

## **UNHCR Beyond the Relief and Development Divide.**

By

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Spring 2006

We live in an increasingly violent world. The last century was the most violent humanity has experienced. Nearly three times as many people were victims of conflict in the twentieth century, than in the previous four centuries combined. The geographical pattern of conflict has evolved over this time to increasingly effect poorer nations. From the end of the Second World War to the fall of the iron curtain a third of the world's conflict zones were found in the developing world. Between 1990 and the signing of the Lome Peace Accord that signaled the cessation of conflict in Sierra Leone in 2002, the figure has risen by more than half. Nearly 40% of all conflict today, and the most protracted, are to be found in Africa. UNDP (HDR 2005)

Although the obvious effect of conflict is loss of life, violent conflict has a wider effect upon society as a whole, hampering the ability of nations to protect and serve the needs of their citizens, effecting food systems, causing hunger and malnutrition, undermining healthcare and education. Such effects are all the more severe for nations in the global south, sidelining development gains that may have been built up over decades. External involvement, weak political and economic institutions, and a divisive social fabric, plague regions or countries from the South (though not exclusively) and are thus particularly susceptible to the instigation and proliferation of violent conflict. Nine of the ten countries ranked at the bottom of the United Nations Development Programs' 'Human Development Report', suffer from the highest rates of infant and child mortality, the lowest primary enrolment and falls in life expectancy and per capita income and have experienced violent conflict over the last 15 years. Conflict, in part, is a consequence of, and means to a perpetual state of under-development. Closer association of the humanitarian relief and development fields has evolved as a consequence of extensive humanitarian relief efforts and post-conflict reconstruction assistance over the last 15 years.

Considering such realities the international community has, it is charged, responded. Understanding the linkages between underdevelopment and conflict rich nations have countered, seeking to secure regional security through the embodiment of moral responsibility. Central to this New Found Humanitarianism is the relief to development paradigm, which seeks to merge short-term relief and the long-term development process as the necessary route to a better world for all. The linking of these fields however is not without controversy. Of particular concern is how such a merger effects those organizations that are engaged in the provision of humanitarian relief. Traditionally, such endeavour is apolitical, based on the premise that aid is directed to where the need is the greatest, achieved through a commitment to the ideal of neutrality and

impartiality. Development by contrast is necessarily political, seeking growth through the development of democracy and good governance. The danger, there in, is that relief agencies are forced to defer to such structures if they wish to gain access to those caught up in conflict. These issues are very much embodied in the United Nations High Commission for Refugees (UNHCR), a useful case in point being the United Nations intervention in Sierra Leone.

UNHCR was fashioned by UN member States back in 1951 to be both a strictly apolitical agency and to advocate the rights of refugees. However, UNHCR has not evolved within a political vacuum, its development being intrinsically linked to wider international relations. In recent years, UNHCR's role has in many respects expanded out of its' original mandate of refugee protection as it has sought to respond to the proliferation of internal conflict in the aftermath of the cold war. Subsequently, an increasing proportion of UNHCR's field operations have shifted from the refugee host State, towards working within the sending State, often areas of active conflict, and in close co-operation with United Nations peace keeping missions. During the 1990s, under a broader humanitarian structure UNHCR grew into an agency with more than 5,000 staff and an annual budget of \$1 billion dollars.

The precursor to UNHCR transition in the development arena can be traced back to operations in Northern Iraq in 1991. Reflecting the new found security threat that Refugees purportedly posed to receiving states in the wake of the cold war, Turkey refused to admit 500,000 Iraqi Kurds amassing on its' border. Fearing the destabilizing effect the refugee population would have upon Turkey's own Kurdish population it was agreed that UNHCR and the US Military would provide a "safe haven" within Northern Iraq for the population in flight, a move that contradicted the agency's mandate to uphold State obligation regarding the receipt of those fleeing persecution. An alliance between such questionable bedfellows, operating within the sending nation would have been unthinkable a few years earlier. However, such a policy would subsequently drive UNHCR's relief and development approach in the years to come, notably in Bosnia and subsequently Sierra Leone.

