

3rd meeting

**FOLLOW-UP TO ECOSOC RESOLUTION 1995/56:
UNHCR ACTIVITIES IN RELATION TO PREVENTION**

I. THE PRINCIPLE OF PREVENTION

1. From the time of its establishment in 1951 until the early 1980s, there was a broad international consensus that UNHCR could only respect its humanitarian and non-political status by confining its activities to countries of asylum and by responding to refugee movements once they had taken place. Any effort to address the conditions giving rise to forced populations displacements within countries of origin, it was agreed, would have involved the Office in functions which fell beyond the scope of its Statute, and were therefore impermissible.

2. In the past few years, a number of different factors have combined to bring about a fundamental reassessment of this traditional approach to the refugee problem. These include, for example: the strain placed upon the international relief system by the recent spate of internal wars and complex humanitarian emergencies; the mounting concern of host and donor countries about the financial and other costs incurred in providing refugees with indefinite protection and assistance; a growing awareness that refugee movements can constitute a serious threat to national, regional and even international security, particularly when they involve countries of asylum which have weak economies, fragile ecologies and a delicate balance of ethnic groups; and the changed pattern of international relations and interests following the end of the old world order. As a result of these developments, a new international consensus has emerged, recognizing that UNHCR's mandate to seek permanent solutions for the problem of refugees gives the organization a legitimate interest in the prevention of refugee movements by means of operational activities within countries of origin.

3. As used and practised by UNHCR, it should be emphasized, the notion of prevention refers strictly to initiatives which are designed to safeguard the security and well-being of people within their homeland, thereby removing or mitigating the causes of flight. Such measures should not be considered to provide a substitute for the right to seek asylum in another country.

4. As the following sections of this conference room paper indicate, UNHCR's recent contribution to the prevention of forced displacements has assumed a variety of different forms and has required the Office to establish working relationships with a range of different partners at the international, regional and national levels. Given the limited mandate, expertise and resources which UNHCR can bring to the task of prevention, the Office attaches particular importance to strengthening such relationships, to clarifying the respective role of the humanitarian, developmental, political and human rights elements of the United Nations system and regional organizations, and to reinforcing the coordination between these different entities.

II. PREVENTION IN PRACTICE

5. UNHCR's recent efforts to prevent refugee movements and to avert other forms of forced displacement can be grouped into the seven principal (and to some extent overlapping) categories identified below.

(i) Reinforcing national protection capacities

6. It is the duty of the State to protect its citizens and to ensure that they are not forced to leave their own country or community. A primary objective of UNHCR's preventive activities has therefore been to ensure that government authorities, at both the national and local levels, are able to discharge this responsibility (see *UNHCR's Protection Role in Countries of Origin* (EC/46/SC/CRP.17)).

7. In many parts of the world, UNHCR has encouraged countries of origin to establish amnesties and other guarantees of safety for returning refugees, and to ensure that former refugees and displaced people are provided with identity documents. By monitoring the implementation of such amnesties, and by intervening with relevant authorities when they are not respected, the Office seeks to strengthen the security of returnees and other citizens, thereby reducing the risk of further population displacements.

8. At the same time, UNHCR has taken a number of initiatives to reinforce national protection capacities in countries where there is a risk of conflict, violence and forced population displacements. These include providing training to government officials in human rights and humanitarian principles, promoting the development of strong civil and non-governmental institutions, as well as encouraging Governments to recognize human rights and minority rights in their legal systems and constitutional arrangements.

9. With the agreement of the States concerned, UNHCR has also sought to supplement national protection capacities through the deployment of international staff members in areas of tension. Recognizing the important role which an independent and humanitarian presence can play in the prevention of forced displacements, the Office has welcomed and supported the recent efforts of the United Nations to establish a more effective operational capacity in the area of human rights.

(ii) Addressing the problem of statelessness

10. Stateless persons and people whose citizenship is disputed have a second-class status in their country of residence which makes them vulnerable to forced displacement, particularly in regions where new States have been (or are in the process of being) established. Efforts to address and resolve the problem of statelessness therefore have an important role to play in the prevention of refugee movements (see *Note on UNHCR and Stateless Persons* (EC/1995/SCP.CRP.2)). The recent Regional Conference on refugees, returnees, displaced persons and other forms of involuntary displacement in the CIS and relevant neighbouring States has highlighted, among other issues, the importance of dealing with problems of statelessness as part of preventive strategies.

