1997 between UNHCR and the UNDP, UNICEF and WFP. The MOUs clarify the respective mandates and responsibilities of each organization and establish a framework for operational co-ordination between them.

370. UNHCR was the accepted, rather than the formally designated, lead agency in FYR Macedonia, Albania and Montenegro.[52] UNHCR was designated lead agency in former Yugoslavia following an invitation from the UN Secretary-General in 1991, a status which was subsequently accepted by the FRY authorities with regard to the Kosovo IDP emergency and confirmed by OCHA in 1998. By virtue of its existing lead status and the fact that the new Kosovo response was clearly a refugee emergency, the extension of its lead status was not contested by other UN agencies. Indeed, OCHA agreed to second staff to UNHCR to support its co-ordination function.

371. The formal authority enshrined in the lead agency designation does not extend to the NGOs, for whom instead UNHCR aims to "facilitate" co-ordination. The Oslo Declaration of June 1994 *recommends* that NGOs "should recognize the co-ordinating responsibility of UNHCR as the lead agency in refugee emergencies".[53] With the exception of partner NGOs under UNHCR sub-agreements – project-specific contracts funded by UNHCR – acceptance of UNHCR's co-ordination authority is entirely voluntary. Regarding other actors in the field such as the donors and NATO, there is little if any formal basis for UNHCR to claim a co-ordinating role.

372. In practice, the acceptance of an overall co-ordinating authority is determined not solely through formal or legal authority, but through power relations and considerations of effectiveness in the provision of humanitarian assistance. In the light of this, and UNHCR's more comprehensive objectives outlined above, the following section will consider its performance in relation to general co-ordination objectives of the overall humanitarian system.

UNHCR's performance in the co-ordination of assistance

373. As defined by UNHCR, the purpose of co-ordination is "setting standards, identifying and filling gaps in the assistance programmes, preventing overlap of activities and promoting the most cost-effective interventions".[54] In order to achieve these objectives, the co-ordinator needs to assume a planning role and to establish appropriate mechanisms.[55] As well as planning, mechanisms to facilitate the co-ordination role must be created and include the establishment of a single co-ordinating authority and co-ordination mechanisms such as meetings and information dissemination.

374. Good planning and appropriate co-ordination mechanisms will support the objectives of setting standards, filling gaps, preventing overlap of activities and hence promoting the most cost-effective interventions. How well did UNHCR perform in this respect?

375. Overall in Albania, UNHCR was perceived by the GoA and humanitarian agencies as being weak in terms of co-ordination in Tirana and all sub-offices until late in the emergency. The exception cited was Kukes, where UNHCR was perceived as playing a strong co-ordinating role. In FYR Macedonia, those interviewed described UNHCR as initially weak but improving over time, at least centrally. UNHCR noted on 20 April that "UNHCR's leading role and co-ordination mechanism has finally succeeded in being recognized by all".[56] Its co-ordination at field level, however, remained weak for most of the emergency. In Montenegro, co-ordination mechanisms and relationships established prior to the emergency functioned well and were generally viewed positively by other UN agencies and the NGOs. The government valued its continued presence and viewed its role as constructive and stabilizing. What factors contributed to the different perceptions of UNHCR's performance?

Planning – needs assessments, monitoring and allocating responsibilities

376. It would appear that little UNHCR or bilateral overall needs assessment took place in either Albania or FYR Macedonia early in the emergency. Indeed, the response appears to have been characterized by numerous interventions, each being implemented without an overall sense of the needs. The rapid influx, combined with the dispersal of the refugees to thousands of host families, complicated the process of needs assessments. UNHCR was slow to establish a field presence and hence was short of staff to carry out assessments and gather information at the crucial outset of the emergency. Meanwhile, the bilaterals and many NGOs acted according to their own criteria and priorities.[57]

377. At Headquarters, information sharing through meetings and telephone conferences was extensive. Whilst these were useful fora for information exchange, some participants reported a marked absence of strategic planning and shared analysis, especially early on in the emergency.

378. UNHCR lacked the monitoring information on the host families necessary to assess their needs, commenting in the Skopje situation report of 20 April that there were "anecdotal reports" that the refugees were coping adequately in the host families. Knowledge clearly remained weak during April, but improved in May, when a survey was planned and a task force established. UNHCR subsequently implemented a project that paid for the cost of utilities in host families.

379. Monitoring necessitates field presence. The limited UNHCR presence reduced monitoring, and there is little evidence in situation reports and meeting

minutes to suggest that UNHCR was able to supplement the information received from agencies working in the field.[58] To offset its own limited staff coverage, UNHCR could have developed far greater partnership and consultation with agencies that had a field presence, particularly with the NGOs. Additionally, "quick and dirty" sample needs assessments would have generated improved knowledge of the refugees' perceptions and needs, informing planning and responsive programming.

380. Inter-agency allocation of responsibilities within the UN is based on established MOUs. In the field, other UN agencies, as well as some intergovernmental agencies and NGOs, had worked out complementary roles previously in the contingency plans.[59] For the UN agencies, who did what was therefore less of an issue than in the wider system, and worked well. Some difficulties nonetheless arose between UNHCR and the WFP. In the 1997 MOU, the WFP is responsible for delivering bulk food to extended delivery points (EDPs) which are at field locations as near as possible to the point of distribution. UNHCR has the task of supplying foods and associated items to complement WFP deliveries and then of distributing the food directly to the beneficiaries. Tensions and reduced effectiveness arose due to an inability of UNHCR in some cases to fulfil its part of the bargain. This raises the issue of whether this division of responsibility between agencies for "normal" emergencies is appropriate when the system is under intense pressure, as it was in Albania and FYR Macedonia. When another UN agency has a specific sectoral mandate, such as the WFP, there should be greater delegation of responsibility, particularly in the supply area of complementary foods and associated items.

381. There is little evidence of UNHCR being able to allocate programme responsibilities to other actors, at least during the first month or more of the emergency.[60] In May, NGOs were reported as continuing to arrive unannounced, often depositing inappropriate materials and sometimes simply entering the camps and setting up a project without reference to either the government or UNHCR.

382. In Albania too, campsite planning, construction and management frequently occurred without any UNHCR involvement, or even knowledge.[61] Donor governments commonly requested their own troops to build a site and then contracted an NGO, usually from their own country, to manage it. It is reported that the division of responsibilities earlier on in the emergency was done largely by the NGOs themselves or in response to donor or government requests. The lesser attention of the Emergency Management Group (EMG) and NGOs to the host families, the handicapped and the elderly was noted by UNHCR Tirana. UNHCR appears to have been unable to alter the focus, as evidenced by the continuing overall low provision of assistance by donors and NGOs to host families, and UNHCR's decision to implement its own cash for host family project.[62] UNHCR Kukes made concerted efforts to dissuade new NGOs from arriving which were superfluous to need, and delegated sectoral lead agency roles to other UN agencies and experienced NGOs.

383. Long-established practices such as the involvement of the refugees in their own care and the employment of the local population, commonly encouraged by UNHCR and partner NGOs, were not adopted by many bilateral camps, where they were replaced by and large by military personnel.[63] This was contrary to good practice and constituted a missed opportunity to contribute to the local economy in countries with 22–24 per cent unemployment.

384. Later on in the emergency, UNHCR in FYR Macedonia appears to have made more use of the local population, as well as other actors such as KFOR and the OSCE.[64] By late May there was a greater sense of UNHCR gaining control in

both countries, of having an overview and planning ahead. UNHCR was instrumental in drawing up plans for winterization, repatriation and environmental clean-up activities. This strengthened role relates to a number of factors: UNHCR's improved staff presence over time, as discussed in chapter 4; UNHCR's increased participation in the chief co-ordinating mechanism in Tirana, the EMG, and importantly, as we shall see below, an increased willingness over time of many actors to *be* co-ordinated.

Co-ordination mechanisms – meetings, information exchange and facilitation

385. In addition to international and regional agreements and MOUs established with other UN agencies, UNHCR uses information exchange and meetings as the main co-ordination mechanisms. Other services also facilitate co-ordination such as shared facilities, the orientation of newly arriving agencies, provision of guidelines and administrative services vis-à-vis host government offices.[65]

386. At Headquarters, information sharing was generous, with regular interagency meetings and telephone conferences.[66]

387. In Montenegro general co-ordination meetings were held twice weekly, attended by government representatives, UN agencies and NGOs; regular sectoral meetings were also held.

388. There were two key co-ordination meetings in Tirana: the Emergency Management Group (EMG), held in the Prime Minister's offices and the Humanitarian Information Centre (HIC) set up by the NGOs with funding support from UNHCR.

389. The EMG was initiated by the OSCE and initially chaired by the GoA. Participants included the relevant Albanian ministries, donors, inter-governmental organizations, UNHCR, the WFP and NATO. This meant that a more traditional co-ordination forum, dominated by international humanitarian agencies, was replaced by one of strong national participation and the involvement of actors usually excluded from the everyday decision-making of an emergency. The EMG comprised a high-level policy making desk and, after about two weeks, sectoral desks closely linked to the policy making desk. The EMG was the focal information point for all key actors with the exception initially of the NGOs.[67] NGOs were consequently out of the loop, not only on operational matters, but also in terms of access to the political realities prompting various planning decisions. This situation was addressed and representatives of the NGOs attended from mid April onwards.

390. The second key co-ordination mechanism was the Humanitarian Information Centre (HIC), a co-ordination unit for the NGOs.[68] The HIC was considered to have improved co-ordination greatly, but was not fully established until at least the end of April. It was preceded by sectoral co-ordination meetings chaired by UNHCR and weekly inter-agency meetings attended by more than 200 UN, OSCE, NATO and NGO personnel. UNHCR did not chair these plenary meetings until 18 April, some three crucial weeks into the emergency. The number of participants meant that they were widely considered to be, at best, an information sharing platform and an access point for the EMG to the NGOs. They were not an appropriate mechanism for co-ordination and planning. Most NGO co-ordination continued to take place at sectoral level outside the EMG with UNHCR and other UN agencies.

391. UNHCR was viewed by other actors as largely peripheral to the EMG and the HIC. Indeed, UNHCR was often perceived as seeking to undermine the EMG. How did this happen?

392. Early UNHCR participation was minimal, and it did not take over joint-co-ordination of the EMG until 12 April.[69] This could be explained by two main factors:

- poor relations between UNHCR and the GoA;
- a low estimation by UNHCR of the political and operational value of the EMG.

393. As discussed at the outset of the report, the Albanian government rapidly turned towards NATO and the donors, not UNHCR; relations turned sour almost immediately.[70] Prior to the emergency, UNHCR's government partner was the Office for Refugees (OFR). The OFR was sidelined by the government, which had appointed new refugee interlocutors to the EMG. UNHCR therefore had to adapt not only to new partners with whom it had poor relations, but also to a competing co-ordination platform. It was one of several participants, rather than the lead player. Further, UNHCR did not perceive the EMG as an operationally effective tool: it was not a decision making body, since problems were routinely referred outwards to the line ministries and operational decisions were often made bilaterally outside the meeting.[71] Many of the participants were relatively inexperienced in operational matters and the slow process of decision making threatened to undermine UNHCR's implementing capacity. UNHCR's reaction was to continue to run parallel sectoral co-ordination meetings and to meet with the ministries independently.[72] It also participated in an apparently non-committal manner.

394. UNHCR was represented on the EMG initially by a junior member of staff and subsequently by OCHA staff on secondment, who also acted as the UNHCR–NGO liaison officer. Participants, including many UNHCR staff, almost universally viewed them as OCHA rather than UNHCR, which reinforced the perception of low UNHCR involvement. The perception was compounded by the lack of authority of the secondees to make decisions without referring back to senior UNHCR staff, and their lack of information about the everyday running of the programme.

395. Did the use of OCHA secondees instead of senior UNHCR staff represent a failure to adapt to and respect the EMG? UNHCR senior management rightly viewed their OCHA secondees as UNHCR staff and therefore considered that UNHCR was fully represented on the EMG and the HIC. In practice, the approach failed. The OCHA staff interpreted their role as co-ordinating within the EMG, not representing UNHCR.[73] Other UNHCR staff and agencies regarded OCHA employees as representing OCHA. Most explanations refer to the lack of clear terms of reference for the OCHA staff, UN "tribalism", attributed to both parties, and the inevitability of secondees retreating to their respective "home" organizations when seconded to an organization under fire. Whatever the reason, it would appear that the use of secondees in a high-profile position requires clarification within the UN system and careful management. It may in this case have been an error of judgement.

396. UNHCR correctly pointed to the weaknesses in the EMG co-ordination model.[74] Many of the co-ordination weaknesses in Albania discussed in this chapter are attributable to the EMG, not UNHCR. Regardless of the merits of the EMG, it was clearly the power base of the response to the emergency, being the main meeting point of the most powerful actors. Its political centrality and

durability appears nonetheless to have been underestimated by UNHCR until sometime in June, when the agency began to play a key role. Through late participation and inappropriate representation, the Tirana office failed to adapt to the challenge of a new co-ordinating mechanism that involved the participation of a large number of bilateral and military actors. The notion of genuinely sharing the platform with national authorities and other agencies appeared to be a challenge to the skills and attitude of UNHCR staff. NGOs had a similar impression in the HIC, believing that UNHCR felt threatened by the independence of the committee. This was ironic, given the agency's commitment to support, rather than substitute or compete with host government and NGO co-ordination initiatives.[75] The result was a missed opportunity for UNHCR to share its extensive experience within the EMG and the HIC, and thus to improve their co-ordination capacity and coverage. This would have been more appropriate to UNHCR's role as lead agency, facilitating the overall response.

397. By contrast, in Kukes co-ordination worked well, with regular appropriately attended meetings at policy–government level and field–sectoral level. Leadership was collaborative and oriented towards partnership and maintained a good relationship with the government, thus providing for operations a constructive framework which was widely appreciated.[76]

398. The thin presence or the non-existence of UNHCR at other sub-offices prevented good co-ordination early on in the emergency, as offices were late to be established and were subsequently managed by junior staff.[77] Such staff were confronted with staff from donor countries, intergovernmental agencies and NGOs, many of whom were considerably more experienced than the junior UNHCR person. As a result, UNHCR's authority was undermined. Once established, however, most offices set up co-ordination meetings and the situation improved.

399. UNHCR's capacity to provide information was frequently criticized. In Albania, in particular, this partly reflected the agency's thin staff coverage around the country. Moreover, UNHCR's communications system was poor, and even its own sub-offices were poorly informed by Tirana.[78] Many NGOs used the OSCE as a source of information, as their staff were present in all 12 prefectures and monitored all border crossings.[79]

400. In FYR Macedonia reports from interviewees of early co-ordination meetings were highly critical. UNHCR attendance was often poor or late, and the meetings were unstructured and attended by 150 or more people. Following this slow start, UNHCR organized co-ordination meetings fairly well in Skopje. By mid- to late April, management of the meetings had improved. Numbers at the inter-agency meetings were restricted to enable better co-ordination and information sharing and most weekly or fortnightly sectoral meetings were established by the third week of April.[80] UNHCR representation was at an appropriately high level and the co-ordination of sectoral meetings delegated to an appropriate agency.[81]

401. Field co-ordination meetings were usually held daily in the camps, although UNHCR frequently did not attend.[82] The NGOs consequently mainly co-ordinated amongst themselves. Additionally, the communication of decisions made at the Skopje meetings to the operators in the field was poor.[83] As a result, many of the decisions made in Skopje lacked the benefit of field information. Similarly decisions from meetings in Skopje sometimes appeared to both UNHCR field staff and the NGOs as directives, without an understanding of the often difficult negotiations which preceded them.

402. UN agency meetings between senior UN staff took place in Skopje under UNHCR's leadership.[84] In Tirana, the UNDP Resident Co-ordinator held meetings attended by senior UN staff, including UNHCR. However, several UN agency staff reported limited joint planning, information exchange and facilitation of the UN response expected of the lead agency, particularly in Tirana.[85] If UNHCR is to fulfil the lead agency role, it needs to allocate significant additional resources to the task such as dedicating trained staff, communications equipment and resources to co-ordination. This is a demand over and above the agency's co-ordination of its own operations and implementing partners.

403. UNHCR facilitation "services" for the broader system, such as shared facilities, orientation of new agencies and administrative processes vis-à-vis the government, were substituted by the EMG and the HIC in Albania. Kukes provided logistical support to other agencies, operated a 24-hour radio room and common security plans, and pooled resources. Facilitative services were limited in FYR Macedonia partly because of intermittently difficult relations with the government. However, UNHCR played a strong role in helping NGOs clear goods at the airport, and supported them in finding indirect routes to working in the country. Negotiations over use of contractors, local authority liaison and problem solving were left largely to the NGOs, although UNHCR was able to solve some problems after lengthy discussions.[86] UNHCR was criticized for being unable to persuade the government to allow NGOs to install facilities at Cegrane; instead the government greatly delayed construction through using the contractor, Pelagonija. However, it would appear that the field had little idea of the difficulties UNHCR encountered.[87]

404. The sheer number of actors in such a crowded emergency presented a fundamental challenge to co-ordination. If all actors are invited to meetings they cease to be co-ordination and become, at best, a time-consuming method of basic information sharing. Conversely, if numbers are sufficiently rationalized, many actors are excluded. UNHCR Skopje was more successful at limiting attendance at inter-agency meetings.[88] However, there were 67 international NGOs in FYR Macedonia, compared with 180 in Albania. The best that can be hoped for with such numbers is optimal information exchange through written information and well-managed meetings. Effective analysis and joint planning are the casualties of extensive bilateralism in high-visibility emergencies.

405. The intended outcome of co-ordination mechanisms and planning are avoidance of gaps and duplication and the promotion of accepted minimum standards. What, therefore, were the consequences of the weaknesses described above?

Avoiding duplication, gaps and waste

406. There were several examples of agencies duplicating activities: both AFOR and UNHCR set up reception centres on either side of the railhead in Shkodra. In FYR Macedonia one camp had three health agencies servicing only 1,500 refugees. The Swiss started a cash project for host families, duplicating part of the same project being implemented by UNHCR. There were examples of one donor surveying a site and rejecting it, whilst another donor, unaware of the rejection, subsequently accepted the same site.[89]

407. Gaps in the food supply were reported earlier in the emergency. UNHCR was unable to match the WFP's supply rate with its own provision of complementary food and associated items. As a consequence WFP became frustrated at the slowness of distribution and the creation of, for example, an artificial food shortage resulting from UNHCR's slow delivery of cooking sets,

rendering some WFP food unusable. There were disagreements over whether the WFP should extend its mandate and deliver beyond the extended delivery points normally undertaken by UNHCR and also in the selection and management of food distribution implementing partners.

408. The biggest gap in both Albania and FYR Macedonia was support to the refugees in host families. Whilst recognizing the need, and co-ordinating with the WFP to supply food to the refugees in the families and with the IFRC to supply food to the families themselves, there is no report of UNHCR fulfilling its own objective to fill gaps in the supply when the programme suffered delays.[90] UNHCR supported the host families through cash payments in Albania and payment of utility bills in FYR Macedonia, but the complexity of implementation meant that the cash payments had not been received by the time of repatriation.

409. The UNHCR Skopje situation reports make several references to filling gaps in community services, particularly for the handicapped and the elderly in the camps, although it is not clear if this was the result of UNHCR strategy or an NGO focus.[91]

410. There are several reports of inappropriate donations in kind being sent by well-intentioned organizations and governments. The goods arrived without reference to UNHCR and were not only out of its control, but contributed to seriously clogging up the supply routes. To a certain extent this is again a feature most problematic in a European emergency with its greater proximity and public interest. Public information campaigns advising against such goods during the response may have minimized but would not have removed the problem.

Standards and cost-effectiveness

411. Standards were extremely variable. Camps were built without reference to UNHCR standards in a wide range of sectors. Some camps were below standard, while others provided facilities of such relative luxury that cost-effectiveness is called into question in a way previously unheard-of in emergency work.[92] An overall assessment of the cost-effectiveness of the response is not possible. However, anecdotal reports of the unusually high costs of camp building and the services provided by hundreds of military or civil defence staff per camp, suggests that costs were unnecessarily high. Costs were also not evenly distributed as resources were disproportionately biased towards the camp populations.

412. The unsustainability of the finances needed for maintaining these sites would have led to a crisis had the refugees remained. Further, the bilaterals had little interest in continuing to manage the camps. The process of handing over from the military to UNHCR or the NGOs had already caused considerable tension with the refugees due to a reduction in service. The technical shortcomings of some camps would have created further problems, had repatriation not occurred before the winter. Tension over the availability of relatively luxurious facilities may have built up between the refugees and the (poorer) local population in Albania. Tensions were already occurring between refugees at different sites with differing standards. Co-ordination when standards vary so greatly is made vastly more difficult as refugees vote with their feet.

413. In FYR Macedonia, on the other hand, camps were overcrowded and constituted a very real fire hazard, each person having an average of as low as $8m^2$ per person.[93] Many interviewees described the camps as a disaster waiting to happen. In Albania some camps and the collective centres especially were well below UNHCR's standards, particularly in sanitation.[94] In some cases bilateral activities were ceased without time being given for NGOs to take over – portaloos

were withdrawn at one key camp at only one day's notice. Sanitation was also a significant problem in FYR Macedonia. This was due to the crowded camps, the geophysical limitations of the land and the government's insistence on the use of the state contractor at certain camps.[95] In addition, military-style sanitation arrangements are not for long-term camps with large numbers of people. Hence portaloos and latrines rapidly filled and overflowed. Suitable sites for emptying the sewage were limited.