In 2002 the West African State of Sierra Leone emerged from a decade of civil war. The war claimed the lives of 20,000 people, and displaced half of the country's five million population. More than 17,500 United Nations Peacekeepers disarmed 72,000 combatants, and collected and destroyed over 30,000 weapons in the biggest UN peacekeeping mission in Africa over recent years. After widespread criticism of inaction in Rwanda and misguided intervention in Somalia, Sierra Leone has been hailed as a success of 'New Humanitarianism' on the continent. Missions in Kosovo, Haiti and East Timor have mirrored the UN operation in Sierra Leone.

With the cessation of hostilities in 2000, so began the transition from relief to development. The merger of these two fields is perhaps best illustrated in Sierra Leone by the work of the United Nations Refugee Agency UNHCR. Between 2000 and 2004 UNHCR provided joint reintegration assistance for some 272,000 Sierra Leonean Refugees returning from Guinea and Liberia, alongside 70,000 former combatants, which included some 7,000 children. During its' engagement in Sierra Leone, UNHCR established its 4Rs concept, aiming to engage the UNDP and the World Bank in an attempt to reach a unified response that would facilitate the relief to development transition, under the stages of repatriation, reintegration, rehabilitation and reconstruction, thereby seeking to establish linkages between the four fields as a means of avoiding the repetition of mass refugee outflows, whilst aiding sustainable repatriation and fostering the creation of good regional governance.

Such an approach does have its' merits when we consider the structures of relief and development. Broadly speaking, relief efforts are disruptive to development, demanding a long period of rehabilitation. By the same token, development policy is often inattentive to potential shock, which may adversely effect implementation. The provision of emergency humanitarian aid creates structures, systems of communication and an organisational ethos that mirror developmental institutions. With this in mind, it would be sensible to conclude that establishing links between the two would prove mutually beneficial and re-enforcing. Improved development can diminish the need for humanitarian relief, and conversely improved humanitarian relief can contribute to development. Specifically, improved rehabilitation can ease the transition between the two within the post conflict context.

However, when implemented, such a paradigm is not easily applied on the ground. One immediate problem of attempting to work within such a framework is that it ignores the fact that invariably the transition from conflict to peace is not a direct process, where relief ceases and development begins. Such a conclusion is conceded by UNHCR in its' Guiding Principles on Refugee Reintegration, where it notes that *"As some of these (internal) conflicts subside, states re-emerging from the ashes of destruction may still undergo periods of intense if sporadic fighting. It may therefore be inaccurate, even misleading to talk about 'post conflict situation' as such situations do not pass directly from conflict to post-conflict conditions"*. UNHCR (1999) 42

Invariably, after UNHCR's departure the initiatives that it develops are rarely incorporated into wider development projects. The agency's Community Empowerment Programs (CEPs), previously labelled Quick Impact Projects (QIPs) are centered around a short-term time frame as donors award funding on a year-by-year basis making forward planning difficult. Traditionally each year's funding has to be used up before the next year's funding can be obtained, even if that

money could be more usefully spent at a later date. There remains reluctance amongst donors who have encouraged co-ordination, to act accordingly, preferring to maintain a funding structure that seeks to bolster national influence on the international stage. In this regard, an integrated response was most coolly received by the Nordic nations.

