



On the Record for Refugees

Issue 5: November 3, 1998

From the AP Editorial Desk

This issue brings the second series of On the Record (OTR) to a close. Our purpose over the last month has been to look at forcible displacement as it was handled at the 1998 session of the Executive Committee of the Office of the UN High Commissioner for Refugees (UNHCR). All six issues of OTR can be found on our website; hard copies of the issues are also available.

OTR is produced by The Advocacy Project, an association of individuals with experience in international affairs and a commitment to supporting advocacy groups in war-torn societies. During this series, we have worked in partnership with the Geneva-based International Council of Voluntary Agencies (ICVA). We look forward to working with ICVA again.

We are grateful to the senior officials in UNHCR who, while aware that it would not always be favorable to UNHCR, argued for OTR to appear at the EXCOM. We are also grateful to High Commissioner Ogata. Our main aim has been to inform you, our subscribers, by making UNHCR more transparent.

Please contact us with comments, and let us know if you have objections to their being re-posted. Tell us, as well, if you know of future events, conferences or issues that could benefit from this kind of dissemination. We are looking for suggestions and volunteers. The Advocacy Project is open to all who share our basic view – that reconstruction starts in, and with, communities.

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Refugee Protection in a Lawless World

The office of the UN High Commissioner for Refugees (UNHCR) is in the throes of a debate over protection that could critically affect the safety of 30 million refugees and displaced persons. It could also shape the future of UNHCR well into the next century. UNHCR feels that operating in a lawless world requires it to adopt a pragmatic approach and exploit political opportunities. Critics reply that this is weakening UNHCR's legal mandate to defend asylum.

Iain Guest concludes that UNHCR may be right – but that it could do much more to strengthen its case.

The recent Executive Committee meeting of the UNHCR opened to gunfire in the Serbian province of Kosovo. As of October 1st, 300,000 Albanians had been driven from their homes by Serbian forces. This provided Sadako Ogata, the High Commissioner, with an opportunity to reaffirm her strategy for dealing with complex humanitarian crises.

Problems like Kosovo, she said, are "political," and beyond the capacity of UNHCR to resolve. In spite of this, UNHCR cannot remain passive: it must use initiative and imagination to stop further displacement and help to create conditions which will permit refugees to return home. UNHCR will also offer its humanitarian expertise, even at the risk of being manipulated or assisting internally displaced persons (IDPs) (who do not technically fall under its mandate.) This is not the time for legalistic distinctions.

The argument has been heard from Ogata many times, but at this EXCOM it raised more eyebrows than cheers. There is a growing sense that UNHCR should focus more on its core mandate (the protection of refugees in exile) and less on ad hoc initiatives which lack a clear legal foundation and could even result in refugees being forced home to unstable conditions. This was the conclusion of a recent meeting in the Hague (See OTR 2). One former UNHCR official, Guy Goodwin-Gill, warned UNHCR in a recent article against acting on a "general feeling that someone has to do something about all that's wrong in the world."

The stakes are high for UNHCR and for refugees. If UNHCR were to start applying a narrow, legalistic approach to its work in war-torn societies, it could easily sideline the largest relief and protection agency in the business. On the other hand, UNHCR is not making a particularly convincing case for continued engagement.

So how real is the disagreement? In fact, the debate at EXCOM showed that in some respects UNHCR is returning to its core mandate. UNHCR's Division of Protection has taken up cudgels against the detention of asylum seekers; challenged Europe to provide fairer procedures for hearing asylum claims; tried to move refugee camps in West Africa away from dangerous borders; and toughened up the guidelines for women and children refugees. All this is classical, mainstream refugee protection.

But these actions are not the source of the controversy. UNHCR and its critics are scrapping over countries like Serbia, Afghanistan, Angola and the Congo, where peace is frustratingly elusive, where repatriation is blocked, and where attacks on civilians have become the norm. UNHCR's critics feel that UNHCR should step gingerly into this no man's land, instead of rushing to promote "solutions." Ogata, however, seems to feel that her agency cannot afford to be passive, and that it can be effective in the most unpromising of circumstances.

Five Types of Intervention

Generally speaking, there are five different ways in which UNHCR gets drawn into these countries. Some go beyond a strict interpretation of UNHCR's 1951 mandate.

First, UNHCR is a UN body and must do the bidding of the UN Secretary-General and the UN General Assembly. In Bosnia, and now in Kosovo, it has responded to formal requests from the UN. Second, UNHCR helps refugees return home – preferably under the umbrella of a UN peace agreement (as in Cambodia). Third, it helps returning refugees to reintegrate. Fourth, UNHCR assists IDPs in the course of acting as the lead agency in a humanitarian operation. Fifth, the High Commissioner and her colleagues engage in "preventive diplomacy" to ward off further displacement, as Ogata did recently in visiting President Milosevic of Serbia.

All five have involved UNHCR in controversy to a greater or lesser degree. Many feel that far from waiting passively for the call from the UN General Assembly, UNHCR has grabbed at crises (Bosnia, Kosovo) which promise rich rewards and publicity. Secondly, while no one disputes that UNHCR has a mandate for repatriation, successive sessions of EXCOM have called for returns to be voluntary, not coerced – and critics feel that UNHCR has been far too weak in defending the right of refugees not to return. As for reintegration, returning refugees cease to become refugees the moment they step back into their own country; and many feel that UNHCR should leave their reintegration to others more versed in development.

Assisting IDPs is also controversial. UNHCR only has a mandate to protect persons who have left their country. Some feel that by trying to help IDPs without being able to offer them legal protection, UNHCR actually exposes them to greater danger from the forces that uprooted them. In addition, they say, the number of IDPs is so large that any meaningful assistance would turn UNHCR from a protection agency to a trucking company.

Finally, there is Ogata's oft-stated contention that UNHCR's involvement in these troubled countries helps to prevent further fighting and another exodus of refugees. There is no question that UNHCR's contribution in these countries is significant, but of course it can never be sufficient to rebuild trust and trigger national reconstruction. Or can it? Again, if the answer is yes, UNHCR needs to make a more convincing case.

One is tempted to say that UNHCR's contribution lies somewhere between the two extremes of unthinking intervention on the one hand, and all-round retreat from the world's trouble spots on the other.

Some kind of historical perspective is required. Even when it was acting in strict accordance with its legal mandate, UNHCR was buffeted by criticism and political manipulation. What is so different about today? And how should UNHCR respond?

When Initiative Pays Off – Repatriation to Cambodia

The right to seek asylum is embodied in the 1951 International Refugee Convention, which defined a refugee as an individual fleeing from a "well-founded fear of persecution." States parties have a duty to provide asylum-seekers with the means to be heard ("status determination") and not to turn them away, but not necessarily to grant them refugee status.