414. Military construction of sites led to a lack of consideration of "soft" planning aspects routinely considered by humanitarian agencies, such as recreational areas and the siting of latrines in well-lit areas to reduce security risks for women. Showers and latrines were constructed with little consideration for privacy, often having open doors and transparent sheeting, resulting in women being harassed. Considerable efforts were made later on to find adequate space amongst the tents for recreational activities, although it is unclear who initiated these interventions.

415. The insistence of donors on using their "own" NGOs was a critical factor with respect to standards: nationality, not capacity, was the selection criterion and some NGOs could not fulfil their allocated tasks, producing sub-standard work.

416. Most importantly, the two main saving graces of the operation – the hosting by families, and the refugees' ability to pay for rent and food – are unlikely to have been sustainable.[96] The need for winterized shelter would have become an enormously pressing issue and the variable standards a source of potential crisis.

417. In both Albania and FYR Macedonia UNHCR provided guidelines on standards, although distribution was as ad hoc as the planning and implementation of the projects. The distribution of established guidelines earlier in the emergency, such as those produced by the Programme and Technical Support Section (PTSS), is to be commended and was appreciated, though not necessarily respected, by other actors. Guidelines for other sectors or activities had to be written during the emergency and, whilst a positive example of UNHCR's ability to facilitate professional standards, were hence produced too late for the crucial early stages of the response.[97] The production of generic guidelines at Headquarters for all major relief eventualities would reduce pressure on the field during an emergency and facilitate rapid dissemination.

418. References to UNHCR intervention to improve standards are limited in the Tirana situation reports. Those mentioned by respondents from other agencies were usually negative, as UNHCR was perceived as arrogant and unsympathetic to the very real difficulties faced by some agencies in meeting needs (a grievance exacerbated by the perception that UNHCR itself appeared to be doing so little). In Kukes, UNHCR delegated sectoral co-ordination to lead NGOs. However, it did not make this official, and hence the ability of those NGOs to insist on standards was severely undermined.

419. There are many references throughout the Skopje situation reports to standards and to attempts by UNHCR to resolve difficulties. It is difficult to tell who took the initiative, as both UNHCR and NGOs claim responsibility. UNHCR was acutely aware of the overcrowding in the camps, but there was little it could do, given the government restrictions on camps.[98] UNHCR accepted the risk of overcrowded camps in the immediate term, and concentrated on negotiating for medium and longer-term solutions. In an unenviable position, UNHCR probably made the most rational decision possible.

420. The expectations of the refugees in the camps and the provision made far exceeded the type of aid supplied to refugees in Africa. Not only did this create additional burdens on the provision of aid, as mattresses, nappies, bottled water and sanitary towels were included in the distributions but also raises serious questions for some regarding the global equity of standards.

Conclusions and recommendations

421. Overall, the results of the weak co-ordination described were not catastrophic. Levels of waste may have been greater in this case than elsewhere, but comparable data does not exist to support this anecdotal perception. Variable standards are documented and raise serious questions. With the resources pouring into the country, gaps in assistance and services below minimum standards should not have arisen in many cases. The weak co-ordination partly responsible for this is not solely attributable to UNHCR. It also relates to an intensely competitive bilateral environment, dominated in resource and numerical terms by independent actors who sought to carve out a role in what became, at times, an unseemly race for visibility, rather than a desire for a rational allocation of responsibilities. In this context, UNHCR attempted to co-ordinate a majority of humanitarian actors over whom it had no formal mandate to do so. Further, it lacked the authority accorded by alternative sources of power, such as significant control of funding or formal designation by the host government, mechanisms enjoyed in previous emergencies. This difficult co-ordination environment coincided with internal weaknesses displayed by UNHCR.

422. UNHCR's co-ordination capacity varied in accordance with its staff capacity. Co-ordination is a skilled activity which demands considerable resources of UNHCR in terms of staff and time, all the more so when playing the lead agency role. UNHCR's inability to deploy sufficient numbers of experienced co-ordinators undermined its capacity to provide authoritative and consistent leadership.

423. Under pressure, the agency focused its limited resources on its own operational performance and paid insufficient attention to its role as lead agency. Lead agency responsibilities demand additional resources, and staff should not be expected to undertake the role as an "add-on" to existing work.

424. UNHCR should ensure that staff are trained to co-ordinate. This should include the management of meetings, awareness of guidelines and information management.[99]

425. UNHCR should increase the availability of its senior technical co-ordinators. Such sectoral specialists should either be part of the EPRS, or Headquarters should increase capacity within the technical units such as PTSS, STS and ICSS to enable each section to deploy staff to an emergency without undermining headquarters capacity.

426. Secondment of staff from OCHA to UNHCR should be a valuable mechanism for increasing the lead agency's co-ordination capacity. However, confusion over the role and status of OCHA staff seconded to UNHCR undermined UNHCR's credibility and the lead agency role in Albania. To the extent that this was the result of poor human resource administration, the UN agencies should clarify the contractual status of secondees, including the development of clear terms of reference. To the extent that the mechanism failed as a result of intractable UN territorialism, alternative methods of increasing in-house co-ordination capacity should be developed, as outlined above.

427. The mechanism of MOUs between UN agencies worked well and should be built upon.

428. The responsibilities of the lead agency are poorly defined. The UN agencies need to establish, via clear terms of reference or MOU, exactly what functions are expected of the lead agency. The definition should include the mechanisms required to ensure detailed shared planning and analysis in the field and at Headquarters and expected services provided by the lead agency. Clear objectives would also serve to force UNHCR to assess realistically the resources required to fulfil them and reduce the mismatch between the expectations of other actors and the mandate of the lead agency.

429. Limited computers, radios and telephones, particularly earlier in the emergency, reduced UNHCR's ability to collect and circulate information between the humanitarian actors in a timely and accurate fashion. In order to fulfil the considerable information needs of a large emergency, staff and equipment dedicated to the purpose of information management need to be included automatically in the agency's resources.

430. UNHCR was not able to play a significant role in the dissemination of guidelines to facilitate the implementation of minimum humanitarian standards. This is partly explained by the lack of respect demonstrated by some actors for established humanitarian standards. It is also the result of a lack of comprehensive and readily available guidelines. The commendable model of established guidelines such as those produced by the PTSS should be extended to all key sectors, enabling rapid adaptation for country-specific circumstances.

431. The expectation of other actors of UNHCR to complete a full registration in the short time available was unrealistic. However, poor initial staff deployment, lack of regionally compatible registration systems, introduction of new systems during the emergency and the resulting inability to distribute clear and unequivocal guidelines to other actors undermined UNHCR's ability to optimize and manage the registration process. The lessons learned during the Kosovo emergency should result in clear guidelines and procedures for rapid-onset, massive emergencies. A dedicated headquarters unit, specially trained staff, clear management lines of authority and responsibility and standard guidelines and formats should be established as soon as possible.[100] The inclusion of a registration specialist on the EPRS, or at the very least as an immediately deployable headquarters resource, should be considered.

432. In the absence of contractual or funding obligations with regard to other humanitarian actors, UNHCR's ability to control or influence the implementation of assistance by independent actors was weakened and the agency was forced to earn the right to co-ordinate in a consensual context. UNHCR can only co-ordinate those who will be co-ordinated. Variable support from host governments and other humanitarian and military actors, publicly critical donors, many of whom prioritized national visibility over co-ordination, NGOs who failed to participate in any co-ordination mechanisms at all – all served to undermine severely UNHCR's ability to co-ordinate.

433. Donors and NGOs should accept their full share of the responsibility for the marginalization of co-ordination. Donors should support co-ordination through publicly supporting UNHCR and by tying NGO funding to a co-ordination contract with UNHCR.

434. The NGOs have developed mechanisms to enhance effectiveness and regularize standards. Whilst not a system of accreditation, reference to mechanisms such as the Humanitarian Code of Conduct, the Sphere project and

the recent Ombudsman project initiated by the NGOs, would be a useful guideline for host governments and donors and a reference point for UNHCR.

435. Such guidelines should also be part of emergency preparedness for host governments. This would increase the awareness of governments of the role of NGOs and enable them to support the lead agency in assessing capacity through appropriate tools based on criteria adopted and promoted by experienced NGOs themselves.

436. The number of humanitarian actors in both countries was huge and the presence of capable and experienced implementing partners variable. Various strategies can be and were adopted to rationalize the numbers of agencies attending meetings but regardless, the presence of so many NGOs and "new" actors radically undermined co-ordination. In a bilateral context, UNHCR alone cannot "screen" the actors to ensure that numbers and experience correspond to need. This issue is a shared responsibility and should be addressed at EXCOM.

Notes

[1] This chapter was written by Peta Sandison.
[2] Operational refers to the provision of materials and implementation of assistance projects via implementing partners.
[3] In keeping with the terminology current during the emergency, donors implementing operational projects directly are referred to as "the bilaterals".
[4] The GoA mobilized an impressive transport capacity of 500 buses and trucks, enabling 300,000 refugees to be transported south from Kukes. UNHCR funded the GoA to the tune of $7.8 million for transport and follow-up assistance in the prefectures.
[5] NATO managed the airport, provided logistical support and transported 20,000–30,000 refugees from Kukes, flying in more than 13,000 tonnes of food, tents, medical supplies and water into the region.
[6] At the end of April there were 171 sites sheltering 31 per cent of the refugees (85,000), with some 270,000 with host families. By mid-May, refugees in shelter reached 153,000, rising to 179,612 refugees by 8 June, nearly half of whom (84,461) were in tented camps.
[7] On 8 June a total of 351 sites were completed or planned: 279 collective centres, 56 tented camps, 16 mixed accommodation sites. Of these, 251 were completed, 27 were partially occupied / completed, 54 were still under construction and a further 19 were planned.
[8] EMG SitRep 23 April.
[9] The reluctance was due to a number of factors. The refugees were waiting for relatives still to come, there were government and practical constraints to moving their tractors south, and there was an unwillingness to depart without them. In addition, uncertainty about security and conditions, limited information on the availability of accommodation further south and the hope of an imminent return home made destinations in the rest of Albania unattractive, despite the overcrowding in Kukes.
[10] EMG shelter database 11 June. The planned capacity of 368,651 was more than double the occupancy; however, according to UNHCR the actual spare capacity was estimated in early June to be for around 40,000 refugees. Shelter figures are confusing; empty camps newly under construction are grouped in the same category as virtually completed, occupied camps.
[11] EMG situation reports contain numerous requests from UNHCR to donors to provide camp status information.
[12] UNHCR SitRep 31 May – 7. The US retained its plan to build two more camps until optimism in the build up to the signing of the peace agreement finally suspended further camp construction on June 8th.
[13] Exceptions were some distributions; for example in May no aid was received in Bajram Curri for 10 days due to security concerns.
[14] Refugees International, *Report of Mission to Albania* 17 June, 1999, and *Rapid Needs Assessment Among Kosovar Refugees Hosted by Albanian Families*. MSF 29 April, 1999
[15] *Rapid Needs Assessment*: MSF's survey of 2,379 Kosovars and Albanians showed that 20 per cent had received no food at all, and 57 per cent only one distribution. The situation had improved by late May, but Refugees International reported in June that families in small towns and villages had still received no assistance.
[16] There are repeated discrepancies in the figures for refugees with host families.
[17] Most refugees paid high rents, averaging DM 250 a month. The UNDP estimates that $6 million a month was spent in rent alone.
[18] In mid-April 450 journalists were registered at NATO's press centre.

[19] In mid-April UNHCR and the DRC established a joint logistics centre (JLC) and encouraged all UN agencies and NGOs to co-ordinate supplies through this unit. The JLC, help from NATO at the airport and an air cargo handling team sent on 23 April by the UK government's Department for International Development (DfID) gradually reduced bottlenecks.
[20] The planned hand-over from KFOR to UNHCR/NGOs in mid-April was delayed, and NATO retained 100 personnel in their four camps. The date of the eventual hand-over is unknown, but by 26 April most of the camps were NGO-run.
[21] The High Commissioner wrote to the President of FYR Macedonia, and the US and German governments planned to appeal directly to him had a resolution not been found.
[22] The number of new refugees slowed in the first half of May, relieving the pressure on camps until the third week of May, when a further 30,000 crossed in four days. By the end of May, camp places had peaked at 111,500 (with over 138,000 in host families) and planning was in place for further camps. UNHCR, the DfID, and the MUPC planned for a winter-standard camp for 20,000 refugees at Vrapciste. The camp was begun on 9 June but was suspended as a result of the repatriation to Kosovo.
[23] Up to 152,432 people.
[24] 27 collective centres had been set up by 26 April 1999.
[25] The Emergency Fund at the High Commissioner's disposal doubled in 1991
[26] UNHCR *Handbook for Emergencies*, 1982, ch. 1, section 1.2. The 1982 version is used throughout as a reference as it was current at the time of the emergency. A 1999 edition is now available.
[27] For example, during the emergency period it imported 895,670 blankets, 36,880 tents, 753,626 rolls of plastic sheeting, 725,000 hygiene parcels and over half a million mattresses.
[28] See Chapter 4 for an evaluation of UNHCR's logistics response.
[29] 1,206 tents, enough for 24,120 people, were delivered by UNHCR in early April; 500 were despatched to Kukes.
[30] All expenditure figures available cover the period from April to the end of 1999, and therefore include costs incurred following the repatriation. It can be assumed, however, that the majority of the expenditure occurred within Albania and FYR Macedonia during the emergency.
[31] UNHCR *Project expenditure summary March to June 1999*, August 1999: some programme agreements may not be reflected in the figures.
[32] Host families received $10 per refugee per month backdated to 1 April. The effectiveness of the project cannot be evaluated due to the repatriation. It was viewed by UNHCR as the most effective way of supporting the widely dispersed families, but by others as less appropriate than additional food and non-food items, especially for many poorer host families living in a largely non-cash economy. Distributions, however, would have been logistically more demanding and probably beyond UNHCR's capacity at the time.
[33] Of the FYR Macedonia sub-agreements drawn up by 31 May, totalling $14.9 million, $4.55 million (30 per cent) was allocated to the Ministry of Urban Planning and Construction and the Ministry of Health. Thirteen NGOs were implementing partners.
[34] According to interviews ideas of supplying food to the host families originated from the NGOs and the WFP. However, the FYR Macedonia government had approached UNHCR in late March, requesting assistance to the host families and FYR Macedonia social cases. UNHCR approached ECHO, which earmarked funds for the programme, and the IFRC and CRS subsequently provided food to both the host families and their refugees.
[35] UNHCR SitRep: 5,750 people out of a total of nearly 39,000.
[36] EMG shelter data bases, 17 May and 2 June 1999.
[37] UNHCR had 36 NGO implementing partners (out of 180) in Albania by June 1999, and 13 (out of 67) in Macedonia by 31 May 1999.
[38] UNHCR received nearly 24 per cent of total recorded funding for the Rwanda emergency. However, the NGOs accounted for nearly 20 per cent. *Joint evaluation of emergency assistance to Rwanda*, Vol. 3, March 1996.
[39] Prior to the emergency, UNHCR Albania funded seven implementing partners (IPs) for a total of nearly $3 million. By 23 April, UNHCR had only nine IPs funded for almost $6 million. UNHCR in FYR Macedonia had no implementing partners in March prior to the emergency.
[40] The local authorities initially registered the refugees in Kukes, recording basic information such as the name of the head of family and the number of family members. Camp managers registered refugees at each site. The OFR had completed host family registration in most prefectures by the end of May.
[41]On 27 May uncertainty about the reliability of host family refugee information led to a decision that the IFRC set up a new data base. Figures for host family refugees were referred to as "under revision" for the remainder of the emergency.
[42] Four camps had been registered by mid-April, all of them by the end of April. The discovery that at least 14,000 refugees in host families had not been registered at all added to concerns that registration was incomplete, and a verification registration was planned in early June.
[43] Microsoft donated 100 kits for Albania and FYR Macedonia. The calculation assumes 50 kits per country.
[44] The joint evaluation of the Rwanda emergency describes the completion of registration in Goma within 10 weeks as "record time" – and this for a population entirely in camps, not dispersed throughout the country and still mobile at the time of repatriation. *Joint Evaluation of Emergency Assistance to Rwanda*, Vol. 3, March 1996.

[45] Registration at least provides important basic information on which to base planning. Additionally, the contact through the registration process with UNHCR staff would have raised awareness of the humanitarian programme amongst host family refugees, many of whom were reported by NGOs to have been unaware of their rights to assistance.
[46] Fedde Groot, *Report on Registration of Refugees from Kosovo 15 April – 15 July*. 28 July 1999
[47] Ibid.
[48] According to UNHCR OSCE did not wish to be directly involved in Albania, but agreed to assist with monitoring and logistics
[49] UNHCR's *Status Report on the Kosovo Special Operation, 30 April 1999* and on the website
[50] GA Resolution 36/225 1981.
[51] A. Cuncliffe and M. Pugh, "The UNHCR as Lead Agency in the Former Yugoslavia", *Journal of Humanitarian Assistance* , April 1996.
[52] Source: UNHCR.
[53] Partnership in Action, Oslo Declaration and Plan of Action, UNHCR and International Committee of Voluntary Organizations, June 1994 (from Cuncliffe and Pugh, "UNHCR as Lead Agency").
[54] UNHCR's Status Report on the Kosovo Special Operation, 30 April 1999 and on the website.
[55] The 1982 UNHCR *Handbook for Emergencies* describes key activities that enable planning: needs assessments, the allocation of responsibilities and monitoring. Planning activities enable the co-ordinating body to ensure that the response is collectively appropriate, coherent and effective in meeting the refugees' needs.
[56] UNHCR situation report 20 April 1999
[57] Its limited field presence resulted in a perception amongst the NGOs of UNHCR being out of touch with needs. In many cases the NGOs ignored the advice they received from UNHCR as they felt it contradicted the reality of the situation on the ground, although many of these differences were a result of disagreement with UNHCR policy positions: NGOs increased their planning to respond to a much larger camp capacity than was insisted upon by UNHCR. In Kukes UNHCR was initially following the principle of no camps in Kukes, and adopted a "bread and water, move on" approach: bilaterals and NGOs provided for them anyway.
[58] In Kukes for example, with the biggest initial staff coverage, one field officer was attempting to monitor 18,000 host families, in a remote region. The apparent lack of awareness of the refugees' intentions regarding repatriation again suggests that feedback from the beneficiaries to UNHCR enabling it to adjust plans to changing needs and situations was weak.
[59] UNFPA for example had established an MOU with UNHCR that enabled rapid delegation of reproductive health to UNFPA in Kukes.
[60] In FYR Macedonia, the early allocation of NGOs to sectors and sites was carried out, in a somewhat ad hoc manner, through an unofficial meeting of three people: the ECHO and OFDA representatives and a UNHCR field officer with no experience of refugee camps. Other allocations were made by the NGOs themselves. The first camps built were planned by KFOR following a request from the government with virtually no consultation with UNHCR.
[61] There were numerous reports of NGOs arriving and setting up projects without reference to either UNHCR or the host government. As discussed above, the factors determining NATO's role with respect to UNHCR were largely politically determined. NATO co-operated closely with UNHCR in Macedonia, much less so in Albania, where AFOR struggled to be able to co-ordinate its own array of national contingents. The OSCE was variously competitive and co-operative: it was publicly critical of UNHCR and thought by some to have retained an inappropriately high profile on the EMG in Albania for too long. Conversely, the OSCE was more co-operative with UNHCR's registration in Macedonia. The reasons for the variation appear to be connected as much with personalities and a desire for profile as UNHCR's performance.
[62] There were several reports of NGOs outbidding each other for the allocation of roles by the GoA at high-profile sites. Kukes was able to control the number of NGOs present to some degree, but attempts made by UNHCR in Tirana to divert NGOs to other areas and sectors appear to have been less successful.
[63] The Italian camps in Kukes employed more than 200 expatriates per camp; the MSF–UNHCR camp employed 10. In some camps, refugees didn't even have to sweep out their own tents.
[64] A co-operative relationship with KFOR meant that the latter were often willing to be allocated activities appropriate to their capacity which humanitarian agencies may have been unable to fulfil. The OSCE was strongly involved in registration in the camps, and a verification exercise carried out in the camps used several hundred Skopje University students, who were also employed in other sectors.
[65] UNHCR *Handbook for Emergencies*, 1982.
[66] UN agencies shared information in the preparation of the April Donor Alert, its addenda and the revised Consolidated Appeal for 1999. Seven inter-agency meetings or telephone conferences took place each week, as well as monthly strategic planning meetings with NATO.
[67] On 14 April, the EMG noted that information flow between the EMG and the NGOs was poor because of the inaccessibility of the EMG. The location made the building off-limits and the GoA's limited experience of NGOs made for a tardy invitation.
[68] UNHCR funded the HIC Co-ordinator's salary and contributed financially to the EMG.
[69] Apparently at the donor's insistence, against the wishes of GoA: UNHCR senior manager.
[70] Nonetheless, according to UNHCR, it was the only agency to provide direct funds to the government early in the emergency.