In general, the international community still tends to take a fairly short-term and selective view of post-conflict reconstruction, which consequently effects UNHCR's operational scope. Donor governments gave \$207 per person in response to the 1999 UN appeal for Kosovo, compared to \$16 per person to the UN appeal for Sierra Leone. (Oxfam) However, the overall civilian need was considerably greater in Sierra Leone. Subsequently, such programs are not monitored in the long-term, or could not be sustained by the local authorities. Indeed, the agency's projects, under the relief-development paradigm, were established in co-operation with local authorities as part of the wider good governance agenda. Subsequently, in former rebel areas, where government structures were peripheral or non-existent, projects were either not implemented or would be unsustainable in the longer term, where arguably the need was greatest. Seeking to extend benefits beyond refugee-returnees creates its' own sets of problems as the circumstances and needs of particular groups may be different. If the internally displaced return to areas where there is little refugee presence, similarly UNHCR will not maintain a presence. Furthermore, delays in the demobilization of former combatants illustrated that the time frame for their reintegration is not necessarily compatible with those of refugees.

Although perhaps well reasoned in theory, the 4Rs were not well received by either the UNDP or the World Bank. Such conclusions speak volumes about the reality of co-operation when we move beyond the relief-development paradigm itself and place it within the prevailing political climate. Traditionally, the mandates and roles of the different United Nations were well defined. For its' part UNHCR was concerned solely with the repatriation of Refugees and provided a simple package of rudimentary essentials to assist them for a short period until they could support themselves. UNICEF's main concern was to focus upon the specific problems that affect children and by association their mothers. UNDP assisted governments in the design and implementation of, and securing funding for, development projects. The role of humanitarian relief itself was primarily designated to the Red Cross, who specialize in reaching the victims of conflict, providing emergency food and medical aid. However, under the newfound relief-development framework these distinctions have become blurred, where previously narrowly defined goals, became more ambitious with wider, longer-term objectives. In theory, a divergence of interest away from respective mandates would necessitate greater co-operation between respective agencies, where institutional and operational structures become more flexible. However, sustained inter-agency co-operation is rare even when they are in general agreement over objectives. Projects aimed at

reintegrating those displaced by conflict, is a good case in point. Each respective UN agency working within a post-conflict environment necessarily has an agenda that concerns reintegration. This may include supporting repatriated refugees, the internally displaced (either returning or resettling), reintegrating former soldiers, whilst assisting the wider population who have suffered the adverse effects of the war to varying degrees.

Technically, inter-agency co-ordination is the responsibility of the Office for the Coordination of Humanitarian Affairs (OCHA). A division of the International Secretariat, the agency is charged with the co-ordination of humanitarian assistance in the event of natural disasters and during complex emergencies. Originally named the UN department of Humanitarian Affairs (DHA) back in 1991, the agency was established alongside the Inter-Agency Standing Committee (IASC), conceived as a platform where program responsibilities are designated amongst its' respective members, these being the FAO, OCHA, UNDP, UNFPA, UNICEF, UNHCR, WFP and WHO. In 1997, on the back of a series of humanitarian emergencies in the Former Yugoslavia and the Great Lake region of central Africa, the Secretary General considered a proposal to integrate the then DHA into UNHCR. If approved, UNHCR would have become the lead humanitarian agency working in response to humanitarian emergencies. However, embedded antagonism between UNHCR, the WFP and UNICEF drew blunt opposition from World Food Programme Executive Director, Catherine Bertini and UNICEF Executive Director, Carol Bellamy. Subsequently, despite the furor in New York over potential reform, the only noticeable change was renaming the DHA, OCHA, which made little difference to operations in the field. OCHA remains the main advisor to the Secretary-General on humanitarian issues and policy development. However, its' co-ordination role is negligible, primarily as a consequence of budget limitations and a wariness amongst the lead agencies over any potential encroachment upon their perceived areas of enquiry. However, the Strategic Framework for Sierra Leone, developed in response to a call for better co-ordination concluded that the mission was a successful example of close inter-agency co-ordination. Still, it may have been perhaps optimistic in its appraisal that the *"UN system speaks with one voice and agrees to a set of principles and approaches toward the attainment of common goals"*. Sect. A.3

In many respects UNHCR has adapted its area of enquiry concurrently with growing international trepidation about the security implications of refugee movements as a means to access government donations. However, such a move is not without its consequences. Working under an expanded mandate necessitates additional funding, access to increasingly violent internal conflicts and winning the confidence of a variety of State and non-State actors, the result of which is the promotion of compromise, to the detriment of core principles of protection and non-refoulement. UNHCR's protection mandate is embedded within broader humanitarian principles.