The 1951 Convention has provided UNHCR with the legal basis for protecting refugees at every stage of their dangerous journey. But UNHCR's own statute also stresses the importance of

providing "durable solutions" in the form of resettlement or a return home. This has provided Ogata with a justification for her interest in repatriation.

UNHCR and its allies spent between 1951 and 1989 trying to rise above the Cold War, with mixed success. Most of the refugees assisted by UNHCR fled communist countries. This made UNHCR deeply suspicious to the Soviet Union and strategically essential to the United States. By helping the victims of communism, UNHCR exposed the wickedness of the "Evil Empire," kept anti-communist groups alive, and prevented the destabilization of first asylum countries who also happened to be key American allies (Turkey, Honduras, Thailand).

The key difference between then and now is that UNHCR in the 1980s was exclusively concerned with persons who had fled their countries. (There was virtually no repatriation during the Cold War.) This was consistent with UNHCR's legal mandate. But the Cold War came to an end with millions of refugees languishing in camps, without any prospect of a solution. It was a heavy price to pay for keeping the faith.

The political context changed with the end of the Cold War. After years of deadly rivalry in the third world, the United States and Soviet Union began to work for peace. The agreements that they helped to broker (Cambodia, Namibia, Central America) opened the way to the repatriation of refugees.

But this also raised a host of difficult questions. If refugees no longer held the same strategic value, would they still be interesting to Western governments? Would their protection be subordinated to the political goals of these peace agreements? Would they be forced to return before it was safe? What role would UNHCR play – would it facilitate repatriation or urge restraint? What role would UNHCR play in the countries of origin, and how long would it remain?

These questions arose with a vengeance when UNHCR was asked to return 360,000 refugees to Cambodia in 1992 and 1993, as part of the international plan to rebuild Cambodia. Many compromises were made in the process. The return could hardly be termed "voluntary" given that the Khmers were given no chance to remain in Thailand. In addition, Cambodia was littered with landmines, and the Khmer Rouge were still active. These concerns were raised by many of the same human rights groups that criticize UNHCR's role in Burma and Kosovo today.

But were the risks in Cambodia any greater than the risk of remaining in the Thai camps, where the Khmer factions ruled with an iron hand? UNHCR thought no, and in this it was not alone. Repatriation was part of a vast international effort to rebuild Cambodia, and UNHCR was able to count on unprecedented support from the UN Security Council and Cambodia's ASEAN neighbors, virtually unlimited funds, and a UN peacekeeping presence in Cambodia that comprised thousands of soldiers, administrators, civilian police, and monitors.

This support allowed UNHCR plenty of scope for initiatives, which in turn helped to galvanize the entire Transitional Authority (UNTAC). The return of refugees was first in the sequence of the UN peace plan, and by forcing the pace on repatriation UNHCR gave its UN partners a focus

for their work (demining returnee land, patrolling returnee settlements, building roads for returnees, etc).

Cambodia showed how UNHCR could play a proactive, quasi-political role in the "country of origin" that was a far cry from its traditional work on behalf of exiles. UNHCR helped its cause by having a unified structure, an inspirational coordinator, and a coherent, forthright information campaign on both sides of the frontier. It was an important precedent and one that Ogata has referred to many times.

The Face of Complex Emergencies: Political Manipulation and Contempt for Law

UNHCR's work in Bosnia and the Great Lakes of Africa stands in stark contrast to Cambodia. It shows clearly how political manipulation, and a lack of political support, can push UNHCR into operations that imperil civilians even as they address real humanitarian needs. This dilemma will face UNHCR and its allies into the next century. It calls for a much better understanding of the issues, and a much more constructive dialogue.

The first notable feature of the war in Bosnia was its political origin. The ethnic cleansing of Bosnian's Muslims in the spring and summer of 1992 was not the result of "ancient ethnic hatred." Rather, as many writers have shown, it was the product of a crude attempt by unscrupulous Serb and Croat politicians, helped by common criminals, to exploit ethnic nationalism. This nationalism aimed for ethnic purity. If it required terrorizing, demonizing and killing former neighbors and friends, then so be it. The impact was stunning: within a year, two thirds of the entire population of Bosnia had been uprooted. Bosnia gave new meaning to the notion of a "politically motivated" emergency.

Two years later, in the summer of 1994, UNHCR found itself sucked into another act of mass villainy in the Great Lakes of Africa. This started in April 1994, with the genocidal massacre of over 800,000 Rwandan Tutsi – a deed as coldly calculated and "political" as the war in Bosnia. By June, the killers were being chased from Rwanda into neighboring Zaire and Tanzania along with a massive human wave of over 2 million Hutu. Here they regrouped in refugee camps and prepared to re-invade Rwanda.

Events in the Great Lakes of Africa over the last four years have been so turbulent and destructive that they defy any simple classification. Most of the Hutu have either returned to Rwanda or been slaughtered in the jungles. As of this writing, the government of the Congo has imploded and no fewer than six African armies are fighting over the carcass of this huge country in an effort to carve out secure zones next to their borders. Pockets of refugees are on the run or in hiding across the entire central African belt.

In a way, it is a truism to call this chaos "politically motivated" because every twist and turn – from the Rwandan genocide onwards – has been marked by political irresponsibility on a grand scale or an absence of political leadership. It is certainly a dramatic example of what High Commissioner Ogata has termed "political problems with devastating humanitarian consequences."

The second sinister feature of the Balkans and Central Africa is the deliberate way in which attacks on non-combatants have become an integral part of warfare. These wars have been a devilish brew of torture, massacre, starvation, and expulsion on a different scale from previous "humanitarian" crises. Scores of aid workers have been killed.

It has been said many times that today's wars are "internal" rather than "international," that they use indiscriminate weaponry (like landmines), and that this helps to explain the high toll on civilians. Western governments also like to cite the fact that "non-state actors" (rebels and warlords) feel less commitment to law. Yet none of this really explains the systematic nature of the murders, rapes, expulsions, and arm-lobbing. "Non-state actors" certainly have no monopoly on this kind of cruelty: Congolese troops have been seen executing prisoners in cold blood; Zimbabwean airforce planes bombed the Congolese city of Kisangani; the Serbian armed forces have systematically shelled houses and civilians in Kosovo. Tanzanians have used force to expel foreigners who have lived in Tanzania for generations. Cruelty is evidently contagious.

As the ICRC president Cornelio Sommeruga told the recent EXCOM, "atrocious crimes are committed as part of the war strategy" in modern warfare. Terror is integral to the strategy. This utter contempt for the rule of law is certainly as worrying as the political nature of these conflicts.