[71] *Co-ordination in the 1999 Kosovo Refugee Emergency: EMG Albania* (John Telford).
[72] Thin coverage of technical staff resulted in sectoral co-ordinators often being split between Tirana and the sub-offices, especially Kukes.
[73] "We were also at times asked to represent the view of UNHCR, or UNHCR itself at meetings." UNHCR/OCHA Co-ordination Team, *Final Report*, 4 November 1999
[74] *Co-ordination in the 1999 Kosovo Refugee Emergency: EMG Albania* (John Telford).
[75] For example: "…there are major advantages to the establishment by the government of a single co-ordinating authority on which all the ministries and departments involved are represented." UNHCR, *Handbook for Emergencies*, 1982, 12.2.
[76] The team was sectorally adequately represented, having senior staff in place, at least during the early phase of the operation, in health, water and sanitation. Tasks and equipment were allocated during meetings that provided direct and constructive access to the local technical ministries. Appropriate delegation of sectoral co-ordination was made according to expertise, for example delegating reproductive health to UNFPA, and other sectors to major NGOs where necessary.
[77] Corroborated by NGOs interviewed and UNHCR staff.
[78] Kukes NGOs received Tirana information by attending Tirana meetings; as the HCR head office, Kukes was not receiving information.
[79] The OSCE had sophisticated communications in place as well, enabling very rapid dissemination of information regarding refugee movements. In Albania, the OSCE supported the EMG with provision of equipment and the OFDA funded the HIC.
[80] There were thrice weekly meetings between the government, UN agencies and major NGOs, weekly donor meetings, and daily task force meetings between UNHCR and its implementing partners.
[81] The Emergency Co-ordinator chaired the inter-agency meetings and the Deputy Emergency Co-ordinator chaired operational meetings. WHO chaired health, UNICEF education and community services shared between UNHCR and the NGOs.
[82] NGO interviews, supported by the fact that all but one camp lacked a senior UNHCR camp co-ordinator.
[83] Despite their proximity, senior managers in Skopje rarely visited the camps. This was in fact largely attributable to the lack of mid-level senior managers, since the Emergency Co-ordinator and Deputy would have had little or no opportunity to leave Skopje.
[84] Between UNHCR, the WHO, the WFP and UNICEF. From mid-May meetings of UN regional envoys were held in Skopje under the chairmanship of the Secretary-General's Representative
[85] For example according to interviews, not all the UN agencies were involved in the repatriation planning process; a common media line was not established; logistics and other potentially shared facilities served the needs primarily of UNHCR, not the UN system as a whole. The EMG and the UN response would have benefited from a consolidated UN input; instead both the WFP and UNHCR were represented, generating confusion with government and donors according to interviews.
[86] The FYR Macedonia government replaced two NGOs in Nepostrene with the Turkish Red Cross, causing serious tensions and loss of capacity. Eventually a compromise was reached.
[87] The FYR Macedonia government increasingly demanded direct benefits to its own firms in compensation for economic losses resulting from the conflict in the region. The DfID fared no better in negotiations for the proposed new Vrapciste camp in late May, when negotiations over costs and standards between the DfID, UNHCR and the Ministry of Urban Planning and Construction took two weeks before construction even started.
[88] Only heads of NGOs were requested to attend.
[89] There appears to have been greater willingness (relatively speaking) of donors to co-ordinate in FYR Macedonia than in Albania. The German government, for example, insisted to the government that UNHCR should be involved in the planning and management of Cegrane camp that it was funding.
[90] UNHCR SitRep, April 30: "HCR will provide stopgap assistance where possible."
[91] Interview reports of UNHCR staff being rarely sighted at camps indicates that the NGOs themselves were identifying gaps.
[92] Italian tents cost $1,200; UNHCR's cost $120. Camp Hope was variously quoted as costing $20–70 million.
[93] UNHCR standard allocation is 30m^2; Sphere's is 45m^2.: *The Sphere Project: Humanitarian Charter and Minimum Standards* (NGO project designed to improve humanitarian effectiveness through, inter alia, defining specific levels of service).
[94] Whilst in most sites water provision was adequate, completely meeting Sphere standards, sanitation was sub-standard in 84 per cent of 25 surveyed sites and was considered a public health time-bomb (from Toby Porter, *Final Report,* Oxfam, UK). From interviews: at one camp the latrines were pumped out directly into a river running through the camp; in another the portaloos in place could not be used by children and the elderly, with a resulting public health hazard.
[95] Due to this capacity and approach, dangerous delays occurred, and variable standards resulted. In many cases NGOs had to redo or adapt their work.
[96] Rents in Albania were already increasing, some landlords on the coast wanted their flats back to rent to holidaymakers, and the refugees were running out of money. An MSF survey showed that 80 per cent reported that in May they could only afford rent for another one to two months.
[97] UNHCR/EMG, *Guidelines for Refugee Operations in Albania*, Tirana, July 23, 1999.

[98] The alternatives would have been to refuse to bring more refugees into the camps, leaving people at Blace who thus would probably without any shelter whatsoever. Given the restrictive position of the government, it is unlikely that such a firm stand by UNHCR would have produced the desired result of extended or new camps.

[99] This evaluation notes that the new, 1999 UNHCR *Handbook for Emergencies* addresses co-ordination extensively, particularly compared with the previous, 1982 handbook, suggesting continued development of the agency's co-ordination function.

[100] Several of these recommendations are found in UNHCR's Report on Registration of Refugees from Kosovo, 15 April–15 July 1999 by Fedde Groot, which the evaluation supports and acknowledges.

6
Protection[1]

437. The criteria used to assess UNHCR's performance on protection issues during the Kosovo emergency are derived from the following sources: the 1950 Statute, the 1951 Refugee Convention, international human rights law, UNGA and UNSC resolutions, EXCOM conclusions, annual Notes on International Protection, internal guidelines and reports, DIP position papers and practice in previous emergency situations.

438. The Kosovo emergency illustrates how UNHCR has invested considerable effort in order to provide international protection for refugees in a difficult context. At a general level the context was difficult because of the recent restrictive tendencies that characterize European asylum policies. The large Kosovo outflow also presented UNHCR with several specific dilemmas concerning traditional protection approaches and particular pressures exercised by key donor states whose interests were tied to the NATO military campaign and not necessarily to universal standards of refugee protection. UNHCR performed as well as the situation permitted within the framework of traditional approaches to universal refugee protection. Policy implications relating to the tensions between pragmatic and traditional approaches are addressed in the following sections.

439. UNHCR produced and distributed extensive protection guidelines within the first weeks of the emergency. This was a positive measure in that it served to set standards of protection during the emergency. However, the nuances or changes in policy that appeared over time were not easy for staff to seize, and serve to highlight the difficulty of formulating policy in emergency conditions.

440. The chapter begins with an assessment of UNHCR's efforts to ensure first asylum for Kosovo's refugees and the related issues of evacuations from FYR Macedonia to countries outside the Balkans (humanitarian evacuation programme) and to Albania (humanitarian transfer programme). It then continues with an examination of registration issues that concern the UNHCR's protection activities and the security problems confronted by the agency in Albania and FYR Macedonia.

Securing first asylum in frontline states

441. The most basic issue in terms of refugee protection is obtaining some form of asylum for endangered people who have fled their homes. Did UNHCR succeed at this level with the Kosovo outflow? Admission of refugees into Albania was not a problem, although the following sections indicate that the conditions in the asylum country posed a number of other protection problems. In FYR Macedonia, asylum was eventually accorded under difficult circumstances to the refugees who arrived at the border. Could asylum have been obtained more effectively and in a manner that would have avoided the situation of refugees trapped for prolonged periods in a no-man's-land between the Yugoslav–FYR Macedonia border posts? Could this have been done in a manner that did not jeopardize universal principles of refugee protection?

442. Standard UNHCR policy when dealing with reluctant host states that are confronted with mass arrivals is well established. EXCOM Conclusion no. 22 (1981) affirms that

> in situations of large-scale influx, asylum seekers should be admitted to the State in which they first seek refuge and if that State is unable to admit them on a durable basis, it should always admit them at least on a temporary basis … In all cases the fundamental principle of non-refoulement including non-rejection at the frontier-must be scrupulously observed.[2]

443. At the annual meeting of EXCOM that preceded the Kosovo emergency outflow, member states reaffirmed in Conclusion no. 85 their recognition that

> access to asylum and the meeting by States of their protection obligations should not be dependent on burden-sharing arrangements first being in place, particularly because respect for fundamental human rights and humanitarian principles is an obligation for all members of the international community.[3]

444. While the large refugee outflow from Kosovo presented the international community with many protection issues, admission into FYR Macedonia and the television images at the Blace border post represented the most difficult of basic protection problems. According to the above standards formulated by EXCOM members, UNHCR acted in conformity with established criteria addressing the situation of the type confronted by FYR Macedonia.

445. UNHCR made considerable efforts to monitor the FYR Macedonia border, especially in view of the limited staff available. During the first days of the pile-up at the border, UNHCR was one of the few actors allowed beyond the police barrier 500m from the actual Blace border post. Unlike international journalists, UNHCR staff were among the refugees in the no-man's-land at Blace. Yet even an additional 50 protection officers at the border would not have changed the FYR Macedonia government policy and the fact that border guards were impeding the admission of refugees.

446. By taking a stand against FYR Macedonia's reluctance to grant first asylum and by not being immediately successful, UNHCR opened itself to criticism from several sides. The agency's dilemma might be phrased in the following terms: it was sometimes criticized for being too timid with the government (this came from the media, NGOs and even field staff), while at the same time it was occasionally criticized for putting too much pressure on the government (several key NATO members had serious concerns relating to FYR Macedonia's stability).

447. UNHCR's repeated protests regarding the border closures were recognized by human rights groups.[4] Likewise, the government's attempts at forcibly clearing the border area with land or air transfers to Albania and Turkey were severely criticized by the agency because of the involuntary nature of the movement and the separation of families it allegedly created.[5] Until the end of the emergency, the tone of UNHCR's approach can be characterized by the following internal memorandum recommendation:

> There is a need to maintain pressure on the authorities to keep borders open, allow unrestricted UNHCR access to the no-man's-land, and ease up the processing requirements for arrivals. There is also a need to strengthen our language of protest, which to date has been rather equivocal.[6]

448. Although UNHCR was criticized by key actors implicated in the military campaign as being "dogmatic" in its approach,[7] the agency's position was that staff were doing the protection work mandated by the international community. The EXCOM conclusions cited above confirm that UNHCR was pursuing approved and established approaches.

449. The preceding comments point to tensions regarding the degree to which UNHCR is expected to co-operate with host governments in dealing with their refugee problems and the degree to which the universal refugee protection mandate requires it to confront prohibitive policies adopted by reluctant host states. The underlying conflict of interest was clear. From FYR Macedonia's perspective, there were no assurances that the refugees would be in the country only temporarily, and the government was well aware that the duration of asylum is often unpredictable once refugees have been admitted. It also feared that the refugee presence would lead to destabilization. In UNHCR's perspective, there were legitimate fears that a compromise on the first asylum principle would undermine the principle more generally in a global context characterized by increasingly restrictive asylum principles.

450. As noted in chapter 1, UNHCR's task in FYR Macedonia was particularly delicate because of the complex and hostile political climate. Indeed, one of the main UNHCR offices in Skopje remained unmarked throughout the whole emergency (i.e. there was no visible UN sign from the street). It is in this difficult context that UNHCR had to implement refugee protection policies even though it could not rely on its presence or authority to influence local decisions and actions. A compromise that generally unblocked the border situation in FYR Macedonia and helped secure first asylum for refugees was made possible in part by the conceptual innovations in protection described below.

Burden-sharing with the innovative humanitarian evacuation programme

451. UNHCR policy is well established regarding situations in which host states are assuming a large burden of the international community's response to a refugee crisis. As stipulated in EXCOM Conclusion 22 (1981):

> A mass influx may place unduly heavy burdens on certain countries; a satisfactory solution of a problem, international in scope and nature, cannot be achieved without international co-operation. States shall, within the framework of international solidarity and burden-sharing, take all necessary measures to assist, at their request, States which have admitted asylum seekers in large-scale influx situations … Such action should be taken bilaterally or multilaterally at the regional or at the universal levels and in co-operation with UNHCR, as appropriate. Primary consideration should be given to the possibility of finding suitable solutions within the regional context.[8]

452. UNHCR has repeatedly stressed over recent years that keeping refugees in their region of origin allows for an easier implementation of the preferred durable solution of voluntary repatriation. In the context of the large outflow from Kosovo, this basic position was repeated in the early phases of the emergency by the HC and European governments.[9] It was also reaffirmed in the first guidelines that were issued: "[t]he basic position remains that, in so far as it is possible to do so, the situation should be dealt with on a regional basis, keeping refugees as close to their country of origin as may be done in safety."[10] The preceding phrase was dropped in the revised Protection Guidelines of 30

April 1999, suggesting the difficulties UNHCR had in maintaining a consistent policy when donor governments began exploring a different path.

453. For the first days of the emergency, UNHCR's involvement with the situation at the FYR Macedonia border was basically handled by the staff from the Pristina office that had been evacuated several days earlier. The staff were pulled out of a long IDP operation within Kosovo and were largely unfamiliar with the particular complexities involving FYR Macedonia's concerns. Meanwhile, the US government was already exploring creative ways of unblocking the Blace border impasse. It eventually became involved in the hasty evacuations in which refugees were moved directly from the border to Turkey and Albania. In this critical early period, UNHCR was perceived as doing little to unblock the border situation. Within days, thousands of refugees had been evacuated to Turkey, Germany and Norway.[11]

454. By the time UNHCR had produced a comprehensive set of guidelines regarding this innovative policy response that involved airlifts, the agency was stating that "the immediate urgency of having people sent to countries for temporary safety is no longer an absolute imperative".[12] Indeed, the large refugee flows had stopped. The generous offers of over 90,000 places were viewed as a contingency reserve by UNHCR at that point. It was not easy for UNHCR to accept evacuations out of the region because they appeared to be incompatible with the preferred approach that focused on keeping refugees within their region of origin. While UNHCR perceived donor governments as sending contradictory signals, some donor governments believe that the efforts needed to mobilize support for extra-regional evacuations were almost jeopardized by what they perceived as indecisiveness on the part of UNHCR.

455. Within days, however, another large refugee outflow from Kosovo began. Continuous and intensive pressure from the US government that was exemplified in a remarkably direct letter from the Secretary of State to the HC produced an unequivocal commitment to proceed with evacuations out of the region.[13]

456. To a certain extent, UNHCR had reorganized during the lull in large inflows by sending staff to work with its evacuation team in Skopje and making operational arrangements with IOM. The evacuation team was initially critical of the slow pace of the donor evacuations, suggesting that the delay could lead to health, environmental and security problems.[14] The limited resources invested by UNHCR in HEP led to criticism of ineffectiveness from eager donors, ineffectiveness which UNHCR itself recognized in the form of instances of careless registration, frequent abuses involving unverified refugee identities and no-shows for the departures. After four weeks, staff on the ground continued to complain about lacking resources.[15]

457. The justification and purpose of HEP were marred by some lack of clarity. To one human rights group that believed the refugees should be resettled, HEP seemed a hasty resettlement exercise.[16] While UNHCR's official statements clearly and consistently distinguished HEP from its other programmes, the lines became blurred between the concepts of resettlement, humanitarian evacuation and temporary protection. This blurring of concepts was due largely to inconsistencies in government positions on HEP. Even late in the emergency, field reports acknowledged the blurring:

> Although in writing HEP and resettlement have always been considered two separate issues pursuing different objectives, in practice until now genuine resettlement cases have been dealt with

> under the HEP scheme as this was the most speedy way to take the refugees out of the country.[17]

458. While most participating European governments saw HEP as an emergency form of temporary protection, traditional immigration states outside Europe in practice treated HEP as a resettlement operation.[18] The latter consequently replaced their resettlement programme quotas with HEP. This left UNHCR field staff with little choice but to include some resettlement cases in the HEP arrangement. A broader implication concerned different reception conditions in host third countries.

459. Returning from a field visit, UNHCR's Director of International Protection stated that: "HEP in Macedonia is a source of dissension among the protection staff. Non-HEP protection staff question the compatibility of HEP with our core function to promote the right to seek asylum in a Convention signatory State."[19] It is clear that some staff members saw HEP as an example of succumbing to host government blackmail and that other actors saw UNHCR as blocking this option.

460. While effective protection depends on the dissemination and communication of standards, it seems that UNHCR did not adequately inform refugees about HEP arrangements. Moreover, in several instances donor government missions bypassed UNHCR and proceeded with evacuations based on their own criteria. This contributed to UNHCR's difficulties in providing systematic information and co-ordinating the operation.

461. While the 1951 Refugee Convention does not necessarily require refugee movements to be voluntary as long as the principle of non-refoulement is respected,[20] general human rights standards suggest that forced airlift operations to third countries are highly dubious in legal terms. Moreover, involuntary evacuations by aircraft represent a political nightmare in operational terms. Within this context of the need to get refugees to evacuate voluntarily, the lack of systematic information and the existence of a wide variety of destination countries with varying reception conditions is problematic. Informed decisions by refugees contemplating evacuations are dependent on the availability of information concerning socio-economic rights in the country of destination. Although such criteria may impose slight delays on the emergency nature of the programme, it is a necessary trade-off in order to get refugees to volunteer for an option that may leave them with a form of refuge on a distant continent.

462. Contrary to the ad hoc temporary protection[21] arrangements concerning Bosnia and Herzegovina,[22] UNHCR quickly stipulated relatively precise refugee rights and obligations in the host country of destination for HEP.[23] The fact that the duration of the emergency was short and that repatriation occurred less than three months after the mass outflow ensured that the obligations of the 1951 Refugee Convention concerning prolonged stays were not necessarily applicable to this particular case-load. Although refugee evacuations in and out of the region sometimes resulted in an unclear administrative status accorded in host countries, UNHCR generally did not allow these ad hoc administrative measures to result in violations of international refugee law.[24]

463. While more a problem for HEP-participating governments than for UNHCR, the immigration status of the beneficiaries of HEP who have not repatriated continues to be a bureaucratic headache for the authorities of some receiving countries. This is particularly problematic when it is combined with the differing statuses accorded to previous refugee arrivals from Kosovo and case-loads from other conflicts or continents. The differentiated treatment of refugees has even led to tensions between the Kosovo case-load and other refugees from

"less popular" conflicts.[25] This is difficult to defend in terms of the non-discrimination clause found in the Refugee Convention, and such problems will probably complicate the development of refugee policy in the near future.[26]

464. The selection and screening during the evacuation operation appears to have depended largely on queues that ensured a "first-come first-serve" procedure. Given that the objective of HEP was quickly to off-load refugees from FYR Macedonia's territory, UNHCR cannot justifiably be criticized for not ensuring that the most vulnerable refugees were always first to be evacuated. However, lack of clarity resulted in deficient communication to some actors who were left unsure about whether refugee selection for HEP was dependent on vulnerability and family ties.[27] This points to a potential dilemma of HEP: an emergency operation focusing solely on the quickness of the off-loading process could theoretically be conducted most effectively by selecting refugees indiscriminately and leaving vulnerable refugees behind. UNHCR addressed this problem by acknowledging that its "prioritization targets the most vulnerable refugees and those with special needs".[28] While this may appear somewhat inconsistent with statements emphasizing that HEP does not address individual protection needs,[29] it effectively allowed the accomplishment of multiple goals (i.e. quickly evacuating large numbers and addressing vulnerable cases).

465. The desperate humanitarian situation, and the fact that HEP was largely perceived by refugees and the local population as "a rapid way of obtaining tickets to the West",[30] led to abuse. According to one NGO, "UNHCR concedes that refugees have bought and sold places on departing planes, and falsified their identities".[31] A number of illegal camp entries involving non-camp refugees and locals created security problems. The local police may have played a role in aggravating this problem, which led to greater frustration among camp inhabitants. The fact that HEP was discriminating against refugees in host families by targeting camp refugees highlights the need to emphasize its role as an efficient off-loading process rather than a process that necessarily addresses the needs of the most vulnerable refugees.

466. UNHCR recognized the misuse of HEP by desperate refugees and the consequent loss of some donor government confidence:

> As an increasing number of countries has activated or increased their quotas, refugees in some instances appear to be favouring some destinations over others. Information is presently being disseminated to the refugee population in the camps through pamphlets and other means to remind them that this is a temporary evacuation programme. While departures are voluntary and links to destination countries are taken into account if possible, in principle they do not have a choice as to the country of destination.[32]

467. Regardless of official statements discouraging forum shopping and no-shows, the reality on the ground was characterized by significant abuses of this nature as identified by the Director of International Protection:

> Originally conceived as a rapid evacuation programme, it has turned into a cumbersome process with distinct criteria per country of destination. At the same time, with increased quotas having been activated by a number of countries, refugees are choosing their country of evacuation. This has reportedly resulted in high no-show rates, both for interviews and, worse, at the time of embarkation.[33]

468. By the end of the emergency, almost 92,000 refugees had benefited from HEP in 29 host countries. The scale and speed of such an evacuation were

unprecedented. While there were clearly problems of implementation as noted above, overall, HEP contributed positively to the protection of the refugees by alleviating the burden on a reluctant host state that feared destabilization.