Fundamentally receiving protection concerns securing basic human rights and primary humanitarian needs. Most importantly, humanitarianism values are apolitical and essentially partisan, working to assist those in need in spite of the international community's indifference to their suffering. Humanitarian aid has "*taken the arbitrary and radical decision to help the people society has decided to sacrifice*". Bradol, J in Weissman, F (2004) 7 Indeed, UNHCR's primary mandate is to protect refugees from despotism. This habitually requires the agency to challenge governments, placing the office in a conflicting relationship with states.

Working within an operational structure that combines military, economic and diplomatic action with humanitarian assistance creates an organisational structure that UNHCR is obliged to operate within; forgoing any sense of independent action to assist those in need. Consequently, by standing firm in its' promotion of refugee protection, UNHCR would jeopardize its' funding structure and access to areas of conflict within the sending nation. Such realities were surmised by the then UN High Commissioner for Refugees, Sadako Ogata in 1997, when asserting that the best the agency could realistically do was pursue the "*least worst*" option. Ogata, S (1997) In Sierra Leone, the umbrella under which UNHCR was obliged to work, directed operations within government controlled areas, though not within territory controlled by the RUF. The rebel-controlled territory covered a significant proportion of the country and was arguably where there was the greatest humanitarian need. The operational principles of humanitarian action are however based on the premise that all people have equal dignity by virtue of their membership of the human race. Humanitarian organisations are conversely, obligated to provide humanitarian assistance wherever it is needed.

The attack and subsequent abduction of United Nations Peacekeeping forces in June 2000 by the RUF brought into focus the UN's status as a military protagonist in Sierra Leone conflict. Besides the immediate threat to UN personnel in the country, open hostilities between the two combatants created an immediate barrier to humanitarian operations, as relief organizations access to rebel areas was threatened by their association with the UN. Certainly, UNHCR were implicated by association in neighboring Guinea, where the refugee population was repeatedly exposed to harassment, abduction and violence in the Parrots Peak border zone. Fundamentally, despite working under wider UN stewardship, their close association to the military did not afford UNHCR any protection from attack by the RUF. In this respect, the loss of neutrality was not an abstract philosophical consideration for UNHCR, but potentially a matter of life or death for its' field workers.

Indeed, the imposition of compromise placed upon institutions and non-governmental organisation was imposed from the onset in Sierra Leone. The Lome Peace Accord of July 1999

was achieved by offering a general amnesty to the RUF with regard to human rights abuses committed during the conflict, along with seats in the new power sharing government. Consequently, justice was forgone in the pursuit of security, in spite of the fact that rights violated during the conflict are universal human rights that the international community has a legal as well as moral duty to uphold. Such action thereby induced UNHCR to make a similar moral compromise. In spite of serious instability that continued in the country in the wake of Lome, UNHCR launched a repatriation program whose timetable mirrored that of the peace process. It could be argued that such a return was an important part of the peace process. However, by deferring to a political timetable, refugees were sent into areas that were still active RUF zones, or near the conflict's frontlines, areas largely inaccessible to humanitarian aid organisations, thereby working against the policy of non-refoulement. The conflict continued for a further 10 months, until British troops were deployed in Operation Palliser in May of 2000. By placing humanitarian relief within a political framework the response, to reach and assist as many people as possible, is hindered.

Efforts to provide humanitarian assistance during the conflict in Sierra Leone prompted the drafting of a 'Code of Conduct' by OCHA. The code was intended to serve as a guide for humanitarian agencies seeking to gain access to conflict areas, laying down a series of guiding principles, with regards to neutrality, impartiality, humanity, beneficiaries, accountability, human rights and local capacity building. However, it was questionable how UN plans to integrate humanitarian and political peace building could be conducted whilst safeguarding humanitarian principles, particularly regarding impartiality.