UNHCR – Abandoned in Bosnia and the Great Lakes

The third feature of humanitarian emergencies has been the absence of political will on the part of governments. UNHCR was drawn into the Great Lakes by the mass departure of the Rwandan Hutu in the summer of 1994. This was an army in retreat, and it contained tens of thousands of killers. But it also contained women and children fleeing for their lives who were, to UNHCR, refugees. Any doubts were dispelled by the television footage of cholera victims piled high on the lava beds at Kibumba. This was classic "refugee" footage, and UNHCR had no option but to gear up emergency aid, knowing full well that it would be manipulated and exploited.

Over the next two years, UNHCR and its NGO partners would struggle with the fact that their assistance was going to feed war criminals, as well as refugees. They would, however, struggle alone.

It would be hard to find two crises that posed more of a threat to international peace and security than Bosnia and Rwanda. Yet they paralyzed the UN Security Council. The Council's five permanent members squabbled relentlessly over Bosnia, and this killed any hopes of a clear strategy for confronting the root cause of Bosnia's refugee crisis – the ethnic nationalism and aggression of the Serbs and Croats. Instead of authorizing a stern intervention and backing it up with the threat of force, the Council tried to shift the responsibility to humanitarian agencies. As the lead agency, UNHCR found itself pushed into the vacuum and was expected to staunch the wounds.

This forced UNHCR to play a protection role in Bosnia for which it was totally unsuited. By 1993, UNHCR was assisting three separate categories of Bosnians and refugees who had fled the country; internally displaced; and 500,000 Muslims who had never left their homes, but were

trapped in the center of the country. The Security Council designated several "safe areas," but declined to protect them. In fact, by leaving their protection to UNHCR and various other monitoring bodies, the UN Security Council was signaling that it would not intervene. This in turn emboldened the Serbs and Croats into acts of ever-increasing cruelty, and made UNHCR's task more difficult.

The Council's failure in the Great Lakes was equally unforgivable. It ignored warnings that genocide was imminent, withdrew UN peacekeepers from Rwanda in a panic at the height of the killing, and struggled to avoid labeling the massacres as "genocide" in order to avoid any legal obligation to act. In an ideal world, the Rwandan Hutu soldiers would have been disarmed and separated as they crossed the frontier to Zaire and Tanzania, and UNHCR officials would have "screened" the refugee population. Those deemed to be war criminals would have been screened out.

But this was completely unrealistic in 1994. Many prominent Hutu genocidaires flaunted their presence in the camps in Tanzania and Zaire. UNHCR officials tried to confront them, and were physically threatened by the refugees. Zaire's president Mobutu was sympathetic to the Hutu and the Zairean army was too ineffectual to impose its will on hardened killers. Even the Tanzanians shrank from sending troops into the camps. There was, in addition, a legal dilemma. No recognized authority had investigated the killings, and even genocidaires were innocent until proven guilty.

UNHCR appealed to the UN for help in improving security in the camps. Forty governments were asked to provide troops, but only one volunteered. The Security Council established a criminal tribunal to prosecute Rwandan war criminals, and let it fritter away a year wasting time and money.

The political pressure on UNHCR, however, intensified as the immediate humanitarian crisis in the camps receded. The US government pressed UNHCR to move the camps further inland and force the pace of repatriation back to Rwanda. But returns could not be "voluntary" as long as Rwanda was packing suspects into jails without even so much as a charge. Meanwhile, the Rwandan government kept up a drumbeat of criticism against UNHCR for feeding genocidaires. The new Congolese government of Laurent Kabila used the occasion of the 1997 EXCOM to accuse UNHCR of starving refugees – at a time when his troops were hunting down Rwandan refugees in the jungles of Eastern Congo.

Absence of Political Will – A Likely Feature of Future Crises

How typical were Bosnia and the Great Lakes? Is this lack of support likely to be a feature of future emergencies? Almost certainly, yes.

The UN Security Council finally authorized the use of force against Bosnian Serbs in July 1995. In West Africa, Nigerian forces acting under the aegis of ECOMOG forced an end to the war in Liberia, and reinstated the democratically-elected president of Sierra Leone. Over the last few days, NATO threats have forced the partial withdrawal of Serbian forces from Kosovo. These actions show real political will, particularly at the regional level.

But recent months have also shown that the UN Security Council is more deeply divided than ever over how to implement its role as arbiter of international peace. It is also hard to see how the Council can exert any authority as long as the UN is treated with open contempt by the United States. The US Congress has consistently refused to pay its dues to the UN; declines to ratify the additional protocols to the Geneva conventions; and is actively campaigning against the recently-created international criminal court. This distrust of multilateral commitments by the world's remaining superpower is profoundly corrosive. Will the European Union come forward, and assume the mantle of leadership? Not if its emerging asylum policy is anything to go by. The 14 members of the European Union are creating a single policy that will attempt to keep refugees and asylum seekers at arm's length. (See OTR 5).

In short, there is little political interest in humanitarian emergencies among the world's wealthiest governments. This is already producing a reaction in other less privileged parts of the world. Turkey sees no reason to give sanctuary to Iraqi Kurds, particularly when it faces its own Kurdish rebellion. After being strong-armed into accepting millions of refugees from Communism in the Cold War, Thailand is also leery of making an open-ended commitment. This, combined with the economic collapse, helps to explain the severity of Thailand's policy towards Burmese refugees on its borders. Tanzania has been one of Africa's most generous nations in its treatment of refugees, but it has expelled thousands of foreigners in the last two years at short notice. What NGOs see as UNHCR's weakness in these regions is very much linked to the West's failure to assume its responsibilities. In all probability, the absence of political will continue to exacerbate humanitarian emergencies into the next century.

Shortcomings in the UN System

This lack of international support helps to explain why UNHCR gets pulled into initiatives that may not strictly fall within its mandate. This article earlier identified five ways in which UNHCR has engaged in complex emergencies, or peace-building. All five share a common feature: there is no other agency in the international system willing or able to do the job.

This starts with the protection of internally displaced persons. The real crisis is not about IDPs as such, but rather the broad contempt for the rule of law which threatens entire populations. Similarly, while UNHCR's policy pronouncements on IDPs have been inconsistent and even incoherent, the question is not about UNHCR's mandate but about the UN response to complex emergencies. Francis Deng's work has underscored the fact that forcible displacement is an integral part of these emergencies, and it stands to reason that helping the displaced is an inevitable part of being designated the lead humanitarian agency in a crisis. The real issue here is whether UNHCR is the appropriate lead agency in a crisis that may involve displacement, but not refugees.

On this, there are more questions than answers. Why does the UN system treat Kosovo as a "humanitarian emergency," but not Rwanda? Why was UNHCR designated "lead agency" in Bosnia, while UNICEF is lead agency for the Sudan (apart from the fact that they were already there when crisis broke out)? What are the advantages of "lead agencies" over "coordinators" (which are abundant in the UN system)? Why did the process of UN reform not establish a single entity capable of responding to these emergencies?