469. HEP has another more subtle drawback. In terms of universal refugee protection standards, extra-regional evacuations may harm refugees generally, in the sense that they encourage governments to develop effective selection systems and quotas which could ultimately undermine and replace the availability of protection for individual or spontaneous asylum seekers. Indeed, HEP probably allowed some governments to score public relations points by appearing "humanitarian" in receiving a limited number of "popular" refugees. The fact that donor governments are free to grant permanent residence to beneficiaries of HEP complicates this approach from a multilateral point of view. While this may suit particular donor states in the short term, in that it quickly integrates evacuees within their immigration policies, it introduces wide discrepancies in the standards and results in a programme that is essentially difficult to co-ordinate because of the differing reception conditions.

470. HEP is a political option that will probably rarely present itself, given the limited public support for receiving refugees from more distant continents and the likelihood that Western states will be less implicated in other conflicts.

Exploring evacuations within the region (humanitarian transfer programme)

471. As mentioned above, the government of FYR Macedonia had made arrangements with Albania and Turkey (facilitated by the USA) in order to transfer refugees from the border directly to these two countries. UNHCR was not included in these decisions.[34] There was widespread criticism from international media sources of these government-organized transfers. The criticisms related to the abusive conditions under which the transfers were carried out: there were allegations that families were involuntarily separated and sent to unknown destinations. The embassies that were sympathetic to FYR Macedonia's concerns chose more discreet forms of intervention that focused on ensuring the humane treatment of refugees who were to be transferred in the following days. The negative international media coverage of these transfers eventually made HTP a politically awkward option that had considerable public relations consequences for the image of the FYR Macedonia government. UNHCR's situation can be summarized with the following internal agency assessment:

> Although the Blace crisis had been defused by the time the HC arrived in Skopje, its consequences lingered. UNHCR had been basically trapped between government pressure (and pressure by some key governments such as the US and UK) not to protest about the incorrect handling of refugee transfers from Blace, and pressure from media and NGOs to protest against the same.[35]

472. Given the abuses associated with the initial transfers, UNHCR's reluctance to participate in this distorted form of burden-sharing is understandable. On some occasions, UNHCR personnel on the ground even attempted to block physically the departure of buses that were engaged in these transfers.

473. While the denial of asylum by FYR Macedonia that motivated the transfer option concerned UNHCR as a matter of principle and practice, first asylum was already made conditional by the internationally supported HEP. It is clear that refugee transfers to Albania were favoured by asylum-weary European

states that preferred to have the refugees contained in the immediate region, as outlined in chapter 1. They consequently encouraged this option. In fact, as soon as NATO made it clear that there were empty camps in Albania waiting for refugees to be transferred, delays and blockages at the Blace border post were to a certain extent unnecessary and could have been avoided. By early May, NATO announced:

> With the in-flow of refugees over the FRY–FYR Macedonia border exceeding the outflow to other countries it is the intention to transfer large numbers of refugees from FYR Macedonia to SE Albania … The initial movement of refugees from FYR Macedonia, to take advantage of the present spare capacity in existing camps, should begin as soon as possible.[36]

474. Yet it is striking that significant transfers never occurred and that UNHCR was not able to encourage this option. As pointed out by the Director of International Protection at the end of May: "Transfers from Macedonia to Albania are not proceeding at a rate necessary for this scheme to make any noticeable impact on the situation at the Blace border crossing, or in the overcrowded camps.[37]

475. Part of the problem that may explain the reluctance of UNHCR personnel to engage actively in HTP relates to the degree of voluntariness or consent required for these movements. UNHCR's policy on this issue was not clear, as is suggested in the following statement: "The extent to which voluntariness of departure should be integral to the transfers is a vexed one from a doctrine point of view and a factor complicating the operation of the programme."[38] Although bus transfers are operationally quite distinct from airlift evacuations, they raise similar problems of voluntariness addressed above in the HEP analysis.

476. Initially, all evacuations (including transfers) were supposed to be voluntary: "The decision to depart to a third country is entirely voluntary."[39] Several weeks later, this standard was changed to a form of implicit consent in the case of HTP: "Preferably all persons evacuated to Albania should agree to go. At the very least, they should not object and, should they do so, this should be respected."[40]

477. The actual implementation of this standard was never tested thoroughly, since few refugees consented to the UNHCR-sponsored transfers.[41] As pointed out by the HC, "transfers to Albania are a convenient option, but must be carried out only if refugees do not object – and most do".[42] Given the Department of International Protection's eventual broad encouragement of HTP[43] and positive assessment of its feasibility,[44] it is indeed peculiar why this option was not pursued more actively in the later phases of the emergency.

478. One reason explaining the unenthusiastic implementation of HTP is that personnel in the field believed that the application of this option directly at the border would jeopardize the first asylum principle on which they insisted.[45] In this context, it is likely that any objections made by refugees arriving at the border were not in fact seriously assessed in terms of their reasonableness by staff unwilling to support actively HTP.[46] During one reported border incident, for example, UNHCR staff "intervened and informed the refugees that the decision to go to Albania must be free and voluntary and emphasized that they had the right to asylum in Macedonia."[47] The differing criteria applied by personnel in the field is reflected in an internal document which stipulates that the "transfers should be voluntary because UNHCR cannot be associated with forcible relocation."[48]

479. Moreover, HTP was fundamentally weakened by the parallel existence of HEP. Any reluctance on the part of the refugees to find refuge in Albania was made even greater by the availability of evacuations to western countries. It is not by chance that quotas for some countries remained unfulfilled while quotas of other countries were quickly filled.[49] In this sense, it is possible to see HEP as having undermined HTP in terms of protection policy options.[50]

480. The problem encountered by UNHCR in FYR Macedonia was that by insisting on obtaining protection in the first country of asylum, there was an increase in the risk of having refugees stuck in a no-man's-land at the border (i.e. obtaining no asylum). The fact remains that refugees were blocked repeatedly in a no-man's-land at Blace for days while several camps were left empty in Albania because the refugees were never transferred even though there seemed to be appropriate camp conditions. This situation involves a difficult ethical choice in which UNHCR can insist on voluntariness in refugee movements and risk not getting asylum or accept lower standards in order to get more asylum. It also involves a difficult political context for UNHCR in that it will be exposed to criticism from various sources whichever approach it adopts.

Encouraging national solidarity on first asylum and national security

481. UNHCR's position on first asylum was clear, and as noted above, also consistent with EXCOM Conclusion no. 85 and what is considered a basic norm of refugee protection. Yet this position can be challenged on legal grounds in terms of the exceptions based on national security threats that are found in the 1951 Refugee Convention.[51]

482. The protection problems at the FYR Macedonia border point to the need for further examination of the principle of first asylum in situations of mass influx, and to the issue of whether first asylum should be considered as an absolute and unconditional legal obligation consistent with the 1951 Refugee Convention. This issue is particularly important in the light of the overarching theme of the 1999 Note on International Protection which seeks to reconcile the protection needs of refugees with the legitimate interests of states. However, this examination of norms relating to first asylum and national security should proceed only within the context of UNHCR's efforts to identify practical ways of achieving international solidarity and burden sharing on refugee-related issues.

Registering refugees to facilitate protection

483. The protection dimensions of registration are addressed in this section. The relationship between assistance and registration is covered in chapter 5.

484. EXCOM Conclusion no. 35 (1984) on Identity Documents for Refugees recognizes "the value of registering and issuing appropriate documentation to refugees in large-scale influx situations, and recommend[s] that States which have not yet done so should undertake such registration and documentation programmes, where appropriate in co-operation with UNHCR".[52] Registration can help refugees show that they are entitled to certain rights, regularize their stay in host countries, safeguard their right to return and assert property or pension rights. It also facilitates the tracing of lost relatives and speeds up family reunification.[53] This is particularly important in situations that involve numerous reported separations, as was the case during the Kosovo emergency. During its last annual meeting prior to the emergency, EXCOM adopted a conclusion which

> Recommends that Governments take appropriate measures to ensure that the unity of the family is maintained, particularly in cases where the head of the family has been admitted as a refugee to a particular country [and] … Exhorts States, in accordance with the relevant principles and standards, to implement measures to facilitate family reunification of refugees on their territory, especially through the consideration of all related requests in a positive and humanitarian spirit, and without undue delay.[54]

485. There was also unusual pressure on UNHCR from international media sources and certain donor governments because of the destruction of identity documents belonging to some of the refugees.[55] Refugee registration was considered by many observers to be the most important protection issue during the emergency and it was perceived as the appropriate means to undo the consequences of the destruction of documents. With the fears that this could lead to mass statelessness, UNHCR quickly identified the need to conduct an adequate registration exercise "in order to preserve information which can later be used to prove identity and citizenship".[56] The registration information was to be kept in a safe and neutral place "in order to ensure both its preservation and its credibility".[57]

486. The pressure placed on UNHCR to conduct a registration exercise in the Kosovo context ultimately addressed concerns that are different from normal operations: it focused on family tracing and issues related to denial of nationality that could lead to statelessness.

487. By contrast, registration is usually designed for the provision of assistance and can be conducted once the refugee movement stabilizes. The exaggerated sense of urgency placed UNHCR in a situation unlike normal registration exercises (which involve a phase with estimates on beneficiary numbers, a phase involving collection of basic data once movement has stabilized, and finally issuance of refugee cards).

488. To the extent that family tracing requires a regionally compatible system, UNHCR's own assessment indicates that the various efforts relating to registration actually carried out during the emergency suffered because of the incompatibility of the registration systems used in Albania and FYR Macedonia.[58] They also suffered because of the incompatibility of the systems used in camps and in community-based housing. It should be kept in mind, however, that UNHCR has never established such a regional registration system in the context of a large refugee emergency. Moreover, it is not clear whether the pressures on UNHCR were based on an exaggeration of the numbers of split families. Indeed, fears regarding widespread cases of unaccompanied minors never materialized, and the prevalent use of cellular phones by the refugees apparently contributed to preserving vital family links.[59]

489. Providing refugees with a documented "identity" had never before been conducted under emergency conditions. The pressures on UNHCR to do so were largely based on an exaggeration of the magnitude of the destruction of documents and an unrealistic sense of what could be achieved. In the emotional context of a humanitarian crisis associated with strong television images, it should be emphasized that some of the criticisms of UNHCR's response were unfair. For example, a British parliamentary report criticized UNHCR in the following harsh terms:

> Given the widely reported destruction of the identification documents of Kosovar refugees as they were expelled from Kosovo, UNHCR should have been prepared from the outset to provide for

> the registration of the refugees as they crossed the borders into Albania and FYR Macedonia. Its failure to implement a comprehensive registration system is a disgraceful case of neglect.[60]

490. The suggestion that refugees could have been provided with identification documents as they crossed the border is simply unrealistic. Even in a context not characterized by an emergency situation, such identity cards would have taken a long time to prepare even if considerable resources were made available. Given that reports of destroyed documentation only surfaced after the refugees crossed the border, it is unreasonable to criticize UNHCR for initially concentrating on immediate relief assistance. If UNHCR can be faulted on this issue, it is that the agency did not address directly the unrealistic expectations of donors.[61] To the contrary, it may have encouraged such expectations by its own early statements on the need for registration.[62]

491. UNHCR appropriately advised staff of the desire on the part of ICTY investigators to be involved in gathering data on refugees, and informed staff members that they should not take on the responsibility of distributing ICTY questionnaires to the refugees. UNHCR managed to protect the interests of refugees by requesting that ICTY investigators direct their requests through to the Prosecutor's office in The Hague who could contact the Director of International Protection.[63] However, despite UNHCR's awareness of the possible sensitive character of data collected during registration, the involvement of various agencies appears to have resulted in a situation in which custodianship had not been resolved.

Ensuring security in refugee-populated areas

492. Given that host states are primarily responsible for ensuring the physical security of refugees,[64] UNHCR's advocacy and operational role on this issue remains supplementary. The agency's official position is that security is a shared international responsibility, as elaborated in EXCOM Conclusion no. 48.[65] However, some confusion arose because the Protection Guidelines relating to refugee security issued on 29 April 1999 imply that UNHCR has a direct role regarding security issues:

> Where national authorities are unable or unwilling to intervene, the UNHCR mandate requires affirmative action by the agency. It may be necessary for UNHCR to undertake alternative measures to enhance refugee security, such as employment of private guards, shifting of populations to more secure locations and appeal to the international community for assistance to protect refugees from involvement in armed and military conflict.[66]

493. A number of actions by the international community and the host states complicated the security situation. Contrary to UNHCR's *Handbook for Emergencies*, several camps in FYR Macedonia had refugee populations exceeding 20,000 (Cegrane, Stenkovec I and II). This contributed in increasing security risks. As discussed in chapter 5, this situation was mainly due to resistance by the host government to permitting the establishment of new camps. Donor agencies or military forces, moreover, established camps that were close to the border, thereby violating accepted norms in international refugee assistance as well as UNHCR's initial Protection Guidelines for Kosovo.[67] UNHCR nevertheless took control of these camps. Principles concerning the link between refugee location, safety and security measures are well established by EXCOM members. EXCOM Conclusion no. 22 (1981) provides that

> the location of asylum seekers should be determined by their safety and well-being as well as by the security needs of the receiving State. Asylum seekers should, as far as possible, be located at a reasonable distance from the frontier of their country of origin. They should not become involved in subversive activities against their country of origin or any other State.[68]

494. Proximity to the border increased the risk that camps could be used as rear bases and recruitment pools by Albanian guerrilla groups involved in the conflict.[69] While the camps in FYR Macedonia were not located in areas directly involved in the conflict, the camps around Kukes in northern Albania were close to areas implicated in cross-border military activities (i.e. incursions from Albanian guerrillas and shelling from Yugoslav artillery).

495. The presence of guerrillas in the camps of Albania was a problem identified by UNHCR,[70] although some reports suggest the situation remained under relative control.[71] Given the general lawlessness and fears that bandits could target refugees in northern Albania, NATO's presence in and around camps certainly provided a sense of relative security for refugees. Likewise, the NATO presence in the camps of FYR Macedonia during the first weeks of the emergency was welcomed by refugees.[72] Yet this presence is not easily reconciled with UNHCR's official policy on co-operation with the military, as discussed below.

496. Security during the Kosovo refugee emergency was a serious issue, but it was not the sole responsibility of UNHCR. Despite the active role and involvement of several actors on the ground, a certain amount of scapegoating was evident during the crisis. For example, the British parliamentary report cited above criticized UNHCR's role on security while declaring that

> It is also clear that it is not for NATO to be involved in such work, but rather UNHCR. We have expressed above our disappointment at the ineffectiveness of UNHCR in the current crisis and believe that bilateral donors need to strengthen UNHCR's resolve in this area.[73]

497. The valid UNHCR response to this criticism emphasizes the responsibilities of other, better suited actors:

> for UNHCR, a central lesson of the Great Lakes experience … as of experience of the problem in other situations of unresolved conflict, is that the humanitarian organizations alone cannot, and should not be expected to address these issues. UNHCR itself cannot ensure that refugee camps are kept free of KLA interference, presence or control … governments need to support UNHCR and take the necessary political action to ensure that these important concerns … are indeed addressed.[74]

498. Although the above response combined with the "ladder of options" concept[75] indicates that UNHCR is willing to consider collaboration with military units in order to provide refugees with security, it is important to stress that the UNHCR Statute explicitly provides that the agency's role is supposed to be humanitarian and non-political.[76] Yet the position outlined above, which encourages governments to take the political action necessary to ensure security, is somewhat blurred by UNHCR's security guidelines produced during the Kosovo emergency:

> The use of military contingents to provide assistance and security to areas where refugees are accommodated is inherently incompatible

> with the humanitarian and civilian character of refugee protection … These are base line measures which should be observed as soon as the situation realistically permits so as to ensure that operations are clearly humanitarian and distinct from military engagement.[77]

499. Although the inter-ethnic political tensions in FYR Macedonia apparently made many refugees feel intimidated by the local authorities, the evaluation team was not able to confirm that the reported incidents of police brutality in refugee camps were part of a generalized problem.[78] The overall security situation in FYR Macedonia never got out of control,[79] although there existed considerable potential for serious security problems. In both host countries there were security incidents in the camps involving alleged kidnappings by political activists, civil agitation and riots, and alleged abuses relating to the humanitarian evacuations in FYR Macedonia.[80]

500. UNHCR recognized that security arrangements with national police were not adequate to meet the security needs in either Albania or FYR Macedonia.[81] After foreign troops pulled out of the camps, UNHCR had assumed responsibility in running camps without having arrangements in place to deal with security issues. Police corruption was part of the problem in Albania. More extensive use of international civilian police monitors could have augmented local police capacity in both host countries. The precise role of local police officers at the camp level remained unclear, and it often appeared that NGOs on the ground assumed many of the responsibilities.

501. Yet many NGOs were unfamiliar with UNHCR's protection mandate and were unable to filter back relevant information to protection officers. Their extended contact with the refugees often placed them in privileged positions regarding the assessment of protection-related concerns. The Skopje office invited an international NGO to conduct human rights work as a protection partner, but the organization declined for fear that it would jeopardize its other work in the country.

502. The deployment of Swedish police monitors in the Stenkovec I camp represents a positive example of the "ladder of options" concept, although it was implemented late in the emergency.[82] The soft and medium options (deployment of international police advisors to support local police and ensure liaison with UNHCR, training programme for local police) should have been explored early in the emergency to assist the governments in maintaining law and order. This would also have contributed to investigating the degree of political/subversive activities within the camps.

503. The protection situation in host families generally remains unclear, although the situation in Albania raised particular concerns.[83] Albania has been known for problems relating to the trafficking of women and children, Mafia extortion and general insecurity. Rumours of abuses were rife, although actual reporting was limited.[84] UNHCR appeared to have little systematic knowledge regarding refugees outside the structured camp environment. This is often the case in many parts of the world, and it is unclear whether UNHCR has the resources to monitor generally the protection needs of refugees outside camps. Although it could risk representing another example of preferential treatment for Kosovo's refugees, the high visibility of this emergency suggests that UNHCR might have conducted sample surveys to assess the situation of refugees in host families and collective centres from a protection point of view, or encouraged NGOs to do so.

Conclusions and Recommendations

General

504. UNHCR performed well on protection issues during the Kosovo emergency in the sense that it courageously defended traditional norms enunciated by EXCOM members. UNHCR's production and distribution of extensive sets of protection guidelines contributed to promoting protection standards and should be repeated for future operations.

Asylum and burden-sharing

505. The emergency was characterized by an extraordinary situation involving a frontline asylum state that feared destabilization: for years local media and politicians in FYR Macedonia were saying that the border would be closed in the event of a mass refugee flow from Kosovo. Although UNHCR's vigorous insistence on a standard position that focused primarily on gaining first asylum clashed with FYR Macedonia's concerns, the agency had not prepared serious policy alternatives in the event that the local political actors carried out what they had been saying they would do.[85]

506. Unsurprisingly, the unconditional first asylum position was largely ignored by politicians in FYR Macedonia, who had been saying for years that the only feasible option was to transport refugees in a "humanitarian corridor" from the border to Albania. This policy was quickly implemented by the government at the outset of the emergency. Although it met initially with disapproval from UNHCR, a variant of this option known as HTP was eventually developed by the agency. This was a rare opportunity for international co-operation on refugee flows, in that another asylum state within the region was willing to engage in burden-sharing and it was encouraged by affluent donor governments which supported the establishment of camps for refugees to be transferred. Yet HTP was side-stepped by a more complicated burden-sharing operation initiated by donor governments that involved evacuations outside the region (HEP).

507. As the UN agency with unique expertise on asylum issues, UNHCR showed some initial hesitation toward HEP and HTP, even though these innovations represented extraordinary measures that generally enhanced protection by contributing to unblock the impasse at the Kosovo–FYR Macedonia border.

508. The innovative HEP resulted in an operation of unprecedented speed and scale that contributed positively to the protection of refugees by alleviating the burden on a reluctant host state that feared destabilization. The implementation of HEP had some problematic aspects relating to inconsistency and its opportunistic use by refugees. More generally, it may be representative of a trend that discourages spontaneous asylum seeking and leads to differentiated treatment of refugee case-loads. HEP remains a political option that will probably rarely present itself, given the limited public support for receiving refugees from more distant continents and the likelihood that Western states will be less implicated in other conflicts.

509. Although the Department of International Protection eventually provided a broad encouragement of HTP and a positive assessment of its feasibility, few refugees were transferred and HTP did not contribute significantly to protection during the emergency. Part of the limited implementation of HTP relates to confusion over the degree of voluntariness or consent required for these refugee movements. UNHCR's standards on the movements varied from voluntary to

implicit consent (or absence of reasonable objections). The standards for the implementation of HTP and their ability to enhance protection should be further examined.

510. HEP undermined HTP: UNHCR's stated preference for protection options within the region becomes difficult to maintain if evacuations outside the region are available and are preferred by the refugees. Given that it is possible that HTP may be one of the few options available in future similar scenarios, UNHCR should examine and develop this concept as a form of burden-sharing that combines regional human responsibility sharing with extra-regional fiscal responsibility sharing.

511. FYR Macedonia's fears of destabilization, which were shared by some states, point to the need for further examination of the principle of first asylum in situations of mass influx. The issue of whether first asylum should be considered as an absolute and unconditional legal obligation consistent with the 1951 Refugee Convention should be examined within the context of UNHCR's efforts on promoting burden sharing.

Registration

512. The pressure placed on UNHCR to conduct a registration exercise during the Kosovo emergency addressed concerns that are different from normal operations: it focused on family tracing and issues related to denial of nationality that could lead to statelessness rather than facilitating the provision of assistance. This led to unrealistic demands.