11. As well as attempting to determine more precisely the magnitude, nature and consequences of this problem, UNHCR has increased its involvement in advising Governments on their current and projected nationality legislation, providing training and guidelines to relevant officials, and encouraging Governments to accede to instruments such as the 1954 and 1961 conventions on statelessness.

(iii) Protecting internally displaced people

12. The importance of addressing the problems of internally displaced people and war-affected civilians has become increasingly apparent in the context of the international community's efforts to avert large-scale refugee flows. Refugee movements and internal displacements frequently have the same causes, and it therefore makes little sense to deal only with the cross-border aspects of the problem. It is also clearly preferable to obviate the need for people to flee from their own country in order to find safety and to meet their basic needs.

13. Details of UNHCR's efforts to safeguard the physical and material security of internally displaced and war-affected populations have been presented to the Executive Committee on previous occasions (see, for example, *Protection Aspects of UNHCR activities on behalf of Internally Displaced Persons* (EC/1994/SCP/CRP.2), and *UNHCR's Protection Role in Countries of Origin* (EC/46/SC/CRP.17). At its forty-fifth session in 1994, the Executive Committee adopted a Conclusion on Internally Displaced Persons (A/AC.96/839, para.20) which provides the basic framework for UNHCR's involvement with such populations.¹ As such documents have emphasized, the protection which UNHCR and other agencies can extend to internally displaced and war-affected civilians cannot act as a substitute for national protection.

14. Nevertheless, experience has demonstrated that UNHCR and other competent agencies, particularly the International Committee of the Red Cross, can in certain situations undertake activities which reinforce the security of people within their country of origin, thereby limiting the scale of any internal or cross-border population displacements. These include, for example, monitoring the treatment of threatened groups, reporting human rights violations to the international community, intervening with the governmental and non-governmental authorities responsible, as well as providing humanitarian relief in areas of actual or potential population displacement.

15. Since no single humanitarian agency has a global mandate for internally displaced and war-affected civilians, there is a particular need for the international community to establish an appropriate and effective division of labour in situations involving such beneficiaries. To facilitate this task, UNHCR continues to play an active role in the Inter-Agency Task Force on Internally Displaced Persons, convened by the Under-Secretary-General for Humanitarian Affairs, and to maintain close contact with the Representative of the Secretary-General for the Internally Displaced, and the International Committee of the Red Cross. It is hoped that the intergovernmental and inter-agency discussions being pursued in response to ECOSOC resolution 1995/56 will contribute to greater clarity in this major area of humanitarian concern.

(iv) Consolidating solutions in war-torn societies

16. UNHCR and the Executive Committee of the High Commissioner's Programme have repeatedly endorsed the notion that voluntary repatriation is the most desirable solution to refugee problems. In recent years, however, it has become increasingly evident that returning refugees and displaced people may find it very difficult to return to and remain in countries which have been devastated by years of armed conflict and arrested development.

17. In an attempt to anchor returnees within their own communities, to minimize the destabilizing consequences of large-scale returnee influxes and to avert further refugee movements from war-torn societies, UNHCR has become increasingly involved in community-wide reintegration and rehabilitation programmes within countries of origin (see *Follow up to ECOSOC resolution 1995/56: UNHCR Assistance Activities in Countries of Origin* (EC/46/SC/CRP.16)). From UNHCR's perspective, therefore, the task of prevention is inextricably linked to the search for solutions.

18. UNHCR recognizes that it can play only a limited role in the tasks of reintegration and rehabilitation. The Office has therefore placed a high priority on the establishment of operational linkages between its own post-repatriation assistance activities (particularly quick impact projects) and the longer-term reconstruction programmes of Governments, bilateral and multilateral development agencies, international financial institutions and non-governmental organizations. This issue has been the subject of extensive consultations with the Department of Humanitarian Affairs, the United Nations Development Programme and, most recently, the World Bank. Discussions relating to the follow-up of ECOSOC resolution 1995/56 need, in the view of UNHCR, to lead to a more effective interface between humanitarian and development activities.