Whilst being worthy of investigation, an awareness of the benefits achieved through linking the relief and development fields, the policy itself is not the 'solution' to successful long-term post conflict reconstruction. In many respects the issue of better co-ordination or co-operation is of peripheral significance when placed against wider external factors. The dire humanitarian situation in Sierra Leone demonstrates that the existence of co-ordination mechanisms does not subsequently result in more effective aid. Ultimate success or failure is facilitated by a strong military presence providing effective security where there is the greatest need and the international political will to provide long-term support. In truth, UNHCR overstates its' actual importance when it asserts that *"given the number of countries involved, the magnitude of the numbers returning and the fact that their successful reintegration is critical to any national reconciliation and reconstruction process, the issues are not simply humanitarian. International security is at stake."* (UNHCR 1992: 2)

To be truly effective in the long term alongside the application of some unified response such as UNHCR's 4Rs; the underlying circumstances that gave rise to of the conflict must be addressed. In portraying conflict as the result of underdevelopment, the implication is that development itself will remove the cause of violence. However, there is a more complex picture that needs to be considered regarding the relationship between poverty, inequality and violence.

Revolutionary United Front (RUF) rebels went to war to overthrow the government in March 1991. Although many individuals were forcibly recruited into the RUF most notably around 7,000 children (UNHCR), many of the rebels' recruits were willing volunteers of the rebellion. A heady mix of social, economic decay and political despotism produced a mass of disaffected youth from the rural areas, many of whom formed the core of the RUF rebels. Before the outbreak of war, corruption and mismanagement in the diamond sector was one of the main reasons why Sierra Leone became, according to UN figures, the poorest country in the world. Therefore, the instigators of violence are not only the poor who have missed out upon development, but also those who have benefited. For the political elites in Sierra Leone, maintaining power relies upon maintaining the means of production and distribution of wealth. While the poor may be evident on the frontline, they are fighting on behalf of powerful national and international elites. In this respect, conflict resolution is not a question simply of compensating those who have lost out from the process of development, but also targeting those who have benefited.

Furthermore, an emphasis upon the lack of development as a cause of the proliferation of conflict is to suggest that the route cause is internal, which usefully avoids confronting the potentially contentious areas of external factors in the cause of conflict. With the breakdown of state structures and the effective suppression of civilian opposition, wide corridors were opened for trafficking of arms, ammunition, diamonds and drugs by a host of external actors. The civil war taking place in Liberia played an important role for the actual outbreak of fighting in Sierra Leone. As Charles Taylor, the former President of Liberia, in 1991 a faction leader in Liberia's civil war sponsored the Revolutionary United Front as a means to destabilize Sierra Leone. To fund its' campaign against the government, the RUF sold diamonds in Liberia and Guinea in exchange for arms.

There remains an absence within the New Humanitarianism paradigm of a clear definition of the political content and values that underpin this approach. *"Now our actions are guided by a more subtle blend of mutual self-interest and moral purpose in defending the values that we cherish."*, Tony Blair's remarks to the Economic club of Chicago, 22 April 1999. So what are these values? In many respects, when reflecting upon the international community's action in Sierra Leone in many respects what emerges presents us with an undeniable paradox. The purported driving force of the new humanitarian agenda subsumes the cultural hegemony of humanitarianism,