The short answer to these questions is that there is no logic or coherence to the international system, even though the lives of millions are at stake. Nor can there be as long as the UN system is treated with such indifference by its major backers. This is one reason why UNICEF and UNHCR find themselves leading operations that are largely outside their legal purview. Simply put, no other agencies have the wherewithal and expertise to mount major relief operations. The wonder is that they respond so well.

This suggests that any solution to the criticism being leveled at UNHCR lies with the rest of the UN system as much as UNHCR. This is true of IDPs; of the protection of civilians in conflict; of promoting respect for international law.

It is also true of the reintegration of former refugees. Two years after the mass return of refugees to Rwanda, the money is drying up and UNHCR is scaling down its assistance to the returnees. But the task is much bigger than assisting a small privileged number of Rwandans that were lucky enough to flee abroad and receive UNHCR protection. Three quarters of Rwanda's entire population has been uprooted, expelled, and returned. Their "reintegration" is actually Rwanda's "reconstruction."

Sadly, there is no international player equal to the task. The UN Development Programme is a "coordinating" body, with almost no field presence. The UN Human Rights Center recently withdrew its monitoring mission, even though the rebuilding of Rwanda – a deeply suspicious, ethnically-divided society – must start with human rights and respect for the rule of law. The one bright spot in the Great Lakes is the international criminal tribunal, which has stepped up its activities and has 32 suspects in detention in Arusha. But generally speaking, UNHCR's partners in this critical region are exceptionally weak.

This helps to put the criticism of UNHCR into a rather different light. But it also illustrates the immense challenge facing the High Commissioner. The combination of political manipulation, of calculated cruelty, of weak support from the international community – all this creates an unenviable environment for humanitarian agencies. Few would dispute Ogata's claim that this brand of "political" crisis generates refugees and uproots people. After all, that is part of the intention. Nor would they dispute her claim that these crises pose a "comprehensive" threat to peace, the result of which will likely be further refugees. But should UNHCR take up the burden, if the political organs of the UN and governments in general are unwilling to assume their responsibilities?

This is the question that the High Commissioner must answer with clarity and commitment if she is to co-opt more allies. It is not enough to brush off the criticism, or push ahead regardless.

Burma is a case in point. 25,000 Burmese Muslims (Rohingyas) remain in Bangladesh, from a high of over 250,000 who fled in the early 1990s. The remainder have returned home, under a combination of threats and cajoling. On the other side of Burma, 100,000 refugees are trapped on the border with Thailand, and are clearly vulnerable to being returned to an extremely repressive regime. UNHCR recently negotiated a monitoring presence on the Thai border, but NGOs are convinced that UNHCR's objective is to return both groups to Burma in the mistaken belief that this will somehow "resolve" the refugee crisis and help restore some kind of peace to Burma

itself. They were not reassured when the High Commissioner recently described forced labor in Burma as a natural condition. In the absence of a major (political) push to restore Burma's democratically-elected government, critics feel that UNHCR's first obligation is to resist repatriation and hold the line.

A Future Agenda for UNHCR

It is a hard balance to strike. How can UNHCR do it better, in the absence of more support from the rest of the system?

Setting Priorities. UNHCR is poor at conveying a clear response to the leading questions that are now being asked by its critics: when to withdraw from a crisis; when and how to phase out of repatriation; when to assume responsibility for internally displaced persons; how to work more closely with other international players (particularly the two war crimes tribunals and the forthcoming international criminal court); what conditions should apply in the country of origin before repatriation should be undertaken.

Yet all of these go to the heart of the High Commissioner's dilemma. Asked about repatriation recently, one of UNHCR's most articulate directors described it as being often a "least worst" option. This may be true, but the mere choice of words fed the charge that UNHCR is often winging it, without any firm legal foundation.

To Withdraw or not to Withdraw. The toughest question facing UNHCR is when to withdraw from a humanitarian crisis. When does the manipulation, and the distortion, become so extreme that it outweighs the advantages of remaining?

There appears to be no clear policy at UNHCR on this question. In one 1997 publication, David Bryer, the director of OXFAM, suggested that agencies should weigh up the "net impact" of their aid and decide whether on balance it "helps civilians receive essential necessities and be protected from violence." Applying this rule of thumb, he suggested, agencies should probably have withdrawn from Liberia and Somalia, but not from Bosnia and Zaire.

UNHCR might dampen some of the criticism if it engaged in a similar exercise. Only once in three years did it suspend its operations in Bosnia. In the Great Lakes, UNHCR suspended activities in the Eastern Congo in mid-1997 after its officials were prevented from reaching refugees. In both cases, it should be noted, the problem was lack of access – not attacks on aid workers or the manipulation of UNHCR aid. Does this imply that getting aid in is more important than what happens to the aid, or the lives of UNHCR officials? Presumably not, but Ogata and her colleagues could surely make out a better case for persisting in the face of such daunting odds.

Co-opting NGOs. UNHCR is not getting enough advice and support from its NGO partners. This is not particularly surprising. Human rights organizations like Amnesty International, the Lawyers Committee and Human Rights Watch are showing more interest in UNHCR, and "mainstreaming" the rights of asylum-seekers into their own agenda. UNHCR's operational partners, in contrast, were much less evident at the recent EXCOM. This has important

implications for UNHCR. Operational partners (relief agencies) are well aware of the nuances and pressures of working in difficult field conditions. They have a vested interest in intervention rather than withdrawal, and they will be more sympathetic to UNHCR, given that it pays their bills. Human rights groups, in contrast, are under no such obligation, and will criticize UNHCR if it suits their purpose. They complain loudly that UNHCR's division of protection has been sidelined in UNHCR's internal ("Delphi") restructuring. They are clearly right, and many UNHCR officials agree. But there can be no turning the clock back.

If UNHCR wants these groups on its side, it will have to talk to them more effectively. But NGOs, too, need to think through their strategy. UNHCR is not the enemy, and it can be a powerful ally in their fight against abuses of the rule of law. Several NGOs have drafted guidelines which ensure a consistent and adequate supply of emergency supplies to refugees (the Sphere project). But they have yet to engage UNHCR in a coherent discussion about its mainstream dilemmas, such as when to and when not to withdraw. Some NGOs have offered to help UNHCR draw up indicators to measure satisfactory conditions for repatriation. UNHCR replies (probably correctly) that indicators would be hard to define and even harder to implement rigidly in the face of political pressure. But the mere exercise of sitting down with NGOs would probably do wonders: UNHCR's division of protection has helped to co-opt powerful NGOs into the fight against detaining asylum seekers by having them participate in the redrafting of new detention guidelines.

Information. UNHCR could do much more with its information policy. There are important lessons to be learned from the recent past.