(v) Promoting regional and comprehensive approaches to refugee problems

19. Preventive action is an essential and integral feature of the comprehensive plans of action which UNHCR has promoted in areas of mass displacement such as South-East Asia, Central America, former Yugoslavia and the Commonwealth of Independent States (see *Comprehensive and Regional Approaches to Refugee Problems* (EC/1994/SCP/CRP.3)).

20. Such plans of action are comprehensive in a number of different ways. First, they bring together all of the States which are affected by a refugee problem, including, most crucially, countries of origin, in a framework of international cooperation. Second, they allow a wide range of different actors - States, regional bodies, the political organs of the United Nations, development agencies, non-governmental organizations, UNHCR and other humanitarian agencies - to coordinate their preventive efforts. Third, such plans of action facilitate a holistic approach to the task of prevention, addressing root causes such as human rights violations, political and social conflicts, economic disruption and environmental degradation.

21. This approach is epitomized by the current effort to address the problem of mass displacement in the area of the former Soviet Union, formally known as the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States. Jointly prepared by UNHCR, the International Organization for Migration and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the conference aims to provide a framework for action, especially of a preventive nature, in the region, to be implemented by the countries of the CIS with the support of the international community.

22. Experience has demonstrated that such regional plans of action must not be limited to formal agreements and expressions of intent, but must include clearly defined implementation and follow-up mechanisms, including a balanced assignment of responsibilities. UNHCR can play an important part in steering this process to a successful conclusion, achieving the consensus and coordination required for effective preventive initiatives to be taken.

(vi) Organizing mass information campaigns to address broader problems of migration

23. UNHCR recognizes that refugee flows take place within a context of broader migratory movements which, particularly in their irregular form, have put pressure on the institution of asylum in various parts of the world. The Office has therefore initiated mass information campaigns in a number of regions, notably Viet Nam, Albania and the Russian Federation, with the aim of providing would-be asylum seekers and migrants with accurate information concerning the implications of their departure. In specific situations, mass information has proved to be a valuable tool in helping dissuade people from leaving their countries for reasons other than those that would qualify them as *bona fide* asylum-seekers.

(vii) Alerting the international community to the causes of forced displacement

24. Information can also act as an important tool in preventing refugee situations as such. Because of its extensive field presence, UNHCR is often in a position to sound the alert when a refugee movement begins and to focus the international community's attention on the circumstances which are forcing people to flee, thereby encouraging corrective action to be taken. The Office is also participating in an initiative coordinated by the Department of Humanitarian Affairs to ensure that humanitarian agencies have access to early information regarding potential flows of refugees and displaced people.

25. UNHCR's evolving concern with the causes, as well as the consequences, of refugee movements has also been manifested in a growing effort to sensitize the international community to the root causes of forced displacement, and to encourage the implementation of strategies designed to promote human development and safeguard people's security. It is for this reason

that the Office has played an active part in recent world conferences on issues such as human rights, population and development, social development and women.

26. During the same period, UNHCR's advocacy and promotional activities have been reoriented, with the purpose of focusing much greater international attention on the measures that are required to avert refugee movements. Thus the most recent edition of *The State of the World's Refugees*, which presents a UNHCR perspective on the issue of forced displacement to policymakers and opinion formers around the globe, calls for an proactive, preventive and integrated approach to the problem, incorporating the protection of human rights, the resolution of conflicts, the promotion of economic and institutional development, and the conservation of the natural environment.

¹ The conclusion establishes a number of criteria for UNHCR involvement in situations of internal displacement. It "recognizes that resolution 48/116, adopted by the United Nations General Assembly on 20 December 1993, which reaffirmed support for the High Commissioner's efforts "on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, and taking into account the complementarities of mandates and expertise of other relevant organizations, in providing humanitarian assistance and protection to persons displaced within their own country in situations calling for the Office's particular expertise, especially where such efforts could contribute to the prevention or solution of refugee problems' continues to provide an appropriate framework for the involvement of the High Commissioner in situations of internal displacement." (A/AC.96/839, para. 20(j))