513. Incompatible registration systems (between Albania and FYR Macedonia, and between camps and community-based housing) impeded efforts at family tracing. The involvement of various agencies in the registration exercise appears to have resulted in a situation in which the issue of custodianship of sensitive data was not resolved.

514. The Kosovo emergency indicates that UNHCR should develop its registration policy and techniques. The agency should consider modifying the *Handbook for Emergencies* in order to acknowledge that registration is often a key protection activity. The technological advances experimented with during the Kosovo emergency have the potential to contribute considerably to protection activities in the future once they are refined. They should be fully developed. UNHCR should also consider the establishment of a Registration Unit.

Security

515. The location of camps established by EXCOM members in northern Albania created considerable security risks by placing refugees in zones directly implicated in cross-border military activities.

516. It is necessary for UNHCR to clarify its mandate regarding physical security in a realistic manner. This should be done in conformity with the provisions of EXCOM Conclusion no. 72 (1993) that encourage UN member states to assume primary responsibility for security issues and to co-operate with UNHCR.

517. UNHCR needs to resolve its position on military involvement relating to matters of physical security. Addressing security issues requires distinguishing between various security needs. There is a differentiation to be made between

police-type duties or patrols within camps and demilitarizing or securing a refugee-populated area. Likewise, the use of military equipment and personnel to put up tents and establish camps poses different ethical issues from the use of military units to maintain order.

518. Security arrangements with national police were not adequate to meet the security needs in Albania and FYR Macedonia. More extensive use of international civilian police monitors could have augmented local police capacity in both host countries. Following the ad hoc nature of the responses to security threats within camps or refugee-populated areas in Albania and FYR Macedonia, it is particularly important for UNHCR to develop and make operational the "ladder of options" concept.

Notes

[1] This chapter was written by Michael Barutciski.
[2] Paras. II (A) 1 and 2. It is important to note, however, that EXCOM conclusions are political statements that do not have the same legal nature as binding state obligations of the type found in the 1951 Refugee Convention.
[3] EXCOM Conclusion no. 85 (1998), para. (p).
[4] See, for example, Amnesty International, *Former Yugoslav Republic of Macedonia: The protection of Kosovo Albanian refugees*, May 1999, p. 12.
[5] Ibid., p. 14.
[6] UNHCR Memorandum, *DIP Mission to Albania and FYR Macedonia: 18–25 May*, 1 June 1999, para. 1.4.
[7] This opinion was communicated to the evaluation team by US and UK officials during interviews on 20 September 1999, 22 October 1999 and 3 December 1999. As stated by a high-level diplomat who led the negotiations with Belgrade and the humanitarian response: "UNHCR was impossibly dogmatic on the Blace question. I told them, you can't solve that problem by citing chapter and verse from the Convention."
[8] Paras. IV (1) and (2) on International solidarity, burden-sharing and duties of States.
[9] "The [UK] Government has always maintained that the vast majority of these refugees wish to stay in the region and this was confirmed during our visit to FYR Macedonia and Albania. Clare Short said, 'The dearest wish of the overwhelming bulk of the refugees is to return, and to stay in the region and join up with their family members' … We agree that for the vast majority of refugees their care in the region is both the most practical and their preferred option." Select Committee on International Development, *Third Report – Kosovo: The Humanitarian Crisis*, House of Commons, London, 15 May 1999, para. 75.
[10] UNHCR, Protection Guidelines: Kosovo Situation, 9 April 1999.
[11] Out of a total of 7,972 evacuations for the period 6–11 April 1999, Germany had taken 4,420 refugees, Turkey 2,941 refugees and Norway 515 refugees. UNHCR Skopje, *Guidelines for the Humanitarian Evacuation Programme of Kosovar Refugees in the Republic of Macedonia*, 12 April 1999, p. 3. These guidelines followed the first document on HEP: UNHCR, *Humanitarian evacuation of refugees from FYR Macedonia: Initial guidelines for identification of evacuees during Phase One*, 5 April 1999.
[12] UNHCR Skopje, *Guidelines for the Humanitarian Evacuation Programme of Kosovar Refugees in the Republic of Macedonia*, 12 April 1999, p. 3.
[13] Letter dated 17 April 1999: "UNHCR and the rest of the international community must ensure that the burden on frontline receiving states is manageable. The United States is working with Macedonia to keep borders open and with NATO to expand current camps and to build new ones, but these efforts will only go so far. I know that UNHCR and others prefer a regional solution to this refugee crisis, as do we. The reality is, however, that the absorptive capacity of Albania and Macedonia has been stretched to the limit, the stability of the region as a whole is threatened, and refugees are suffering. We must therefore move ahead with plans to temporarily relocate refugees in third countries, and I have urged many countries to activate their pledges to host refugees as soon as possible."
[14] UNHCR Evacuation Team in Skopje, *Extraordinary Note on the Humanitarian Evacuation Programme from the former Yugoslav Republic of Macedonia*, 20 April 1999.
[15] For a comprehensive list of problems, see Humanitarian Evacuation Team (UNHCR Skopje), *Assessment of the Implementation of the Humanitarian Evacuation Programme*, 25 April 1999.
[16] Amnesty International believed that since the Albanians fleeing Kosovo were refugees according to the 1951 Refugee Convention, this "would imply that they should be entitled to the rights elaborated in that Convention, and, consequently, that the evacuation of refugees from Macedonia should properly be treated as the resettlement of Convention refugees". Amnesty International, *Former Yugoslav Republic of Macedonia: The protection of Kosovo Albanian refugees*, May 1999, p. 16.
[17] Report filed by a senior protection officer, Skopje, 12 June 1999.

[18] The information is based on meetings at the US embassy in Skopje (21 September 1999) and with the Canadian Immigration Department (22 October 1999).
[19] UNHCR Memorandum, *DIP Mission to Albania and FYR Macedonia: 18-25 May*, 1 June 1999, para. 2.1.
[20] Art. 33(1) of the Convention: "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." Internal movements are circumscribed by Art. 26: "Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances."
[21] The first two HEP guidelines mention that the operation is organized for the purposes of "temporary safety". The last guidelines omit the adjective "temporary".
[22] "Such temporary protection includes admission to safety, *non-refoulement* and treatment in conformity with international humanitarian standards." UN Economic and Social Council, *Report of the United Nations High Commissioner for Refugees*, UN Doc. E/1994/41, 6 May 1994, para. 147.
Even when temporary protection was prolonged for more than two years, the same minimal treatment continued, although it was never made more precise beyond a vague reference to compliance with "international humanitarian standards".
[23] The Protection Guidelines of 9 April 1999 provide that the minimum standards of treatment include: "protection from refoulement, preferably with a legal or other form of enforceable basis for remaining in the country of protection; respect for basic human rights and dignity, including access to means of subsistence (access to work or social services, or international assistance), shelter, health care, clothing, and, depending on the length of stay, some form of education for children; the ability to join families when different members are enjoying protection in different countries (i.e. not family reunification in the sense of bringing family members from Kosovo to country of protection, but if, for example, some family members are in Germany and some in Switzerland, they should be allowed to reunite together in one or the other of those countries)." The last provision is slightly reworded in the revision of 30 April 1999. None of the three sets of HEP guidelines produced during the emergency mention reception conditions in the host countries.
[24] However, the following passage is likely to open UNHCR to severe criticism from jurists, on the grounds that binding legal obligations in treaty law cannot be suspended without an explicit clause authorizing such a derogation. "Where Kosovar refugees are not provided with access to asylum procedures, they should at a minimum enjoy a form of temporary protection, in fact if not in name. In these exceptional circumstances, *the application of the Convention could be temporarily suspended*, albeit with the clear understanding that the Convention must have a place in determining protection needs at the time of return." (emphasis added) UNHCR, *Protection Guidelines: Kosovo Situation – Revision 1*, 30 April 1999.
[25] Information communicated by NGOs operating in Oxfordshire, England. See also, *TALK BACK: The Monthly Newsletter of the International Council of Voluntary Agencies (ICVA)*, Vol. 1, no. 2, June 1999: "This has created distortions and resentment. Over one thousand Kosovo refugees in one camp, in Bihac (Bosnia) demolished their camp and set off back to Macedonia in the hope of being able to benefit. They were persuaded to come back by UNHCR officials."
[26] Art. 3: "The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin."
[27] See, for example, Amnesty International, *Former Yugoslav Republic of Macedonia: Humanitarian Evacuation and the International Response to Refugees from Kosovo*, June 1999, p. 4: "It is evident that many of the problems incurred in the running of the HEP had much to do with the pressure of doing things quickly – which meant that proper systems of identifying those refugees most in need of being evacuated were never established." The same report goes on to state that "UNHCR targeted the most vulnerable refugees and those with special needs as priority for evacuation, and concentrated on submitting those cases to governments" (p. 9).
[28] UNHCR, Updated UNHCR Guidelines for the Humanitarian Evacuation Programme of Kosovar Refugees in Former Yugoslav Republic of Macedonia, June 1999. It should be noted that the HEP guidelines of 5 April 1999 and 12 April 1999 also mention prioritization of vulnerable refugees. See also the document entitled "Guidance for Prioritisation for Evacuation produced by the Skopje HEP team in May 1999".
[29] "[H]umanitarian evacuation does not focus as does resettlement, on addressing individual protection needs. Rather, it moves groups of refugees so that all in need of protection can have access to safety. Its essential features are its speed and its size." UNHCR, *Protection Guidelines: Kosovo Situation – Revision 1*, 30 April 1999. It is interesting to note the omission of the citation's last sentence in the *Updated UNHCR Guidelines for the Humanitarian Evacuation Programme of Kosovar Refugees in Former Yugoslav Republic of Macedonia*, June 1999.
[30] See UNHCR (Policy Research Unit), *Camp Security in Macedonia*, July 1999.
[31] *TALK BACK: The Monthly Newsletter of the International Council of Voluntary Agencies (ICVA)*, Vol. 1, no. 2, June 1999.
[32] UNHCR, *Updated UNHCR Guidelines for the Humanitarian Evacuation Programme of Kosovar Refugees in Former Yugoslav Republic of Macedonia*, June 1999.
[33] UNHCR Memorandum, DIP Mission to Albania and FYR Macedonia: 18–25 May, 1 June 1999.

[34] During a visit to Albania on 7 April, the HC encountered officials from FYR Macedonia, Greece and Albania who were organizing such transfers. The HC reiterated that the transfers should be voluntary. *Summary Report of HC's mission to Italy, Albania and FYR Macedonia (6–10 April 1999)*, 14 April 1999.
[35] Ibid.
[36] NATO, *Establishment of New Refugee Reception Centres Korce SE Albania: Recce Report*, NATO Doc. K3000/ARSPPP/99, 5 May 1999.
[37] UNHCR Memorandum, *DIP Mission to Albania and FYR Macedonia: 18–25 May*, 1 June 1999, para. 3.1.
[38] Ibid.
[39] UNHCR, Humanitarian evacuation of refugees from FYR Macedonia: Initial guidelines for identification of evacuees during Phase One, 5 April 1999.
[40] UNHCR, Moving Kosovars to Albania: A Specific Form of Humanitarian Evacuation, 3 May 1999.
[41] "UNHCR has struggled to prevent any forcible movements from the border to Albania, while encouraging the refugees to move south of their own accord. This has not been easy. UNHCR officials say that voluntary means 'raising no objections', and they also say that the refugees are being given every chance to register objections. It is not clear however whether anyone who objects can automatically remain. What, for example, of refugees who want to return quickly in the event of a settlement? Would this constitute a reasonable objection? So far the issue has not been forced. Only 600 refugees have agreed to move to Albania." *TALK BACK: The Monthly Newsletter of the International Council of Voluntary Agencies (ICVA)*, Vol. 1, no. 2, June 1999.
[42] Background paper submitted by the HC to the High Level Meeting on the Kosovo Crisis, 13 May 1999, para. 4.
[43] "Transfers should be implemented broadly in accordance with the DIP guidelines, which stipulate that non-objection rather than voluntary application should determine who goes, with reasons for objection being subject to some assessment as to their reasonableness."
UNHCR Memorandum, *DIP Mission to Albania and FYR Macedonia: 18-25 May*, 1 June 1999, para. 3.3.
[44] "Albania has a border contiguous with Macedonia, meaning movement is quick and easy, and Albania imposes no quota nor selection criteria for accepting Kosovars." UNHCR, Moving Kosovars to Albania: A Specific Form of Humanitarian Evacuation, 3 May 1999.
[45] This view is confirmed in an e-mail message sent from UNHCR to the evaluation team on 19 January 2000.
[46] The reluctance of some UNHCR staff to participate in HEP was well known: "UNHCR will be asked by [the government] to identify those willing to move and assist the government with transportation and logistics. In view of the [government's] position on humanitarian evacuation and perception that UNHCR is unhelpful, this is an unlikely scenario." Humanitarian Transfer of Kosovo Refugees from Macedonia to Albania, updated on 10 May 1999. An internal e-mail message dated 14 May 1999 highlights a similar point: "We are noticing US impatience with UNHCR's lack of enthusiasm for 'mandatory movements' to Albania."
[47] Note for the file: Albania transfer incident at Blace, 23 May 1999. This incident in which UNHCR even used the media to pressure the government is confirmed in a separate note to the file prepared by the Emergency Co-ordinator on 24 May 1999.
[48] Humanitarian Transfer of Kosovo Refugees from Macedonia to Albania, updated on 10 May 1999. The same document goes on to specify that "UNHCR would prefer not to bus people from the border to Albania, because this scenario largely respects UNHCR's principles we should not distance ourselves from the movement but should monitor the movement very carefully." This approach drafted by the Emergency Co-ordinator in Skopje contrasts with the more realistic approach that was expressed around the same time by the Director of the Europe Bureau: "In my view the best thing would be to aim for [transfers] of the new arrivals to Macedonia, if they are to come. Once in the border areas and desperate for shelter we will tell them that the camps in Macedonia are full but that we have place for them in camps in Albania with UNHCR presence and that UNHCR will take them to these camps. I believe that many refugees will simply get on the bus and agree to go to Albania. This would be what we call a non-forceable movement. It would not be based, however, on a voluntary choice of between Macedonia and Albania."
[49] "Turkey unfortunately is not a very popular destination, in spite of decent accommodation being provided. Since the movements have to be voluntary and rightly so, we have increasingly problems in filling flights to Turkey and regularly flights are cancelled due to lack of takers as so many other countries do offer possibilities." Internal UNHCR Europe Bureau e-mail message, 14 May 1999.
[50] "We have tried [transfers] to Albania from camps in Macedonia and surprise, surprise hardly any takers (only family reunification so far) especially when 27 countries (and some attractive countries) are fighting to take refugees to their countries." Ibid.
[51] Arts. 9 and 33(2). Any ambiguities in the provisions are addressed directly by the state representatives at the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, Summary Record of the Sixteenth Meeting (held at the Palais des Nations, Geneva, on Wednesday, 11 July 1951, at 3 p.m.), UN Doc A/CONF.2/SR.16, 23 November 1951. The Department of International Protection has indicated to the evaluation team that it opposes fundamentally such considerations in the context of the Kosovo emergency.
[52] Para. f.

[53] EXCOM Conclusion no. 22 (1981) stipulates that "family unity should be respected [and that] all possible assistance should be given for the tracing of relatives" (paras. (h) and (i)).
[54] EXCOM Conclusion No. 85 (1998), paras. (v) and (w).
[55] See, for example, Lawyers Committee for Human Rights, *Protection of Kosovar Refugees and Returnees: The Legal Principles*, June 1999, p. 4, and Amnesty International, *Former Yugoslav Republic of Macedonia: Humanitarian Evacuation and the International Response to Refugees from Kosovo*, June 1999, p. 6.
[56] UNHCR, Protection Guidelines: Kosovo Situation, 9 April 1999.
[57] Ibid.
[58] UNHCR, *Report on Registration of Refugees from Kosovo (15 April-15july 1999), 28 July 1999*, p. 4.
[59] See, for example, *TALK BACK: The Monthly Newsletter of the International Council of Voluntary Agencies (ICVA)*, Vol. 1, no. 2, June 1999: "In spite of the numbers, the problems with registration, and the fragmentation of the relief effort, the Kosovo crisis has not produced thousands of orphans and unaccompanied minors – as happened in Rwanda."
[60] Select Committee on International Development, *Third Report – Kosovo: The Humanitarian Crisis*, House of Commons, London, 15 May 1999, para. 18.
[61] Although its wording may lead to varied interpretations, the response submitted by UNHCR to the House of Commons hints at the inappropriateness of hasty recommendations about unrealistic border registration in an emergency context: "It was the refugees themselves, as they crossed the borders in their thousands, who first reported the destruction of their identity cards. Even if governments had agreed, and UNHCR been able to register the refugees as they crossed the borders, UNHCR would not have considered this in the best interests of the refugees, whose immediate need for security, shelter and assistance were more important." Para. 19.
[62] "Registration of those newly arrived should occur as soon as possible … This will be particularly important for those arriving without identification documents. Everything must be done to address the problem of statelessness." Statement by UNHCR to the high-level HIWG, Geneva, 6 April 1999, *The Kosovo Emergency: Assistance and Protection to those Displaced by the Crisis*, p. 4.
[63] UNHCR, *Guidelines concerning UNHCR's cooperation with the ICTY in the context of the Kosovo*, 14 April 1999, para. 7.
[64] See UN Security Council Resolution 1208 (19 November 1998) and *Military Attacks on Refugee Camps and Settlements in Southern Africa and Elsewhere*, Report prepared by former High Commissioner Felix Schnyder, UN Doc EC/SCP/26 (15 March 1983).
[65] EXCOM Conclusion No. 48, para. 4(c): "UNHCR and other concerned organs of the United Nations should make every effort, within their respective terms of reference and in keeping with the principles of the United Nations Charter, to promote conditions which ensure the safety of refugees in camps and settlements. For UNHCR this may include maintaining close contact with the Secretary-General of the United Nations and providing liaison, as appropriate, with all the parties concerned. It may also involve making appropriate arrangements with States of refuge on methods of protecting such refugee camps and settlements including, whenever possible, their location at a reasonable distance from the frontier of the country of origin."
[66] Section II.
[67] "Given the situation of conflict which is on-going in Kosovo province, refugee settlements must be located a safe distance from the border to avoid any spillover effects of the conflict."
UNHCR, *Protection Guidelines: Kosovo Situation*, 9 April 1999.
[68] Para. II (2) B (g).
[69] "The crisis in Kosovo from a humanitarian perspective", *TALK BACK: The Monthly Newsletter of the International Council of Voluntary Agencies (ICVA)*, Vol. 1, no. 2, June 1999: "UNHCR officials stress that there are no signs yet of overt militarisation of the camps, or recruitment and training by the KLA, as there was in the Rwandan camps. But a survey of 195 refugee families in Kukes by MSF in late April found that 32% of absent family members were with the KLA. The links between the refugees and KLA are clear enough and they may well deter the refugees from moving south."
[70] See, for example, UNHCR, *Albania protection report 10–16 May 1999*: "The presence of KLA soldiers in the camps in Kukes has significantly increased during recent weeks. This can be attributed in part to the recent recruitment drive, and the fact that there is the possibility that the camps are being used as a resting post for KLA soldiers."
[71] See, for example, Lawyers Committee for Human Rights, *Protection of Kosovar Refugees in Albania: A Report on the Mission to Tirana and Kukes (1-5 June 1999)*, 9 June 1999, para. 1.2.1.
[72] Amnesty International, *Former Yugoslav Republic of Macedonia: The protection of Kosovo Albanian refugees*, May 1999, p. 10.
[73] Select Committee on International Development, *Third Report – Kosovo: The Humanitarian Crisis*, House of Commons, London, 15 May 1999, para. 35.
[74] Submission from UNHCR to the UK House of Commons.
[75] See UNHCR (EXCOM), *The Security, and Civilian and Humanitarian Character of Refugee Camps and Settlements*, 14 January 1999, UN Doc EC/49/SC/INF.2.
[76] As stipulated in para. 2 of its Statute: "The work of the High Commissioner shall be of an entirely non-political character; it shall be humanitarian and social and shall relate, as a rule, to groups and categories of refugees."
[77] UNHCR, *Protection Guidelines relating to refugee security*, 29 April 1999, section V.
[78] For an account of police intimidation, see Amnesty International, *Former Yugoslav Republic of Macedonia: The protection of Kosovo Albanian refugees*, May 1999, p. 8. See also "The crisis in Kosovo

from a humanitarian perspective", *TALK BACK: The Monthly Newsletter of the International Council of Voluntary Agencies (ICVA)*, Vol. 1, no. 2, June 1999: "Policing the camps. Once again, there are no reports of consistent violence against refugees - either by other refugees, or by the Macedonians who are responsible for security in the camps. However, it is reported that refugees recently tried to lynch a group of 20 Roma in the Macedonian camps, causing several serious injuries. This underscores the importance of an effective police presence."

[79] See UNHCR assessment carried out by the Policy Research Unit, *Camp Security in Macedonia*, July 1999.

[80] During one incident on the evening of 5 June 1999, the US ambassador had to defuse an explosive situation at Stenkovec I camp. Given the political dynamics of the conflict and the role of the USA, this represented a positive example of shared responsibility because it was probably more effective than any UNHCR intervention at that point.

[81] See UNHCR Memorandum, *DIP Mission to Albania and FYR Macedonia: 18–25 May*, 1 June 1999, para. 8.3.