UNHCR emerged from Bosnia with its reputation greatly enhanced and its coffers full. In contrast, its reputation has suffered enormously in the Great Lakes. Why is this? In Bosnia, UNHCR officials were brave; the High Commissioner projected a sense of engagement and clarity; and UNHCR's information policy was excellent. But UNHCR was also fortunate in being on the side of the victims. Governments were more than happy to play up its contribution. There was need for some heroism amidst all the gloom.

The reverse happened in the Great Lakes. UNHCR's aid was no less efficient, and its officials no less brave. But once the situation had stabilized and it became clear that the camps were helping to support the Hutu killers, international opinion quickly changed and UNHCR was seen to be on the wrong side. But UNHCR compounded its problems by making basic mistakes that it avoided in Bosnia and Cambodia. Instead of a unified, region-wide structure with inspired leadership, the UNHCR operation in the Great Lakes was fragmented and divided. There was no coherent, professional information policy – perhaps reflecting the lack of a clear message. In late 1994, UNHCR asked a consultant to investigate charges of mass killing by the RPF (Tutsi) Rwandan army, and then leaked the results prematurely, further alienating Kigali.

UNHCR is not served well by its current approach to information, which is defensive and reactive, and by the High Commissioner's evident discomfort with the press. This leaves UNHCR vulnerable, as was demonstrated when the prestigious Financial Times ran a damaging series on UNHCR's field management. The external affairs unit was discontinued at the worst possible moment, and the information budget has been cut. All this is extraordinary, given that

the main lesson from UNHCR's successes – particularly Bosnia – is the importance of a clear information message, promoted with conviction.

Co-opting Civil Society. Like most donors, UNHCR must do more in identifying the strengths of its local partners, instead of expecting partners to respond to UNHCR's bureaucratic requirements. Bosnia is starting to yield some important lessons, but even here UNHCR has treated repatriation as a logistical exercise – delivering services – instead of empowerment. It is perhaps indicative that the Coalition for Return (a coalition of existing Bosnian grassroots groups) was coaxed into existence by the office of the High Representative, rather than UNHCR.

Some of this is changing. UNHCR's program of evaluation is starting to emerge from a long period of hibernation and dusty irrelevance to become a tool of policy. For an agency that is constantly knee-deep in crisis, UNHCR needs to air problems before they arise instead of waiting for the next blow to fall. Evaluation can help. Some of the latest evaluation reports, on land and housing in repatriation, show a real improvement. Short, readable and provocative, they go straight to the heart of contemporary dilemmas. The biennial State of the World's Refugees has also made a brave attempt to address contemporary dilemmas. Overall, however, UNHCR could be much more proactive.

More NGOs attended the pre-EXCOM session than ever before, and as the coordinator of ICVA notes in this issue of OTR, NGOs will work hard at maximizing their input at future meetings. UNHCR has revived the post of External Relations; is working more closely with the World Bank; and is also engaging prestigious think-tanks like the Brookings Institution, the Carnegie Endowment, and the US Institute of Peace to help it think through some of the dilemmas referred to in this article. Things are beginning to change, and for the better.

In the end, however, it is easy to exaggerate the importance of these initiatives. UNHCR can change its message, but it cannot change the world, end conflict, and usher in an era of respect for law. That rests with governments and with the international system – particularly the UN Security Council. If they cannot rise to their responsibilities, millions of vulnerable people will be swept into the next millennium without so much as a prayer. UNHCR will join them as one other casualty.

- Iain Guest is a former journalist and author. He served as the spokesman for UNHCR in Cambodia (1992) and for the UN emergency operation in Haiti (1994). Earlier this year, he visited Rwanda, Burundi, Tanzania, and the Congo for UNHCR's Division of Protection.

Opinion: Making More of EXCOM

By Ed Van Mierop Schenkenberg

This year, a large number of human rights, humanitarian, and refugee advocacy NGOs from developed and developing countries attended the UNHCR's Executive Committee (EXCOM) meeting and the (pre-EXCOM) meeting prior to it. Both meetings provide a unique opportunity for NGOs and this year they responded with interest. Senior UNHCR staff also made time to brief NGOs about developments in the field and at the policy level.

But are NGOs and UNHCR making the most of this opportunity? The new International Council of Voluntary Agencies (ICVA) believes that there is much we can do to improve, and is keen to play a role.

UNHCR, the NGOs, and Pre-EXCOM

The annual pre-EXCOM meeting between UNHCR and the NGOs is useful for a number of reasons: it permits the exchange of information; identifies protection and operational policies; and builds relationships. The pre-EXCOM opened with a presentation from UNHCR's Assistant High Commissioner and Director of the Division of Operational Support, and continued with five meetings with the directors of the Regional Bureaux. These largely consisted of an UNHCR briefing on the regional situation, a briefing by a NGO 'PARinAC regional focal point' who presents the situation from his or her perspective, and questions from the floor.

There is growing concern among the NGOs that this formula leaves them too few possibilities for an open exchange of views with UNHCR. Many have also said that too little attention has been paid to the agency's protection mandate in these sessions.

Undoubtedly, the sessions with the protection division and with the High Commissioner attracted the most NGO attention. The atmosphere at the meeting between the High Commissioner and the NGOs could have been better. Some NGOs felt disappointed by the High Commissioner's answers to their sometimes direct and critical questions.

It has become traditional for the Director of the Division of International Protection (DIP) to forcefully present his case, outlining current protection problems and dilemmas, indicating the greatest challenges for UNHCR, and calling for NGO support. This approach seems right: UNHCR should win support for its tough fight with Governments on such issues as respect on the right to asylum, detention of asylum seekers, non-refoulement of refugees, and quotas for resettlement.

Overall, however, pre-EXCOM should achieve more practical results. It should influence the way UNHCR decides issues that have operational implications for the NGOs. There should also be a better connection between the pre-EXCOM and EXCOM. The (nongovernmental) pre-EXCOM can provide a critical balance to the EXCOM meeting (of governments).

UNHCR, NGOs, and EXCOM

Governments and UNHCR emphasize that the debate at EXCOM is humanitarian, like the work of UNHCR, and that EXCOM decisions reflect consensus. This, they say, is not the place to condemn individual governments for their failures to protect refugees.

Unlike the UN Human Rights Commission, the NGOs are limited to one statement in the EXCOM debate – if one can speak of an "EXCOM debate" at all. This year's NGO statement covered a wide range of issues (OTR issue 4). But it goes without saying that one statement cannot comprehensively cover all refugee problems. Furthermore, NGO opinions vary widely

about how to deal with the problems. While NGOs need to coordinate interventions, many ask whether one statement can speak on their behalf.

Worth noting are some positive trends. Many NGOs monitored government statements carefully and actively engaged in a dialogue with government delegations. A number of NGOs managed to obtain the draft conclusions, which helped them to comment on the texts. NGOs have also attended the sessions of the Standing Committee, where they have been able to make one statement per agenda item since January 1998. This was noted with satisfaction by the outgoing Chairman of EXCOM, the Norwegian Ambassador Skogmo.