enveloping the ideal of unified solidarity in the protection of elementary human rights and the provision of aid to those in need. However, such intervention remains driven by the wider foreign policy interests of powerful states. Arguably, British economic interests unilaterally drove the deployment of a United Nations mission in Sierra Leone. Britain maintains strong commercial ties with its' former colony, with British Companies like diamond mining firm Branch Energy, Golden Prospects, Marine Protection Services, West African Fisheries, J&S Fraklin and Barclays all running operations out of Freetown. The British Prime Minister Tony Blair's claim to a "moral purpose", lost much of its' credibility when it emerged that the British firm, Sandline International, a private security firm with close ties to British diamond firm Branch Energy had shipped weapons to the Kamajors paramilitary group supporting the Kabbah government. This, in contravention of the UN Security Council's arms embargo passed in the wake of the peace accord. In his defence, the British High Commissioner to Sierra Leone, Peter Penfold, asserted the deal was justified as it served in the defence of a democratically elected government against a rebel group bent on the mutilation of the civilian population. However, the Kamajors were equal to the RUF in the perpetration of human rights abuses.

Indeed, it is a misnomer to conclude that such interventionism is in support of those who share our own moral values against those who do not. Similar conclusions can be drawn in reference to the humanitarian crisis in Kosovo. The "freedom fighters" of the Kosovo Liberation Army who opposing the tyranny of former Serbian President Slobodan Milosevic, took similar steps to ethnically cleanse the territory of Serbian residents after its' NATO-assisted victory in much the same way that Milosevic had attempted to do with Albanian residents in the preceding months. The guise of a moral imperative that underpinned and compelled efforts in Sierra Leone loses its original pretext when viewed within the perspective of the wider African political climate. No moral imperative has been extended to the Congo where 3.8 million people have perished since 1998. Or to the Sudan, where twenty years of civil war has killed 2 million and displaced some 6 million people. (IRC)

Such truths, however, operate beyond the United Nations system itself. The UN is obliged to defer to the demands of its' most powerful member states. It would be naive to conclude that in its' present configuration, credible or appropriate intervention can be mandated by the UN. At present it is difficult to surmise a solution to this institutional impasse. The expansion of the United Nations Security Council to reflect a broader base of consensus from within the international community would add a greater sense of legitimacy. Correspondingly, the same balance of power is evident in UNHCR, where the European Union, Japan and the United States accounted for more than 80 percent of its' budget during the 1990s, which consequently pressed it to assume a wider, though selective, humanitarian role.

Such a role should not be maintained, for practical as well as moral reasons. The failures in Kosovo and the subsequent reduction in funding from the European Union, \$95 million in 1999 to \$38.4 million in 2000, (International Herald Tribune, 20 June 2001) question the agency's capabilities. Furthermore, a dual relief and development goal negates the agency's protection responsibility embedded within its' charter. Rather, the agency's authority must be directed towards its' traditional stewardship role in the co-ordination of universal standards of protection. Amongst the UN agencies UNHCR is unique, being an individual symbolized in the High Commissioner, whilst being an organisation with its own distinctive background and values, winning the Nobel Peace Prize in 1954 and 1981. Although it would be fair to conclude that the High Commissioner has no political authority amongst member states, he is however instilled with significant moral authority, the first High Commissioner for Refugees being installed under the auspice of the League of Nations in 1921. Current trends in refugee protection around the world point to the fact that expanding and underpinning the belief in the worldwide protection of refugees is one of the most important tasks facing the international community, to which UNHCR has a key role to play. It is true of UNHCR, as it is with many aid organisations (with the notable exception of the publicly funded MSF), that success can be more easily measured in terms of service delivery, as opposed to broader human rights protection. This qualitative aspect of the agency's success is less easily measures and less easy to sell to donor nations. The current High Commissioner, António Guterres, who has sought wider support from the business community and emerging philanthropists, has not missed this reality. It seems clear in conclusion that disengaging from development is the most effective route to the better management of resources, whilst providing the framework for a more effective and respected UNHCR. However, inclusion of humanitarian agencies in peacekeeping operations that include a military component will remain controversial. Certainly, engaging in countries of origin, whether during or after conflict, remains of fundamental importance if the underlining causes of displacement are to be addressed. In spite of the moral imperative that underpinned efforts in Sierra Leone, commitment to any genuine notion of universal morality or conscience is, and will remain, beyond the international community's grasp while self-interest endures.

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