[82] The potential complications arising from the presence of foreign police officers enforcing local laws in an unfamiliar environment should not be underestimated.

[83] "Initially, there was praise for the host families, particularly in north-east Albania that is a very poor region. But this has shifted to concern that the refugees are vulnerable to abuse, exploitation and prostitution. There are reports of trafficking in women. Host families appear to be charging exorbitant rents when UNHCR is meant to be providing subsidies. Refugees are being charged for ration cards that are supposed to be free. UNHCR protection officials say it is difficult to get detailed information on these reports, and have appealed to NGOs to assist." "The crisis in Kosovo from a humanitarian perspective", *TALK BACK: The Monthly Newsletter of the International Council of Voluntary Agencies (ICVA)*, Vol. 1, no. 2, June 1999.

[84] See, for example, UNHCR, *Albania protection report 10–16 May 1999*: "Reports from camps all over the country about the forced removal of women from the camps for trafficking and prostitution have not been confirmed."

[85] The contingency plans prepared during the summer of 1998 recognize FYR Macedonia's reluctance to admit refugees: "It is expected that political and thus protection issues (question of open borders, refoulement, access to and status of refugees) will constitute the biggest challenges in a possible refugee emergency whereas assistance and logistics should not pose major problems." However, as discussed in chapter 2, the plans focus on what was considered the most likely scenario at the time: "The influx scenario is based on the assumption that the Government will allow access to new arrivals from Kosovo and that the majority could be accommodated with Macedonian families of Albanian ethnicity." *Emergency Contingency Plans for the Former Yugoslav Republic of Macedonia*, updated version of May 1998.

7
Relations with the military[1]

519. The relationship between UNHCR and NATO during the Kosovo refugee crisis marked a departure in the agency's previous co-operation with the military. NATO was in this case a direct party to a military conflict, but lacked authorization from the UN Security Council. UNHCR's decision to work with NATO during the air strikes therefore meant a deviation from the traditional norm that humanitarians be impartial and neutral.[2] In this respect, the Kosovo situation differed from those in Croatia and in Bosnia and Herzegovina in that the NATO forces with which UNHCR worked were deployed in a UN "peace enforcement" capacity.

520. It is therefore important to understand why a different relationship was formed in the Kosovo case, and what the consequences were.

521. The areas of co-operation identified in the letter from the High Commissioner to the Secretary-General of NATO (3 April 1999) were logistics (airlift operation, offloading and storage of aid), construction of refugee camps, and, in a different vein, a request that NATO assist UNHCR to get agreement from its member states to take some refugees from FYR Macedonia and help in transporting them to third countries.

522. In the operational field, joint air control was non-controversial and patterned after the Sarajevo Airlift by establishing a joint air control cell to co-ordinate humanitarian flights with military use of air space. Military activities that were more visibly and directly related to humanitarian operations were more problematic. These included transport and logistics (for example NATO member troops managing the airports, unloading humanitarian supplies and transporting them to refugee camps or distribution centres in Albania and FYR Macedonia) as well as infrastructure (expanding the airport and improving roads in Albania that had dual military and humanitarian use). The distinction between the two spheres was blurred in the case of dual use facilities, and virtually erased when NATO forces built refugee camps and provided security and other camp services in FYR Macedonia and Albania.

523. In discussing the policy aspects of NATO–UNHCR relations during the Kosovo emergency, it is therefore useful to focus on the most concrete and visible areas of co-operation. From UNHCR's perspective, there was a risk that NATO involvement might expose the camps as targets in the military conflict and facilitate their use by the guerrillas (for example for recruitment). Equally, if not more importantly to the High Commissioner, there was concern that close relations with NATO could jeopardize UNHCR's relations with Belgrade and undermine its operations in Yugoslavia, including its ability to work in Kosovo, the future status of which was unknown. More generally, a close association with NATO could weaken UNHCR's claim to impartiality and hence access in future refugee situations.

524. As late as 28 March, the High Commissioner and her Special Envoy were exploring ways in which there could be military contingents in Albania without a NATO hat, perhaps in the form of a multinational force with a humanitarian mandate akin to the Italian-led "Operation Alba" in 1997. By that time, however, NATO plans to the contrary were well advanced.

525. In the end, the imperative of saving lives made the High Commissioner accept NATO assistance. Lack of preparedness by the civilians, and the ready availability of NATO support, made use of the military essential in the relief operations during the first days of the emergency. Moreover, the High Commissioner had hoped that co-operation with NATO would be a framework for accessing the national military resources of the alliance members.[3] As it turned out, several states did offer the services of their military forces in the equivalent of national service packages (for example for camp building), but on their own and NATO's initiative and, often, terms. Timing again was crucial. British and French forces were already deployed in FYR Macedonia and ready to move before even being asked by UNHCR. In Albania, several governments provided troops to support the relief operation under bilateral agreements with the government either before UNHCR asked, or, later, independently of the agency. NATO similarly developed plans for a humanitarian force in Albania without consulting with UNHCR.

Before the emergency

526. NATO's interests in supporting the humanitarian sector in the Kosovo conflict pre-dated the emergency. Already, on 2 September 1998, the Secretary-General called the High Commissioner to discuss possibilities for joint contingency planning.

527. One contingency was "peace support operations" related to Kosovo. This was the object of the NATO–Partnership for Peace military exercises in Albania and FYR Macedonia in June 1998. UNHCR was here identified as a principal partner for NATO's civil emergency unit (EADRCC). More generally, NATO was ready to discuss support for transport, logistics and air co-ordination in the humanitarian sector, whether to aid IDPs and returnees in Kosovo, or to aid refugees in neighbouring states. NATO's civil emergency section had assisted UNHCR in a minor way in June 1998 by co-ordinating the airlift of supplies for refugees entering Albania. Later that year, NATO repeatedly offered to support UNHCR operations in Kosovo through the Euro-Atlantic Disaster Relief Cooperation Centre (EADRCC), as well as in early 1999, when a settlement permitting return and reintegration seemed possible.

528. Nevertheless, the High Commissioner declined the invitation to joint planning. While there was a need for close *co-ordination* with NATO, c*o-operation* was a different matter.[4] As the High Commissioner noted during her visit to NATO headquarters in November 1998, NATO's mission was political and had to be kept distinct from UNHCR's humanitarian role.[5]

529. Having issued a standing invitation, NATO nevertheless did a little planning on its own. The issue was brought up several times in September–October 1998 in the Senior Civil Emergency Planning Committee (SCEPC) – a standing committee under the NATO Council. The Secretariat prepared a preliminary contingency plan that was completed on 2 February 1999 and identified likely areas of NATO support to UNHCR (transport, logistics, air operations) although with no numbers and no scenarios attached.

530. The forces in NATO favouring closer co-operation with UNHCR reflected a range of concerns. There was agreement in SCEPC that NATO should not undertake a humanitarian support mission without a request from UNHCR, but opinions differed as to how far NATO should go in planning for such a role. The proactive view, articulated by the USA and the Italian delegations, held that NATO must start planning for a humanitarian role in relation to the Kosovo conflict regardless of UNHCR reservations. The US perspective harmonized with

Washington's prevailing maximalist view of the alliance. Italy, being a likely destination for Kosovo refugees, had particular interests in upgrading NATO's humanitarian preparedness in the region. The majority of the committee was more cautious and did not endorse proactive planning. France led the resistance. Reflecting the country's traditional minimalist position on the alliance, the French argued that NATO should focus on its core functions rather than moving into the humanitarian area.

531. Within the NATO Secretariat, the case for proactive planning and joint operations had an institutional base in the Directorate of Civil Emergency Planning, particularly its newly formed EADRCC. This centre was established to co-ordinate assistance to natural and technological disasters in the Euro-Atlantic area. With OCHA as its designated UN partner, the centre was just starting to move into the humanitarian field proper during the refugee inflow to Albania in June 1998. A stronger role for NATO in the humanitarian sector would clearly enhance the institutional position of EADRCC. Thus, during the Kosovo emergency, the centre became the focal point for contact between the NATO and the humanitarians.[6]

Albania

532. When the large refugee movements out of Kosovo began at the end of March 1999, NATO immediately renewed its offer to assist UNHCR. It is clear that the initiative leading to NATO's prominent support role in the humanitarian sector did not come from the High Commissioner, who was reluctant at the outset, but from NATO and some of its key members. Albania played a role as well.

533. For the Albanian government, the crisis was an opportunity to strengthen its relationship with NATO. Already on 23 March – the day before the air strikes started – Prime Minister Majko asked for a 19+1 meeting of the NATO Council to discuss the implications of the impending air strikes. Attached to his request was information from his National Commissioner for Refugees, claiming that 100,000 refugees were poised on the country's northern border. The government called for NATO's help to set up refugee camps, including 5,000 containers (rather than tents), cooking utensils, beds, medicaments, and so on.

534. It is noteworthy that the request for humanitarian aid went to NATO rather than UNHCR, even though the government was working with UNHCR as well as other international humanitarian organizations in Tirana on a regular basis. The Prime Minister's request, moreover, was made about one week before the limitations on UNHCR's operations in Albania had become apparent. The reasons evidently stemmed from foreign policy concerns.

535. As NATO was preparing air strikes against Yugoslavia, it was obviously in Albania's interests to move closer to the alliance so as to deter the attack that its partnership with NATO and support for the Kosovo guerrillas at any rate invited. The expected refugee influx was an additional way of capturing NATO's attention and securing assistance on the eve of the air campaign. While the initial request was for material aid only, it appears that Majko also requested that allied forces be deployed. When the air strikes started, Albania (along with Yugoslavia's other neighbours) received formal letters of support from NATO's Secretary-General.[7]

536. Albania's pro-NATO position set the stage for a wide-ranging military involvement in humanitarian-related activities, both under the umbrella of the alliance and bilaterally.

The Albanian model

537. UNHCR relations with Western military forces in Albania had some distinct characteristics that set it apart as "the Albanian model".

538. Several national military contingents from NATO countries operated on the basis of bilateral agreements with the Albanian government. Some had been there before the emergency, notably Italian and Greek forces which provided training and other aid under military assistance agreements with Tirana. Once the refugee crisis erupted they simply switched operations to humanitarian support. They were rapidly followed by others, including US and French forces, which initially managed the airport, followed by camp construction (US forces), more Italian forces, which built refugee camps in Kukes, and Spanish, Turkish and Austrian forces which arrived to build camps and carry out other support work.

539. To this day, there is little systematic information available on the bilateral military support agreements for the refugees in Albania.[8] The process was largely independent of the NATO–UNHCR agreement of 3 April that defined areas of co-operation. Initially, there was little sharing of information, let alone consultation with UNHCR, although later there was some improvement. The general consequences of inadequate information has been analysed above (chapter 5); a specific consequence in this case was that some camps were located too close to the border, in violation of accepted norms that seek to separate refugee assistance from the theatre of war.

540. It was not only a matter of consultation. The main issue was that the line dividing the military and the humanitarian spheres became blurred, as was most visibly demonstrated by the US presence. US forces were primarily in Albania for non-humanitarian purposes – notably the deployment of Apache helicopters and its task force of 6,200 troops to support the war. To facilitate the deployment, US forces expanded and managed the Tirana airport, which also served the humanitarian effort. Troops that helped with the relief effort to unload supplies and build roads were wearing the same US army "hats" as those deployed for the war. That they did not belong to the same units was a fine point of distinction.

541. The military–humanitarian merger was even more complete in the case of AFOR – a NATO force established for Albania with an exclusive humanitarian mandate and under NATO command.

542. AFOR was perhaps the most problematic aspect of NATO's humanitarian role during the refugee crisis. On 2 April – the day before the High Commissioner requested NATO support – the NATO Council approved preparation of a plan to deploy a NATO force to assist the humanitarians. In line with the organizational practice of proactive planning, the staff of the Military Committee had started preparing options for such a force about two weeks earlier. The operations plan was completed already on 11 April.[9]

543. The operations plan for "Allied Harbour" was prepared by SHAPE without any consultation with UNHCR. It was presented to UNHCR as a *fait accompli* and as a concrete response to the request for assistance on 3 April. While UNHCR officials were briefed on the plan earlier, it was not discussed at a

high level until the High Commissioner's visit to Brussels on 14 April. At that point, there was considerable concern in UNHCR about both the process and the result. Officials questioned whether an additional force of 8,000 men really was needed to support humanitarian functions, and worried that some AFOR units might be shifted to military functions if NATO were to engage in a ground war in Kosovo. Moreover, if AFOR had only a humanitarian function, why was UNHCR not consulted in its preparation? The situation certainly encouraged impressions that a humanitarian label was being used as a cover for military functions.

544. Overall, there was a marked lack of transparency, co-ordination and clarity concerning the precise activities of AFOR and the NATO bilateral contingents in the humanitarian sector in Albania.[10] This was particularly significant because NATO at the time was at war with Yugoslavia, and Albania actively supported the war effort, especially by giving NATO unrestricted use of its air space and military facilities, and allowing the UCK seemingly free use of northern Albania as a base of operations. In this situation it was difficult to separate humanitarian functions from the pursuit of the war. Indeed, as it was later reported, AFOR contingents laboured to improve the road to Kukes that not only supplied the refugee population, but also figured centrally in the invasion plans of Kosovo drafted by SHAPE in late May.[11]

The Macedonian model

545. The Macedonian request on 1 April that British and French forces deploy in the country to start constructing refugee camps was greatly welcomed by NATO. It would help solve the impasse at Blace, reduce the probability that the Macedonian government would renege on its support for NATO's military campaign, and be a compelling demonstration of NATO's "humanitarian face".

546. As discussed in chapter 3, Skopje's request was relayed to the High Commissioner, who first objected, preferring that the camps be built by civilians, but then relented. "We were overwhelmed," she later said. In retrospect it seems there was no civilian alternative to NATO forces that could have established camps overnight – as the situation required – and thus speedily unblock Blace. UNHCR did not yet have senior management in place to co-ordinate bilateral military offers of camp construction, if they had been made, or credibly to co-ordinate the resources commanded by NGOs that streamed into Skopje during the Blace stand-off. A senior emergency co-ordinator from UNHCR did not arrive until the night of 3 April, by which time the first camp was constructed.

547. Moreover, pressure from NATO to provide visible and significant support *qua* NATO or NATO member states was considerable. NATO had already planned a support package for the humanitarians well in advance of the High Commissioner's acceptance letter on 3 April.[12] On the ground, the NATO momentum seemed unstoppable. By 1 April, NATO was moving rapidly into the humanitarian sector.[13] In the NATO Council, the discussion on proactive planning that had divided SCEPC in autumn 1998 re-emerged with full force. There was mounting pressure from the USA, the UK and Italy that the military lead the humanitarian operations. Only the military, some argued, had the capacity for "robust" action required in the immediate emergency.[14]

548. Although it seems clear that the only alternative during the initial crisis was to draw on NATO support, a less compelling case can be made for subsequent military involvement in camp construction in both Albania and FYR Macedonia. With more lead time, civilian alternatives could have been mobilized. However, there were strong national preferences to "show the flag",

and by the time UNHCR affirmed its co-ordinating function, a strong bilateral pattern had already been established (see chapter 5). In FYR Macedonia, narrow time restraints continued to favour using the military, since the government only reluctantly approved the extension of camps, not permitting action until the very last moment. The interaction of these forces was well illustrated in the events in mid-April.

549. Camp extension was discussed in mid-April, but delayed by the Macedonian government, partly because it wanted to have a state contractor involved. The international aid community, however, argued that this would be too time-consuming, and the camps were already unacceptably crowded. At that point, the High Commissioner wrote to the government, but it seems that the German role was critical in breaking the impasse.[15] The German government carried considerable weight in Skopje. Apart from having the EU presidency at that time, Germany had established a special economic aid mission in Skopje run by Ministry of Defence for the purpose of supporting the Macedonian economy during the emergency. The Germans also had a sizeable troop presence in FYR Macedonia, and were eager to demonstrate their humanitarian use. In the end, and working closely with UNHCR in the matter, Germany put up the money for the camp extensions ($1 million) and the German NATO contingent in FYR Macedonia built the camps. The workplan called for 10,000 tents to be ready in 10 days, with a total capacity of 40,000 in what became the Cegrane camp.[16] Technically, it was not necessary to have the German soldiers build these camps – a local contractor and local labour in co-operation with NGOs and the refugees themselves were clearly capable of doing so; politically, the German alternative was the easiest solution.

550. The structure of the relationship between UNHCR and NATO was much clearer in FYR Macedonia than in Albania. The NATO member contingents had been deployed in the country before the emergency and had a clear military purpose (initially to extract the OSCE monitors or to stabilize Kosovo in the aftermath of a peace agreement). Their most visible humanitarian activities were added on; they were functionally specific and limited (build and temporarily service a small number of refugee camps) and – above all – transparent. Organizationally as well, the NATO presence in FYR Macedonia facilitated effective and transparent relations with the humanitarians. After the air strikes started, the military constituted one force (KFOR) with a unified command and control structure under General Jackson. There was not, as in Albania, a plethora of bilateral military contingents operating more or less independently and there was no ambiguous NATO force with a humanitarian mandate. This helped maintain the distinction between the humanitarian and military missions.

Conclusions

551. The military–humanitarian relationship was in this emergency largely defined by NATO and its members or partners. On key issues that affected the humanitarians there was little or no consultation with the UNHCR. Partly because it was unprepared for the crisis, the agency had little choice but to accept the relationship and had limited ability to influence its terms.

552. In FYR Macedonia and even more so in Albania, field co-operation between humanitarians and military forces that simultaneously were a party to the war was inherently problematic for humanitarians wedded to norms of neutrality and impartiality. For UNHCR, it could render its lead agency role unacceptable to humanitarian partners who followed those norms.

553. In the event problems did not materialize to the extent that might have been expected. The humanitarian community generally accepted that the imperative of saving lives required co-operation with NATO. Moreover, the war turned out to be rather short, and ended with a NATO victory that permitted speedy return of the refugees. As a result of this fortuitous outcome, adverse effects that typically follow from a blurring of the military–humanitarian distinction were limited. A longer and more inconclusive war might have produced the anticipated problems, however, by encouraging stronger "refugee–warrior communities" in the border areas, and by further weakening the distinction between humanitarian action and the pursuit of the war. In both cases, the UNHCR's status and related effectiveness as a non-political, humanitarian agency would have been eroded.

554. Although UNHCR has limited responsibility for how this particular relationship worked out, there are still lessons for the future.

- From a humanitarian perspective, the Macedonian model is clearly more suitable for a UN humanitarian agency than the Albanian model. It is more transparent, has a clearer organizational structure, and a sharper distinction between the humanitarian and the military missions.

- When working with the military, UNHCR ideally should play a greater role in defining the terms of the relationship and ensure that they are compatible with its humanitarian mission. The agency failed to do so in the Kosovo case in part because it was unprepared for the crisis and was unable to match NATO's proactive planning. Nevertheless, the Kosovo case was a particularly uneven match between the alliance and UNHCR. NATO was deeply involved in the conflict, had critical resources readily available, and was committed to using them in the humanitarian sector.

- UNHCR conceivably could have been better prepared for the crisis if it had accepted NATO's invitation to joint contingency planning in autumn 1998, well in advance of the emergency. On the other hand, institutional co-operation of this kind would compromise the agency's status as a non-political humanitarian organization, undermine its acceptability as a partner and co-ordinator to other humanitarian actors, and circumscribe its access in some refugee emergencies.

Notes

[1] This chapter was written by Astri Suhrke

[2] The norm was incorporated in the Statute of the Office of the High Commissioner as a requirement to be "non-political".

[3] This is clear from the wording of the 3 April 1999 letter which emphasizes what the "Alliance Member States" – rather than the Alliance – could do to provide humanitarian support.

[4] For example a speech by the High Commissioner during a visit to NATO, Brussels, 18 November 1998.

[5] The High Commissioner did show interest in possible help from the NATO "extraction force" in FYR Macedonia to evacuate HCR staff from Kosovo, if need be. *Minutes from the 18th November 1998 meeting between Deputy Secretary Balanzino and UN High Commissioner Ogata.* NATO / Unclassified.

[6] EADRCC's role has been briefly evaluated: see NATO / SCEPC, *Assessment of EADRCC activities and procedures during the Kosovo crisis*, EAPC(SCEPC)WP(99)7. Unclassified.

[7] While not formally giving a "security guarantee", NATO affirmed in individual letters to Albania, FYR Macedonia, Bulgaria, Slovenia and Rumania on 24 March that any military strike against them by Belgrade was "unacceptable. An attack on the NATO forces stationed in FYR Macedonia would be met with "appropriate responses".

[8] Even NATO's civilian emergency division could not provide a ready overview of which militaries did what in the humanitarian sector.