However, more needs to be done from both the side of UNHCR and NGOs.

What UNHCR Can Do

NGOs need information about UNHCR's problems with their governments if they are to advocate for better refugee protection at home and support UNHCR's work. In this regard, they welcomed the extensive briefing of one of the DIP deputy directors on the process of drafting of this year's conclusions. They also welcomed UNHCR's "protection outreach project" to Governments, and the proposal to revive the "friends of protection mechanism." Both initiatives can improve information exchange and help to get a better understanding of present protection dilemmas.

But UNHCR should ask more departments to participate in the pre-EXCOM and encourage more NGO input in their work. We need to be briefed on plans for UNHCR's annual "State of the World's Refugees" publication; cooperation with human rights organizations and international criminal tribunals; staff security; and the exchange of information on training modules. All these are obviously of mutual interest to UNHCR and NGOs.

What the NGOs Can Do

NGOs tend to attend the pre-EXCOM only. But in order to have a real influence on policies, they should also participate in the work of the EXCOM.

In this regard, the NGO statement to EXCOM should be seen as just one element in an NGO advocacy strategy. Generally, NGOs should lobby more actively and increase their direct contacts with government delegations. Worth noting here is the experience of the US-based NGOs, who maintain close contact with their government representatives and feed them ideas. We must also resist the growing tendency of governments to dilute fundamental refugee rights through new policy documents, and even protection instruments like the EXCOM conclusions.

A significant number of NGOs at pre-EXCOM came from developing countries. But their involvement needs to be strengthened and more attention given to their concerns. The only applause at pre-EXCOM came when a representative of the Bhutanese refugees in Nepal portrayed the appalling situation of the Bhutanese refugees to the Director of the Regional Bureau for Asia. It is essential that a way is found to integrate NGO concerns from all regions, and that better use is made of the presence of southern NGOs.

What UNHCR and the NGOs Can Do Together

In terms of adapting pre-EXCOM more to NGOs interests, it might be useful to discuss more thematic issues, such as resettlement, detention of asylum seekers, refugee women and children, and criteria for repatriation. It may be also be a suggestion to (informally) invite Government delegations to these meetings. In addition, why not convene informal regional briefings between the bureaux, the regional governments, and NGOs? This type of meeting would also strengthen the link between pre-EXCOM and EXCOM, and might help to reinforce UNHCR's mandate.

Why not also convene meetings to discuss issues with direct implications for the NGOs? Many such issues have been reviewed by the Standing Committee in 1998, but little attention was paid by NGOs. These include: UNHCR funding; NGO overhead costs; UNHCR's audit report; the auditing of implementing partners (also picked up by the international press); UNHCR's involvement in reintegration programs; and last but certainly not least, UNHCR's (under-)funding. The present shortfall in funding for UNHCR undoubtedly will be noticed at some time by the NGOs in the field, particularly those who are working in "soft programs" (education, family reunion, gender programs, etc.) that, in many cases, are implemented by the NGOs.

What ICVA Can Do

Rising from the ashes, ICVA has tried to facilitate NGO participation at this year's EXCOM and Standing Committee by circulating information on the agenda and encouraging NGOs to take the lead in drafting positions. It has also coordinated the drafting process and delivered the NGO statement to EXCOM. While there has been some good NGO participation in the drafting, ICVA would like to improve the involvement of NGOs from developing countries.

ICVA tries to get timely information on the issues discussed in Geneva out to a constituency outside Geneva. This year, ICVA and The Advocacy Project cooperated in producing On the Record, in an effort to make the decision-making on refugees more transparent and accountable to a global audience. The new ICVA sees this global information exchange role among NGOs, international agencies, and governments as one of its priorities.

In the coming year we should all give more thought on how we can make more of the opportunity to meet at (pre-) EXCOM. ICVA is happy to facilitate this process.

- Ed Schenkenberg is coordinator ICVA (Geneva.) The views expressed here are those of the author and do not reflect the position of ICVA, On the Record, or The Advocacy Project.

Learning from the Displaced

The United Nations is asking what can be done about people who are uprooted by war, but unable to flee their country. Teresa Crawford feels that we should start by better understanding what it means to be displaced.

The world is concerned with internally displaced and uprooted people. We agree it's a problem but the debate at the UN and in the West is superficial. The debate is too hung up on UN mandates and deciding which UN agency should take responsibility. If we truly want to help the internally displaced persons (IDPs) and refugees, we should study the strengths of the 17 million worldwide to partner with, preserve and promote them as a society on the move.

Conventional techniques for aiding refugees do not apply to the internally displaced. Many of these reasons stem from the reality that IDPs, whose status is often created by violent conflict, find themselves amidst combatants. The recent experience of aid agencies in Kosovo shows their inability to gain access to the displaced, the jeopardy aid workers are in, and their inability to accurately assess the numbers of IDPs as they move away from the fighting. Similar to the experience in Rwanda where aid agencies found themselves feeding genocidaires, there is an increased likelihood that aid to IDPs will go to rebel forces. These factors make it all the more important to develop new strategies for providing aid, especially for finding ways to capitalize on the skills of the displaced communities.

Jon Bennet, of the Norwegian Refugee Council, has worked with displaced communities in countries, such as Columbia and Afghanistan, whose circumstances are vastly different. Rather than turning the problem of the displaced into one that can be solved only by the imposition of western aid, Bennett identifies several areas where aid can help the displaced help themselves.

He believes a well-rounded examination of a situation of internal displacement is essential and includes several things. First, an analysis of the displaced's perceptions of their displacement. This can include recognition of the fundamental changes occurring within social structures, such as the sudden widowhood of a majority of women in Rwanda resulting in their becoming the family's sole breadwinner. Second, an understanding of how IDPs help themselves by focusing on participatory group activities as a means of finding new coping strategies. This necessitates a view of the group instead of the individual.

Third, a working definition of power relationships must be established in order to discover how people draw upon their experiences of migration to generate alternative forms of organization based upon a new political reality. Fourth, it should not be taken for granted that all forced migrations are the same or that they produce the same needs. Individual aspects of each displacement can include integration with local population and how they are received or how the society has been restructured, if at all. Because of closer kinship ties, those Kosovars that integrated into Pristina have found more structures to draw on than those who integrated into Northern Albania.

These sorts of investigations translate into concrete actions NGOs and governments can take to aid, protect and reintegrate displaced people. Some examples of such programs include adopting program policies that specifically target the displaced rather than adapting their needs to existing programs. Adopting social and community programs in conjunction with food, shelter and health care. All of this must occur with more input from the displaced in the design and implementation.