[9] SHAPE, Allied Harbour, SACEUR OPLAN 10414, 11 April 1999.
[10] An evaluation of AFOR by SHAPE was supposed to have been completed late in 1999. It was requested for this evaluation but has not been received.
[11] *International Herald Tribune*, 20 September 1999. Other examples abound. For instance, US military intelligence units worked with UCK guerrillas in northern Albania, while other UCK members actively recruited in the refuge camps.
[12] NATO announced that it had been preparing a package of support for UNHCR since March 31, including logistics, transport, planning and air ops co-ordination, as well as immediate actions to speed humanitarian assistance. Press briefings by James Shea, 31 March, 1 April, 2 April 1999 [www.NATO.int/kosovo/press]. Interviews with NATO sources for this evaluation show that planning had started even earlier, as noted above in case of AFOR.
[13] By 1 April NATO announced it had taken over flight control systems into Skopje and Tirana, activated EADRCC to co-ordinate relief supplies and assist UNHCR, sent a liaison team to Skopje to improve co-ordination of "our efforts", ordered military air controllers to help manage air space over Europe to "de-conflict" humanitarian flights with military sorties, sent an assessment team under the Commander-in-Chief of Southern Forces Europe to Albania to see what NATO could do to help there, and deployed a liaison team to Geneva to assist UNHCR.
[14] Suggested by the US representative at the joint NATO/EU meeting that convened in Brussels to discuss the crisis on 4 April 1999.
[15] As a UNHCR official in Skopje later said, "We could not have done this without the Germans."
[16] UNHCR, SitRep, FYR Macedonia, 21 April; the German Commission in Skopje, *Bericht Nr. 1*, 22 April 1999.

Table I. Cumulative refugee population in Montenegro, Albania and FYR Macedonia, 23 March-9 June 1999

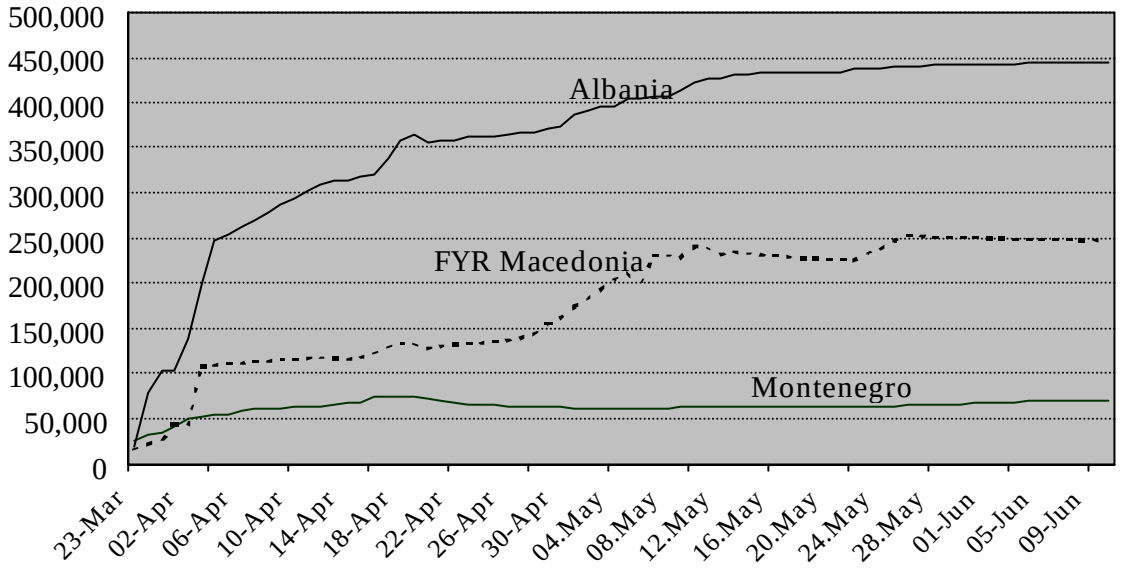


Table II. Staff deployment levels in Albania

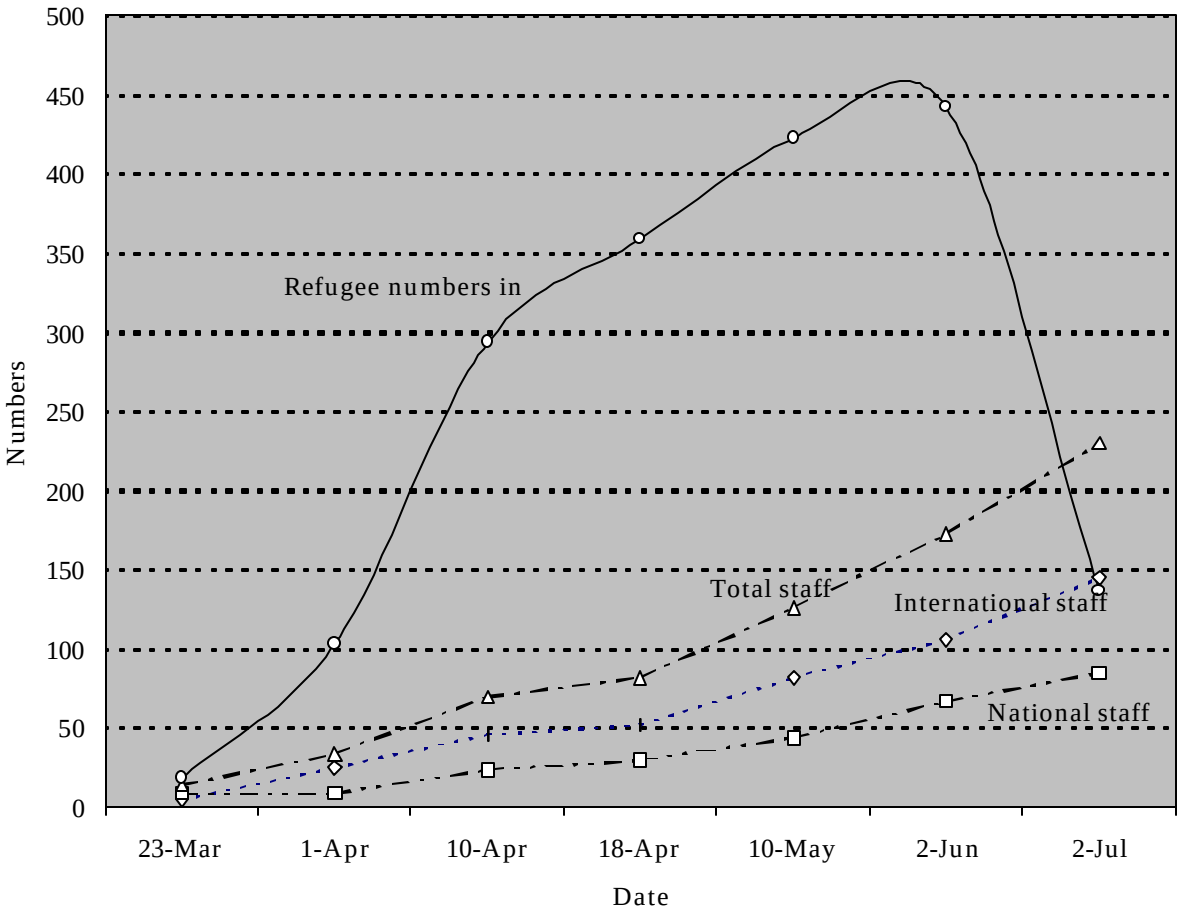
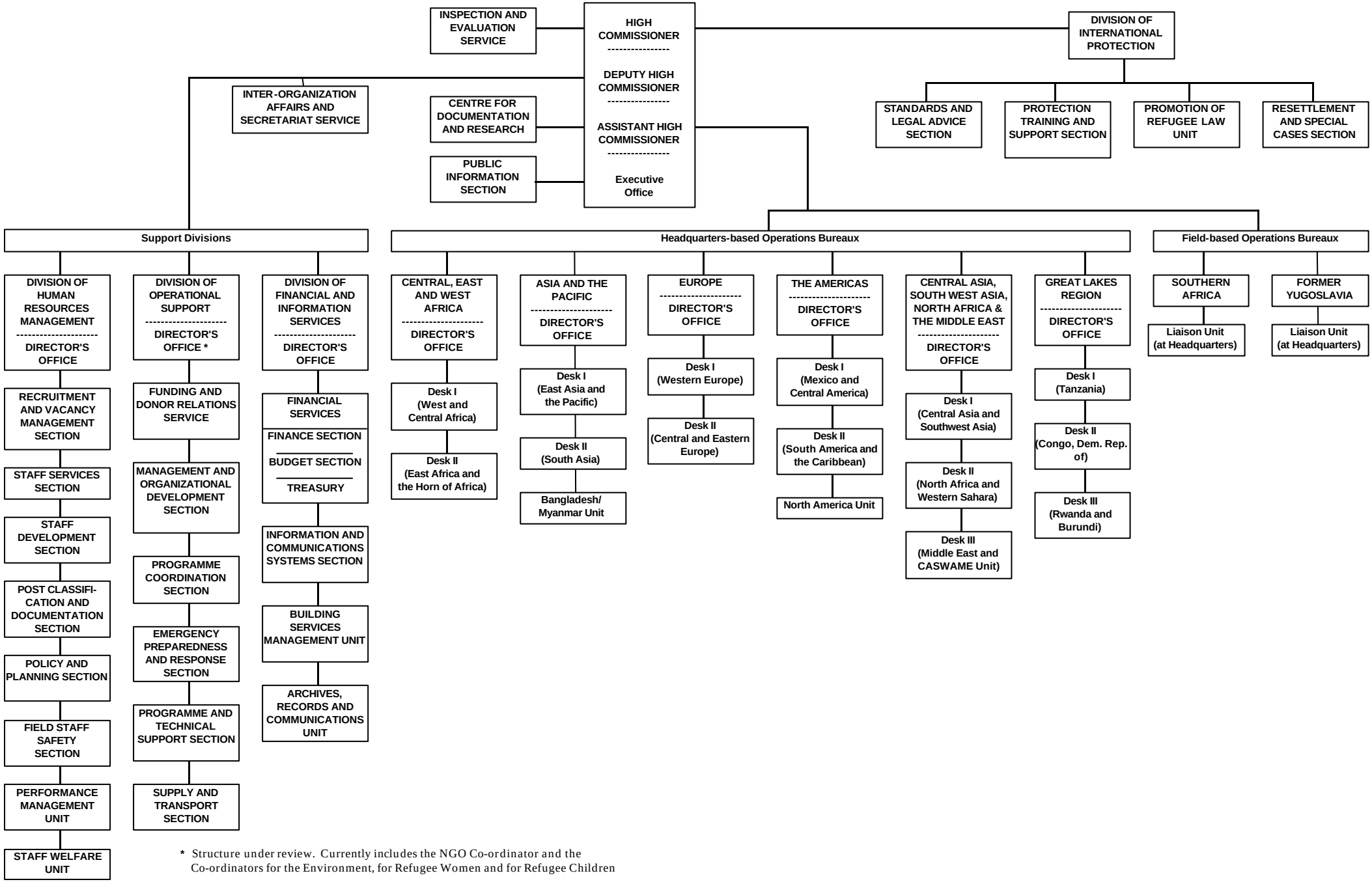


Table III. Cumulative cash contributions (pledged) to UNHCR by major donors for the Kosovo refugee emergency from 1 January 1999*

Country	Total amount as at 30 April (US$)	Country	Total amount as at 2 June (US$)
Japan	23,100,000	USA	28,500,000
Japan (private donors)	304,547	USA (private donors)	2,652,260
Italy	816,235	Japan	23,100,000
Italy (private donors)	8,500,000	Japan (private donors)	216,768
USA	8,500,000	Italy	547,094
USA (private donors)	160,000	Italy (private donors)	10,922,138
Switzerland	3,355,705	Norway	5,743,289
Switzerland (private donors)	651,007	Switzerland	3,355,705
Netherlands	3,400,000	Switzerland (private donors)	680,512
Netherlands (private donors)	200,000	Canada	3,991,530
Denmark	3,417,533	Canada (private donors)	1,000
Canada	3,317,881	Netherlands	3,364,899
Norway	2,544,529	Netherlands (private donors)	500,000
Australia	2,201,258	Denmark	3,412,969
Sweden	2,060,606	Australia	2,201,258
Finland	1,832,054	France	2,109,801
Germany	1,799,469	Sweden	2,054,922
Spain	1,461,043	Finland	1,781,651
Spain (private donors)	221,000	Finland (private donors)	117,796
United Kingdom	809,061	Spain	1,463,836
UK (private donors)	320,000	Spain (private donors)	329,926
France	817,862	Luxembourg	1,528,579
France (private donors)	163,572	Germany	960,628
Austria†	339,164	Germany (private donors)	164,579
Portugal	300,000	Belgium	1,000,000
Luxembourg	266,028	United Kingdom	800,000
Liechtenstein	167,785	Ireland	538,025
		Austria†	339,164
		Portugal	300,000
		New Zealand	195,650
		Liechtenstein	167,785
Others (less than 100,000)	308,342	Total of others (less than 100,000)	386,206
Total	**71,334,681**	**Total**	**103,128,270**

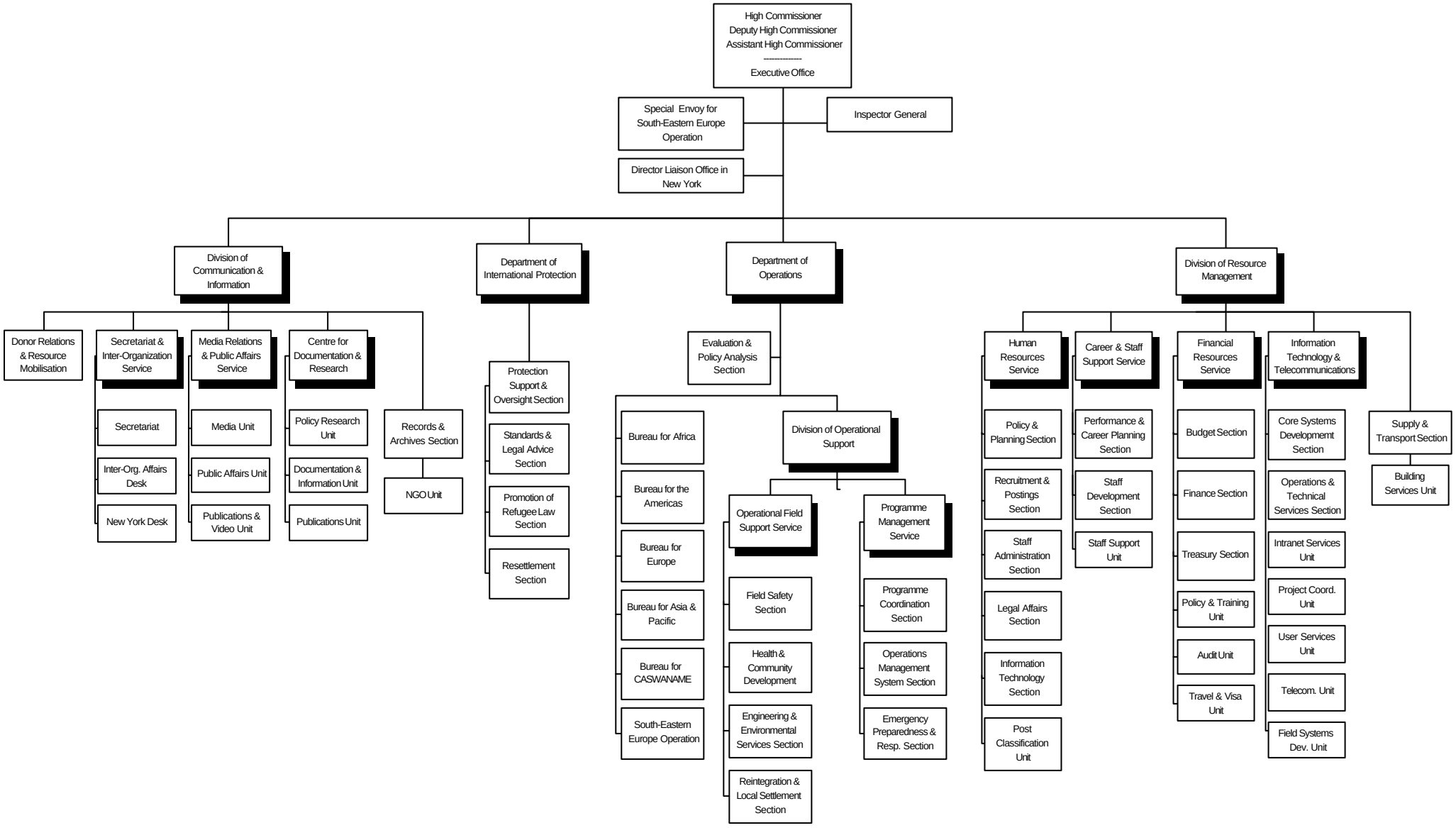
* Virtually all pledges were made in response to the April 1 alert or subsequently.
† Part of a 1998 pledge carried forward.

Table IVa. UNHCR Headquarters organizational structure before February



* Structure under review. Currently includes the NGO Co-ordinator and the Co-ordinators for the Environment, for Refugee Women and for Refugee Children

Table IVb. UNHCR Headquarters organizational structure announced in February 1999



Appendix B
Offices interviewed

Albania

Children's Aid Direct, Tirana
Embassy of Austria
Embassy of Italy
Embassy of Switzerland
Embassy of the Federal Republic of Germany
Embassy of the Islamic Republic of Iran
Embassy of the Kingdom of Saudi Arabia
Embassy of the United States of America
Embassy of Turkey
European Union (EU), Tirana
Humanitarian Information Centre, Tirana
International Committee of the Red Cross (ICRC), Tirana
International Organization for Migration (IOM), Tirana
International Rescue Committee (IRC), Tirana
Mercy Corps International (MCI), Tirana
Ministry of Local Authorities, Tirana
Ministry of Local Government, Tirana
Norwegian People's Aid (NPA), Tirana
Office of the Prime Minister, Emergency Management Group (EMG), Tirana
Organization for Security and Co-operation in Europe (OSCE), Tirana
Oxfam, Tirana
UNHCR Branch Office, Tirana
UNHCR Field Office, Kukes
United Nations Children's Fund (UNICEF), Tirana
Women's Centre, Tirana
World Food Programme (WFP), Tirana

Belgium

European Community Humanitarian Office (ECHO), Unit 2, Brussels
European Community Humanitarian Office (ECHO), Office for Operational Co-ordination, Brussels
North Atlantic Treaty Organization (NATO), Euro-Atlantic Disaster Response Co-ordination Centre, Brussels
North Atlantic Treaty Organization (NATO), Civil Emergency Planning Office, Brussels
Supreme Headquarters Allied Powers Europe (SHAPE), Kosovo humanitarian office, Mons
UNHCR Regional Office, Brussels

Federal Republic of Yugoslavia, Kosovo Province

(UK) Department for International Development (DfID), Pristina
European Community Humanitarian Office (ECHO), Pristina
International Committee of the Red Cross (ICRC), Pristina

International Rescue Committee (IRC), Pristina
Médecins Sans Frontières (MSF Belgium), Pristina
Mercy Corps International (MCI), Pristina
Mother Theresa Society, Pristina
(UN) Office for the Co-ordination of Humanitarian Affairs (OCHA), Pristina
(US) Office of Foreign Disaster Assistance (OFDA), Disaster Assistance and Response Team (DART), Pristina
Organization for Security and Co-operation in Europe (OSCE), Pristina
Oxfam, Pristina
Samaritan's Purse, Pristina
UNHCR Branch Office
UNHCR Field Office, Djakova/Djakovica
UNHCR Field Office, Prizren

Italy

Community of Saint Egidio, Rome
Directorate General for Development and Co-operation,
Emergency Unit Co-ordination Office
Italian Consortium of Solidarity, Rome
Journalist, TG1, Rome
Ministry of Foreign Affairs, Undersecretary of State,
Ministry of the Interior, Head of Operations Rainbow Mission
Ministry of the Interior, Undersecretary of State, Head of the Rainbow Mission
UNHCR Regional Office, Rome
World Food Programme (WFP), Asia and Eastern Europe Bureau
World Food Programme (WFP), Balkan Unit
World Food Programme (WFP), Transport and Logistics Division

The former Yugoslav Republic of Macedonia

(UK) Department for International Development (DfID), Skopje
ACT, Skopje
CARE, Skopje
Embassy of France
Embassy of Italy
Embassy of the United Kingdom
Embassy of the United States of America
European Commission, Skopje
European Community Humanitarian Office (ECHO), Skopje
International Committee for the Red Cross (ICRC), Skopje
International Rescue Committee (IRC), Skopje
Médecins Sans Frontières (MSF), Skopje
Ministry of Defence
Ministry of Foreign Affairs
Ministry of Health
Ministry of Interior
North Atlantic Treaty Organization (NATO), KFOR, Skopje
Office of the Commissioner of the Government of the Federal Republic of Germany for Co-ordination of Aid Measures, Skopje
Organization for Security and Co-operation in Europe (OSCE), Skopje
Oxfam, Skopje
UNHCR Branch Office
World Food Programme (WFP), Skopje

Norway

Ministry of Foreign Affairs
Norwegian Red Cross, Oslo
Norwegian Refugee Council, Oslo

Switzerland

Henri Dunant Centre for Humanitarian Dialogue
Permanent Missions to the United Nations Office at Geneva of:
- Austria
- Canada
- Denmark
- Germany
- Italy
- Norway
- United Kingdom
- United States of America

Swiss Development Co-operation, Bern
UNHCR Headquarters
- High Commissioner
- Assistant High Commissioner
- Senior Executive Assistant to the High Commissioner
- Special Envoy
- Division of Communication and Information
  - Donor Relations and Resource Mobilization
  - Secretariat and Inter-Organization Service
  - Media Relations and Public Affairs Service
    - Centre for Documentation and Research
- Department of International Protection
  - Protection Support and Oversight Section
  - Standards and Legal Advice Section
- Department of Operations
  - Bureau for Europe
  - South-Eastern Europe Operation (formerly FYLU)
- Division of Operational Support
  - Field Safety Section
  - Health and Community Development Section
  - Engineering and Environmental Services Section
  - Programme Co-ordination Section
  - Emergency Preparedness and Response Section
- Division of Resource Management
  - Human Resources Service
  - Career and Staff Support Service
  - Financial Resources Service
  - Information Technology and Telecommunications
  - Supplies and Transportation Section

United Nations Human Rights Commission, Geneva
United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA), Geneva

United Kingdom

Amnesty International, London
CARE, London
Department for International Development (DfID)

Foreign and Commonwealth Office
Home Office
MERLIN, London
Ministry of Defence, NATO personnel
Overseas Development Institute, London
Oxfam GB, Oxford
Refugee Council, London
Save the Children (UK), London
UNHCR Branch Office

United States of America

Human Rights Watch, New York
Institute for the Study of International Migration, Georgetown University, Washington
New York
UNHCR Regional Office, Washington
United Nations Children's Fund (UNICEF), New York
United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA),
US Agency for International Development (USAID), Office of Foreign Disaster Assistance (OFDA)
US Congress, Senate Appropriations Committee, Foreign Operations Subcommittee
US Department of Defense, Balkan Task Force
US Department of State
- Bureau for Europe
- Bureau for Intelligence and Research
- Bureau for Political Military Affairs
- Office of Multilateral Co-ordination and External Relations
- Population, Refugees, and Migration (PRM)

Women's Commission for Refugee Women and Children, New York
Washington offices of:
- CARE
- Catholic Relief Services (CRS)
- InterAction
- Interaction, Disaster Response Committee
- International Aid
- International Rescue Committee (IRC)
- Médecins Sans Frontières (MSF)
- Refugees International
- Relief International, Action Against Hunger
- USCR
- World Relief
- World Vision

Federal Republic of Yugoslavia, Republic of Montenegro

International Committee of the Red Cross (ICRC), Berane
International Committee of the Red Cross (ICRC), Podgorica
Montenegrin Office of the Commission for Displaced Persons
Office of the Deputy Prime Minister of Montenegro
Office of the Secretary-General of the Montenegro Red Cross, Podgorica
Swiss Disaster Relief (SDR), Podgorica
UNHCR Field Office, Rozaje
UNHCR Field Office, Ulcinj
UNHCR Sub Office, Podgorica

Email and Telephone Interviews

ACT/LWF
Danish Refugee Council (DRC)
EMMA Ltd
International Catholic Migration Commission (ICMC)
International Organization for Migration (IOM)
Jesuit Refugee Service
KFOR
Médecins du Monde (MdM)
United Methodist Committee for Relief for Former Yugoslavia
United Nations Development Programme (UNDP)
United Nations Population Fund (UNFPA)
Valid International
World Health Organization (WHO)

Appendix C
Terms of reference of the evaluation

The speed and scale of the exodus from Kosovo which began in March 1999 confronted UNHCR and other members of the international community with one of the most significant and highly publicized humanitarian crises of recent years. From the outset, questions were being posed about UNHCR's preparedness for the emergency, as well as the organization's subsequent ability to respond to the crisis in an effective manner. At the same time, the Kosovo emergency raised a number of broader issues with regard to the role of humanitarian agencies, donor states and host governments, regional organizations, military forces and alliances, and other actors in the provision of protection and assistance to refugees and displaced people.

To examine these concerns in a rigorous and systematic manner, and to ensure that UNHCR and other actors are able to enhance their capacity for emergency preparedness and response, UNHCR has commissioned an independent evaluation of the organization's role and performance in the Kosovo refugee crisis. The evaluation will review UNHCR's efforts to prepare for potential outflows from Kosovo in the year leading up to the crisis as well as the response mounted by UNHCR following the onset of the exodus at the end of March 1999. The evaluation will cover the period until the end of June 1999, by which time large-scale repatriation to Kosovo was in progress.

The evaluation will examine a wide range of policy, operational and management issues, including:

- early warning, contingency planning and emergency preparedness;
- protection, registration, humanitarian evacuation and humanitarian transfer;
- inter-agency co-ordination and relations with the military;
- logistics, assistance delivery, monitoring and control;
- operational planning, management and organization;
- human resource management; and
- internal and external communications, including media relations.

While the evaluation will be focused on the activities and performance of UNHCR, the review will also consider the role and impact of other actors involved in the crisis, to the extent and insofar as they affected UNHCR's operations.

To conduct the evaluation, key documents will be reviewed and in-depth discussions will be held with UNHCR staff and representatives of other interested parties, including governments, UN agencies, operational NGOs, human rights organizations, the media and the academic world. During field visits, the views of refugees and former refugees will be solicited.

The evaluation will present a framework for analysis which identifies the principal criteria to be used in assessing UNHCR's emergency preparedness and response in the Kosovo crisis. The evaluation will also present specific recommendations to UNHCR, and will propose a follow-up process to ensure that the implementation of those recommendations is properly monitored.

The review will be undertaken by an international team of consultants with proven experience in the implementation and evaluation of emergency operations, knowledge of UNHCR and refugee issues and familiarity with the Balkans region.

The full terms of reference for this evaluation follow.

1. Preliminary work steps

Review available information regarding the situation and operation including studies, reports, assessments and any other pertinent information or data, including evaluations of previous UNHCR emergency operations.

Identify the principal criticisms and operational shortcoming identified by governments, other partners and the media.

Define the roles and objectives of all parties concerned.

Define UNHCR's role as lead agency and identify the nature and extent of its involvement at various stages.

Identify the various planning assumptions and scenarios.

Determine the central issues and problems, and establish the (evolving) political context and constraints.

2. Review preparedness

Ascertain the extent to which early warning systems flagged Kosovo as a potential emergency situation and as a consequence UNHCR:

- prepared contingency plans;
- created a task force to review preparedness;
- reinforced its operational capacity relative to the situation;
- assessed the suitability of central emergency stockpiles and strengthened as necessary;
- reviewed local stockpiles, and increased as necessary;
- identified potential partners and developed appropriate standby arrangements and government service packages;
- assessed the potential size and direction of likely movements and attempted to gauge their needs; and
- discussed potential requirements with donors, and took other needed action required by the potential emergency.

Consider the involvement of key offices in Brussels, Rome and Washington.

Determine the coherence, concreteness, and extent of the preparedness measures taken.

Examine the impact of the reform/restructuring/downsizing exercise of 1998–1999 on UNHCR's preparedness and response capacity in areas such as human resources, stockpiles, and so on.

Assess the accuracy of early warning predictions and rate their usefulness with the benefit of hindsight.

3. Analyse the overall response

Assess the decisiveness and adequacy of the international community's response to the crisis in terms of speed and magnitude.

Broadly assess the extent to which the primary objectives of saving lives and averting human suffering and hardship were achieved.

Assess how effectively UNHCR served as a catalyst and advocate for the international humanitarian response.

Determine the extent to which material, staff and financial resources met needs, and assess efforts to mobilize support.

Examine the "triggering system" for EPRS and other emergency deployments. consider how it works, for example through Operations? Special Envoys? DOS? and how it can be made more effective to improve the speed of UNHCR's response?

Ascertain how inter-agency emergency mechanisms worked and the impact of the inter-agency preparedness efforts of early 1998.

Identify and examine the problems of bilateral government assistance and information-sharing.

Review the aims of the military assets provided in support of the humanitarian operation and the appropriateness and effectiveness of this contribution.

Identify achievements to date as well as important successes and failures, noting in particular activities that were slow to achieve the desired standard.

Inquire into methods, systems, procedures and operational styles that have proven particularly effective, as well as those that have proven inadequate, including activities in which duplication, overlap, or working at cross-purposes can be identified.

Ascertain UNHCR's comparative strengths and weaknesses in the situation as well as its specific areas of competence.

Analyse the factors affecting success and failure, determine what should have been done differently, and identify key lessons learnt.

Assess UNHCR's effectiveness in carrying out its responsibilities as the lead UN humanitarian agency.

Analyse UNHCR's broad strategic response to a highly militarized and political operation.

4. Evaluate major areas of activity

Protection

Review the effectiveness of protection efforts, including the extent to which:

- efforts were successful in ensuring the right to asylum and respect for non-refoulement;
- the humanitarian character of camps and reception facilities was maintained;
- fundamental rights have been respected (including freedom of movement and the access of UNHCR);
- efforts were made to prevent forced military recruitment, including the recruitment of child soldiers;
- the personal security of persons sheltered in various camp and collective facilities was provided for;
- the specific protection needs of women and children were attended to;
- protection policies and guidelines were clear and practical;
- protection responses were rapid and effective in terms of mediating, intervening and monitoring treatment;
- UNHCR's protection presence was sufficient to address identified needs; and
- contingency planning for voluntary return were carried out to ensure that essential principles would be taken into account and that return could proceed in an expeditious manner.

Registration

Assess the extent to which registration was accurately, reliably, and comprehensively carried out in a timely manner.

Consider the performance and make-up of registration inputs, including computer equipment, software, supplies, telecommunications, vehicles and the registration teams.

Ascertain the security of the database, including controls to prevent fraud.

Explore the extent to which registration systems and inputs can serve as a model for future situations in other countries.

Evacuation

Review the effectiveness and efficiency of the humanitarian evacuation programme with a view toward assessing the rationale and extent to which it:

- ensured protection, and was voluntary;
- respected the aims of preserving family unity and pursuing links in countries of destination; and
- provided particular attention to persons with medical or other special needs.

Transfer

Review the reasons for, and the effectiveness and efficiency of the humanitarian transfer programme; assess the extent to which it:

- ensured protection and took account of the wishes of those who moved;
- respected the aims of preserving family unity; and
- had any unanticipated positive or negative consequences such as reducing military recruitment.

Co-ordination

Review the extent and success of inter-agency co-ordination and collaboration with its many partners including national bodies, donor governments, agencies, the military and UN organizations. In particular, examine the role of OCHA in preparedness planning.

Examine co-ordinating mechanisms and frameworks that have been established, informal and formal, and assess the extent to which:

- there is agreement and clarity regarding roles and responsibilities, tasks are systematically allocated, and there is consistency of approach and standards;
- the operational implications of defined roles are well thought out and logical;
- other agencies are fully involved and have a common approach to identifying needs, programme planning, priority setting and mobilizing resources;
- information, both operational and situation, is gathered and disseminated in a systematic manner;
- an understanding has been developed of other agencies' capabilities and working methods;
- co-ordinating arrangements have prevented duplication and ensure all sectors, areas and groups are covered; and
- UNHCR has been able to influence and guide agency programmes.

Monitoring

Assess the extent to which UNHCR has been able to develop an overview of humanitarian interventions in the operation.

Examine whether data has been systematically collected in a manner that facilities control and harmonization.

Ascertain the degree to which locations have been systematically visited to monitor and assess the effectiveness of humanitarian activities and, through monitoring, assess whether UNHCR has been able to effect corrective actions and broader programmatic revisions.

Assistance and logistics

Assess whether assistance in the way of food, shelter, health, services, and education corresponds to needs, and included:

- special attention to the needs of women, children and the elderly, as well as attention to the psycho-social needs of victims of severe trauma;
- refugee participation to the extent possible; and
- extensive use of local resources in the way of expertise and materials.

Examine the extent of compliance with UNHCR policies and standards as well as whether financial and administrative procedures were followed and contractual arrangements were adequate and timely.

Assess the adequacy of UNHCR's speed and delivery capacity, including success at procuring, transporting, storing and distributing large amounts of relief materials at short notice.

Evaluate the effectiveness of commodity monitoring and control systems.

Assess the extent to which programme capacity matched logistic capacity and was able effectively to oversee, direct and control assistance or was obliged to chase after a undisciplined and disjointed system of mass delivery.

Identify problem areas, including: delays, imbalances in supply (both under- and over-supply), provision of inappropriate items, inequitable distribution, and a lack of common standards among agencies and areas.

Briefly appraise the rigour of mid- and long-term contingency plans, including plans for winterization, now under preparation.

Operational management

Gauge the overall quality and success of operational management. Consider the appropriateness of the structure and channels of communication established, and in particular review the extent to which:

- overall mission objectives and priorities were adequately defined;

- scenarios and options were thought through;
- situation policies and principles were developed and clearly articulated;
- detailed plans were prepared and regularly updated in response to changes in needs, resources and field conditions;
- individual roles and responsibilities were adequately clarified throughout the management structure or whether it was difficult to determine who was supporting or directing whom;
- plans, priorities and expected achievements were clearly communicated to staff at all levels along with reporting requirements and the information, guidance and feedback required to function effectively was available;
- sufficient decision-making authority was delegated to the appropriate levels;
- decisions were taken after considering well-thought-out scenarios, contingencies and options, rather than being piecemeal and reactive;
- decisions and directives were clear, practical and rapidly communicated, and routine requests did not go unanswered;
- an effective flow of information was established that linked Headquarters with the field, different offices within the same country, and neighbouring countries in the operation including standardizing of reporting and avoiding information overload;
- decision-making at Headquarters was sufficiently concentrated within a restricted and consistent group of staff, but organizational elements that could make important contributions to the policy and decision-making process were consulted as required;
- senior managers with broad responsibilities were able to avoid involvement in detailed operational matters and maximum authority was delegated to senior officers in the field; and
- the chain of command was clearly linked at every level down to refugee camps in the field.

Examine the extent to which programme, administrative, and financial management procedures and systems are sufficiently adapted to the requirements of a rapidly evolving field operation in terms of their flexibility, simplicity, and their suitability for use by staff who may not be fully conversant with them.

Review the response to the Kosovo emergency in the overall SOFYA context, in particular, the linkages with and between FRY, Albania and FYR Macedonia.

Human resource management

Evaluate the extent to which UNHCR was able to identify, and deploy an adequate number of experienced and suitably skilled teams made up of personnel who were able to remain with the operation for an extended period of time.

Consider the effectiveness of standby arrangements with governments, NGOs and other international organizations intended to second individuals or teams at short notice.

Examine UNHCR's success at recruiting and retaining skilled and committed local personnel.

Consider the extent to which the organization was able to develop an adequate reserve capacity able to supplement and take over from emergency teams as well as to ensure handover periods, staff leave, and manageable working hours.

Examine the degree to which all personnel were provided with the orientation guidance and training required, before and during deployment.

Analyse the adequacy of staff support needed to equip them for work and living as well as provide them with the required mobility, including vehicles, communications equipment, office facilities, field kits, and living accommodation sufficient to maintain their morale, health and security.

Assess effort to reduce excessive stress, prevent burn-out and maintain psychological wellbeing.

Rate the security risks to which staff were exposed and examine their relative security through the provision of professional security guidance training and procedures, the provision of basic security equipment and the creation of a general climate of risk avoidance.

External and media relations

Analyse the extent to which UNHCR has been able to present a clear message through the media which have galvanized support for the operation, and has effectively:

- communicated issues and mobilized international action;
- helped to secure political and financial support;
- asserted the neutrality of humanitarian action while denouncing abuses; and
- facilitated the gathering and dissemination of information.

Analyse the degree to which UNHCR developed an active public information strategy that successfully:

- cultivated the media ;
- made effective use of staff with media experience;
- served as a credible source of accurate, reliable and timely information and analysis;
- guided the media to interesting and important stories;
- co-ordinated media efforts with other agencies and thus strengthened UNHCR's lead agency role;

- attempted to develop the educational role of the local media; and
- used tools such as information bulletins and briefings, press releases and briefing kits that provided the type of information needed by the media.

Broadly assess efforts to respond to external critics of the operation and to inform and support donor missions to the field.

Appendix D
UNHCR comments on "The Kosovo refugee crisis: an independent evaluation of UNHCR's emergency preparedness and response"

"The Kosovo refugee crisis: an independent evaluation of UNHCR's emergency preparedness and response", was commissioned by UNHCR in June 1999, at a time when the Kosovo refugee crisis was not yet over. The evaluation team members were identified on the basis of their independence, evaluation expertise, understanding of refugee issues and knowledge of the region. No restrictions were placed on the work of the team.

UNHCR had two main objectives in commissioning an independent evaluation. First, the organization wished to obtain informed and objective advice that would help improve its performance. Second, UNHCR wished to have an analysis that would help it and others concerned to develop a better understanding of the challenges of refugee protection and assistance in a highly charged political environment. UNHCR believes that both objectives have been met, and commends the team for the depth, comprehensiveness and professionalism evident throughout the evaluation.

The comments that follow are limited to highlighting some general considerations and observations at this early stage of the follow-up process to the independent evaluation. UNHCR will need to study the evaluation report thoroughly and will consult with its Executive Committee and partners on the conclusions and recommendations of the report. As a first step, UNHCR's Standing Committee will review the report on 2 March 2000.

The lessons of the Kosovo operation suggest that priority should be given to strengthening UNHCR's strategic planning and leadership capacity, so that it can play its statutory role of co-ordination in refugee emergencies. UNHCR also needs a greater "surge capacity", enabling it to respond promptly and effectively to urgent needs without the organization's response to emergencies in one part of the globe having negative consequences for refugees in other regions. The enhancement of UNHCR's emergency response capacity will require the continuing support of states.

At the same time, and as the independent evaluation recognizes, UNHCR is not in a position to develop an internal capacity commensurate with the needs of an emergency on the scale and of the speed of the Kosovo refugee crisis. Indeed, a primary lesson to be learned from the emergency is that a major humanitarian disaster can be averted when members of the international community make a concerted effort to mobilize the resources at their disposal.

It is for this reason that UNHCR places particular importance on broadening and strengthening partnership arrangements with other agencies, both governmental and non-governmental, which can be activated at a moment's notice in response to imminent and actual emergencies. While standby agreements of this type are not new, innovative approaches to this task will be explored. It should, however, be noted that such arrangements cannot be fully predictable. The response to a UNHCR request will depend on the specifics of each situation.

In an internal review which pre-dates the independent evaluation of the Kosovo crisis, UNHCR has been developing practical means of enhancing its capacity to

respond promptly and effectively in emergency situations. This process has focused particularly on the organizational arrangements required for effective preparedness and response, as well as the introduction of structures and procedures that will enable UNHCR to mobilize appropriate human and other resources in a speedier and more predictable manner. Particular emphasis is being placed on issues such as:

- enhanced systems of staff recruitment and emergency deployment, based upon an improved understanding of required competencies and profiles;
- intensive emergency training, especially at the senior and middle-management levels of the organization;
- strengthened risk assessment and contingency planning efforts, especially in emergency-prone regions;
- revised emergency procedures, including streamlined chains of command, reporting lines and financial authority; and
- strengthening standby reserves, including emergency kits, office supplies and appropriate communications equipment.

One significant difference between UNHCR and the independent evaluation team remains the extent to which the organization could reasonably have been expected to plan for a worst-case scenario and to mobilize major external support in advance of the crisis. A related issue is to be found in the team's conclusion that UNHCR's prior engagement with victims of the conflict inside Kosovo adversely affected its response when the refugee exodus began.

With regard to the latter argument, UNHCR believes that the importance of the organization's humanitarian operation inside Kosovo prior to 24 March 1999 should be recognized. Such an operation was vital for the beneficiaries and essential for the international community. UNHCR was best placed to lead that operation and believes that it did so effectively. UNHCR does not consider that there was ever a real choice between that engagement and a more effective response to the subsequent refugee crisis.

Large-scale refugee emergencies rarely proceed in a straight causal fashion, but rather reflect the intertwined and often unexpected results of diplomacy, conflict and human folly. The evaluation's contextual analysis graphically demonstrates this, and it should also be borne in mind in considering UNHCR's response to this and other emergencies. In this respect, UNHCR believes that the evaluation team might have given more consideration and qualification to the statement that "previous evaluations indicate that the agency has performed below the mark in several emergency operations". The evaluations referred to were self-critical internal reviews of particularly complex emergencies, and the "mark" referred to should be understood accordingly.

The Kosovo emergency operation was not, of course, simply concerned with the delivery and co-ordination of humanitarian assistance. As the independent evaluation makes clear, questions relating to asylum and refugee protection were at the heart of the crisis. The sections of the report relating to protection recognize the difficult context in which UNHCR sought to provide international protection to refugees, as well as the agency's efforts to uphold internationally recognized norms and principles. UNHCR would like to offer two comments on issues of refugee protection.

First, with regard to the humanitarian evacuation (HEP) and humanitarian transfer programmes (HTP), UNHCR believes that they offer some important lessons in terms of international and regional burden-sharing, although, as the report notes, there were also considerable drawbacks to them. Burden-sharing models such as the HEP have been historically rare and are likely to remain so. UNHCR will continue to examine these and other approaches, along with measures to help strengthen the capacity of countries to receive large numbers of refugees.

Second, the evaluation suggests that UNHCR should have given more and earlier attention to the probability that the refugees would not be admitted to a potential country of asylum, and that alternative protection strategies should have been explored. UNHCR is concerned that contingency planning which assumes that states will not comply with their responsibilities to receive and host new arrivals, particularly in mass influx situations, runs the risk of becoming a self-fulfilling prophecy. At a time when the commitment of states to the institution of asylum appears to be in decline, that risk is real and dangerous.

In conclusion, UNHCR would like to affirm the agency's determination to continue to enhance its emergency response capacity, as well as its readiness to explore innovative approaches to contemporary refugee problems. In addressing these important tasks, the organization counts upon the support of states, whose ultimate responsibility it is to uphold the principles of refugee protection.