NGOs need to critically evaluate their practices and implement the changes to ensure they are helping rather than hindering the displaced. NGOs such as the Dutch Relief and Rehabilitation Agency have analyzed their aid to the displaced and identified areas in need of improvement for future projects. These include addressing the whole range of needs of people within communities and partnering with the displaced to aid in protection and empowerment. Human Rights Watch has developed a monitoring system for human rights abuses during displacement and how to train and utilize the displaced in monitoring.

The key to aiding the displaced is capitalizing on the strength of their communal ties. Much of the protection that refugees lack hinges on their society being torn apart. By seeing the displaced as not just individuals, but as an entire society on the move they bring with them the decisionmaking structures, hierarchy, relationships, religion, culture, and traditions they had before they were displaced. Bennett urges a deeper analysis of the community including profiling peoples' demographic, ethnic, and economic position, their impact on the local areas, how collective and individual decisionmaking is done, and the impact on generational and gender participation as a way to gain greater understanding of their needs. As the shift in recent decades has been from resettlement to reintegration, any effort to preserve the community will aid in the rebuilding of the society.

If the goal is reintegration, programs that do not address IDPs' needs once they are no longer displaced are inadequate. These needs include conflict resolution skills to deal with neighbors, counseling for any persisting psychosocial traumas and rebuilding destroyed homes. Reintegration becomes reconstruction. In Kosovo people are returning to homes that they have been away from for four months, only to find long-dead loved ones and neighbors. In several instances Serbian forces have booby-trapped their homes. A much longer-term, more inclusive plan has to be developed to deal with the trauma of being uprooted and the protection problems of return.

The current perceptions of displaced people are driven by the demands of the specific emergency, and by the necessary international and national response. This is not enough to address the problems. Supporting research into war-torn societies and the displaced's capabilities requires a re-evaluation of the internally displaced as a community and a reevaluation of their strengths and weaknesses in order to better address their needs.

- Teresa Crawford is University Fellow at Syracuse University. She worked with peace groups in Kosovo earlier this year. Dutch Relief and Rehabilitation Agency ; Norwegian Refugee Council ; Francis Deng.

Wanted – A Policy for Unwanted Returnees

Rejected asylum seekers do not fall under the mandate of UNHCR and, as such, are liable for swift deportation. Aware that their return can be perilous, some governments would like to involve UNHCR. Gregor Noll argues that they should start by ensuring that the process of status determination is fair, and that returns are voluntary.

Western European countries made it very clear at EXCOM that return is high on their agenda. Apparently, return means many things. Germany talked of the "early, orderly, and humane return of refugees" as a decisive element of Germany's refugee policies. Austria (speaking on behalf of the European Union) reiterated "the right of all persons to return to their countries and the responsibility of states to receive back their own nationals and to facilitate their reintegration." With greater clarity, the Dutch delegate chose to speak of persons who are not legally refugees, whose return is "often problematic because countries of origin create obstacles when faced with a request to take back their own nationals."

These three governments were reflecting some major concerns in Europe. Firstly, continued violence and insecurity in the countries of origin inhibit the repatriation of refugees. Secondly, the return of rejected asylum seekers is often resisted by the (unwilling) individuals or recalcitrant home countries: in some cases, the latter openly deny re-admission, or, more subtly, drag their feet in issuing of travel documents.

While the repatriation of refugees is obviously relevant to UNHCR's work, that of rejected asylum seekers is less clear. If rejection takes place as part of a fair procedure, it falls outside the framework of refugee law. It can thus be questioned whether the EXCOM is even the proper forum for discussing it.

But there may also be human rights considerations which make it a proper subject for discussion. Where asylum procedures or protection options do not live up to international standards, individuals have good reasons to resist the journey back. Moreover, a person whose application for asylum has been finally rejected may be detained pending removal in a manner that is inconsistent with international law. Finally, forcible return has a tendency to result in human rights violations. This has become clear following the recent case of a rejected asylum seeker who was suffocated by Belgian police agents while being returned to Nigeria (see OTR 1).

In an earlier incident, another Nigerian national died in 1994 during a deportation by German authorities. On the aircraft, he had been tied to his passenger seat with multiple devices, gagged, and medically sedated. This case was investigated by the UN's Special Rapporteur on extrajudicial, summary or arbitrary executions. As a direct consequence of his demarche, the Federal Border Police received orders not to use gags in future deportation practices.

Because it can obstruct evacuation in emergency situations, the practice of tying deportees to their passenger seats is also questionable from the perspective of air safety. Recent news reports indicate, however, that this practice continues. In April 1998, a resisting Ghanaian was deported from Germany with four German escorts. He was "chained, handcuffed, and tied to his seat and a crash helmet put on his head during the flight from Berlin to Accra through Moscow." Since this enraged other passengers, the escorting German police agents had to be taken into protective custody upon their arrival in Accra. In 1996, Germany carried out some 15,000 expulsions of rejected asylum seekers, which makes it one of the most active European countries in this respect.

Such cases beg the question of whether forcible return can be justified as a means of migration control. Many observers advocate the reinforcement of voluntary return programs to avoid such

problems. But even this raises the question: when is return voluntary and when is it not? When does the slashing of benefits, the forcing into legal limbo, the psychological pressure tip the balance between "voluntary" and "coercive"?

It is essential that returns be voluntary if the International Organization for Migration (IOM), is to be involved. The IOM's constitution requires it "to provide services É for voluntary return migration, including voluntary return." However, some states have apparently pushed for IOM involvement in non-voluntary forms of return. Some years ago, Germany was looking for a partner to make forcible return more effective. The Ministry of the Interior approached the local office of IOM, which showed itself willing to comply – in spite of the express dictates of the IOM constitution. Apparently, this cooperation was approved by the then-director of IOM, but its implementation was stopped after the intervention of a Scandinavian government. Recently, there have also been calls from certain governments to amend the IOM constitution to allow for forcible return involvement. However, such an amendment does not seem very likely.

There are also signs that states want UNHCR to become more involved in return. To quote the Dutch EXCOM delegate: "Another aspect of burden sharing in our view is that UNHCR should play an increasing role in the return to their country of origin of persons not in need of international protection. In particular, we wish to acknowledge the monitoring role of UNHCR in the return process. But this is not enough. As subsequent EXCOM conclusions have stated, an active role by UNHCR in this respect is a necessity."

It is true that UNHCR is "passively" monitoring the return of rejected asylum seekers from Switzerland to Sri Lanka. However, the organization is extremely cautious about going further into what could be a violation of its mandate. Given these mandatory restraints, it is unclear what states want from UNHCR.

This does not imply that the involvement of international organizations or NGOs is superfluous to the issue of return. On the contrary – there is a pressing need for clearer, more refined standards and for independent monitoring. But while the issue of return is clearly related to migration, its linkage to refugee protection is still feeble and indirect. In spite of the plea by governments, EXCOM might not be the best place for dealing with it.

- Gregor Noll is based at the Raoul Wallenberg Institute in Lund, Sweden. He is writing a doctorate on asylum law in the European Union.

Reintegration in Bosnia – A People Process

Hundreds of thousands of Bosnians are still unable to return home. Almost all are from minority ethnic groups. How can the international community break this deadlock? CRAIG MASON, from the National Support Unit in the Bosnian town of Tuzla, argues that the solution lies in rebuilding communities, not infrastructure.

Two and a half years after the signing of The Dayton Agreement, the harsh realities of peace now confront all those involved in Bosnia's rehabilitation.

Having reached the maximum of what could be expected of majority returns to Bosnia & Herzegovina at the end of 1997, the international community decided to make 1998 the year of minority return. Nine months later, however, the number of minority returns has been disappointing and the political climate has not significantly improved. Tens of thousands still remain displaced within Bosnia's borders, without imminent prospect for returning home.

Exacerbating the problem is the continuing influx of refugees from Germany and the rest of Europe. Many of these refugees returning to Bosnia & Herzegovina are unable to return to their homes of origin and are thus relegated to a displaced status, adding to a already serious housing capacity problem.

While resettlement is an option, it is expensive and extremely complicated. In addition, it is not clear how voluntary resettlement would be, without a real option to return. Therefore the international community has decided to maintain its commitment to minority return, continuing to support the courageous few that dare to return to a new, insecure beginning.

Physical Obstacles to Reintegration

Experience is now showing that the way forward does not simply lie in infrastructure and material assistance. This is not yet accepted wisdom. Housing has become the central focus of efforts to facilitate return. There is no question that housing is an essential component for return, but it is not the only obstacle faced by those who consider returning. The destruction of the economy and infrastructure in both Bosnian entities (the federation and the Bosnian Serb republic) has made jobs scarce. Public services are non-existent in many of the so-called "return communities."

In addition to these practical considerations, there is perhaps the greatest obstacle to return – fear. Without a sense of security, people do not seem willing to assume the risk of returning to homes where they will be an ethnic minority.

In many of the areas in which minority return is now taking place, large numbers of displaced persons reside who seemingly have no prospects of returning to their own homes. As these displaced populations are not originally from the communities in which they are now living, they feel no ties to that community and seemingly resist all attempts to have the prewar population restored. Returning families are often viewed as a competition to the scarce resources available, which in turn often creates a breeding ground for nationalistic sentiments, fear, and tension. This community fragmentation lies at the heart of the problem of sustainable return.

Investing in People and the Community Process

It is important to understand that the real focus of "return" is on rebuilding and re-integrating communities. Therefore the focus of minority return initiatives must be community based and focus on more than just material assistance.

The problem of fear and communal instability cannot be solved simply by the provision of building materials or the repair of a school. Channels of communication need to be established

and the communities need to start identifying their own resources and need to start working at solving their own problems.

It was in this context that National Support Unit (NSU)* took up the challenge from UNHCR's sub office in Tuzla to develop and implement a community reintegration program aimed at facilitating the return of displaced persons by strengthening the communities' direct involvement. A small team of four national and two expatriate staff were trained in facilitation techniques and conflict resolution. These techniques were combined with Participatory Rural Appraisal techniques to form a methodology that the team felt would have an impact.

In minority return areas, community boards were established which consisted of a cross-section of the community, including local inhabitants, displaced persons and returnees. The task of these community boards is to sit together to map out their community resources and to identify ways how to best solve the communities' most pressing problems. With funding from UNHCR, many immediate problems have been addressed through Quick Implementation Projects (QIPs), planned and implemented by the communities themselves. Individuals or groups can approach the board with proposals. Assistants are attached to the board and trained by NSU, with the task of explaining the program to the community and providing assistance in the compilation of proposals for submission to the Community Board.

In communities that were not so long ago strictly divided on ethnic lines and communication was practically non-existent, suddenly the different ethnic groups are now actively engaged in dialogue, discussing how to best utilize the funds made available to them by UNHCR. Former antagonists are now meeting regularly, with an opportunity to be involved in dialogue and to be jointly involved in efforts to improve their situation.

The first section of the project has focused on common needs, such as rebuilding communal taps, equipping the schools and the community buildings, etc. Projects of this kind help build a sense of community. Creative solutions and a strong community involvement both during planning and implementation are emphasized. The second phase of the project opens up income generation activities and small enterprise development. Some community boards have decided to manage their own revolving development fund and to allow local microenterprises to apply for loans from the community.

Small Steps Make for Open Cities

While the process of reintegration will take time, it often begins with small steps. Providing material assistance to a community devastated by war is an important element in the rebuilding process, but can also be used as the impetus to start the real process of reintegration.

With an optimistic outlook on what could be achieved through economic support and a softening of the political barriers to return, the Open Cities initiative was launched by UNHCR, with broad support from the international donor community. As UNHCR's partner agency for the Open Cities initiative in the North East Bosnia region, NSU set about to apply the same community approach to the Open Cities concept. Two Open Cities in the North Eastern Bosnia region, Tuzla and Zavidovici, have thus far been recognized by UNHCR. In order to put the community at the

center of the Open City process, independent and multi-ethnic community boards were established by the municipalities, which would act as the focal point of community assistance and provide an avenue for direct community involvement. This approach also does much to promote a sense of Municipal transparency. An Open City coordinator is also appointed by the municipality and is responsible for dissemination and marketing activities.

Once again, funds for QIPs are made available to the Open City board to provide them with the resources to directly address specific projects submitted by community groups, local associations and individuals. The emphasis on this program has not just been on providing assistance that may assist return, but to, in fact, encourage the active involvement of the municipality in promoting the return and reintegration process and to generate a positive atmosphere in the community on issues of return. The municipalities must be proactive in developing strategies and initiatives that can sell the benefits of the return process, thus opening the way for greater international assistance. But this process must also be transferred to the grassroots level of the community, where many of the barriers to return must be overcome.

Sustainable minority returns in Bosnia & Herzegovina is largely a people process. Repair of housing and infrastructure alone will not re-establish communities. If the real goal of return is community reintegration, then a larger focus must be placed on initiatives which can seek to build bridges of common understanding and which involve the community in deciding their own future. The real resources for stimulating return lie in the community itself and the role of the international community should be to facilitate the development of these resources. This may at first seem to be a long and difficult process, but it also seems clear that the short and long term success of minority return will depend on it.

- The National Support Unit was established in January 1997 with the support of UNHCR and SIDA (the Swedish government aid agency). NSU's goal is to build the capacity of local government structures dealing with reconstruction and return issues, with a focus on information management strategies. NSU is currently implementing a program under the name "Nasa zajednica" ("Our Community"), which supports sustainable minority return to open cities and former front-line communities.