Role of the Office of the United Nations High Commissioner for Refugees in South-East Asia (1979 - 1983)

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Table of Contents

I. INTRODUCTION 1 - 6

II. INTERNATIONAL LEGAL FRAMEWORK 7 - 19

III. FIELD OPERATIONS 20 - 79
   A. Scope 20 - 21
   B. Expenditure 22 - 33
   C. Field establishment 33 - 49
   D. Protection functions 50 - 63
   E. Assistance activities 63 - 79

IV. WORK RELATIONS 80 - 93
   A. Countries of origin of refugees 80 - 84
   B. Countries of temporary asylum 84 - 87
   C. Countries of resettlement 87 - 89
   D. Organizations of the United Nations system 89
   E. Non-governmental organizations (NGOs) 90 - 93

V. SUMMARY OF MAIN CONCLUSIONS AND RECOMMENDATIONS 94 - 97

ANNEXES

2. UNHCR Field Staff Posts in South-East Asia in 1983-1984

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INTRODUCTION

1. The refugee problem has become a subject of grave concern to the international community. The refugee population around the world is currently estimated at more than 10 million. How to find a solution to this enormous problem is the challenge facing the Office of the United Nations High Commissioner for Refugees (UNHCR).

2. This challenge assumes several dimensions. First, the sheer magnitude and complexity of recent refugee crises have tested the capacity and readiness of UNHCR to respond with speed, efficiency and appropriate resources to large-scale emergencies. Second, situations of political strife and armed conflict within and between nations which constitute one of the root causes of refugee problems continue to be widespread. Third, the heightening of the plight of refugees in some regions presents certain obstacles to the performance by the High Commissioner of his humanitarian role in favour of refugees. Fourth, adverse economic factors in the developing and developed countries alike have compounded the refugee problem. The majority of today's refugees are settled in poor developing countries ill-equipped economically to meet the basic material needs of large refugee population groups and asylum seekers in their territories. But even in some more economically advanced industrialized nations, where refugees have traditionally enjoyed generous asylum conditions, there are indications that government policies towards refugees and asylum seekers have become more restrictive partly as a consequence of recessionary economic conditions which have reduced the capacity of these countries to absorb significant numbers of refugees. Lastly, a no less critical dimension of the problem facing UNHCR and the international community at large is the violation of basic international refugee protection principles, as evidenced by military attacks on refugee camps, cases of refoulement, and other forms of psychological and physical harassment of asylum seekers. These are but some of the developments and circumstances that add up to a rather new and complex situation for UNHCR. Under these conditions, it seems appropriate and timely to assess the extent to which the High Commissioner for Refugees is able fully to discharge his statutory functions.

3. While the foregoing overview covers refugee situations in general, the present report is focused on the South-East Asia region, and particularly on Indo-Chinese refugees falling under UNHCR mandate. The report does not, therefore, cover displaced persons currently under the jurisdiction of the United Nations Border Relief Operation (UNBRO) on the Thai-Kampuchean border.

4. It is estimated that the international community has expended in the past five years over US$1 billion in refugee relief and other humanitarian operations in South-East Asia, as a result of the mass influx of Indo-Chinese refugees and asylum seekers displaced by armed conflict, famine and other reasons especially in Kampuchea. In terms of resources, range of action and number of governments and organizations involved, the international humanitarian effort in this region has been one of the most extensive in history. Although this generous response by Member States and others has contributed significantly to scale down the refugee caseload in the region from its crisis point of 1979/1980 to the present stable level of about two hundred thousand refugees, the situation still has the ingredients of a complex responsibility for UNHCR.

5. In light of the above, this report seeks to review the operations, achievements and difficulties of UNHCR in fulfilling its mandate in South-East Asia with a view to drawing lessons that might be applicable to other regions now and in the future.

6. In carrying out this report, the Inspector held discussions with the High Commissioner for Refugees and some of his staff. He also visited a number of countries in East and South-East Asia, several refugee camps and processing
centres in Thailand, Philippines, Singapore and Hong Kong. He had a very useful exchange of views with government officials in Australia and New Zealand, UNHCR field personnel, other UN system field representatives, and some NGOs who are involved in refugee relief operations in the region. The cooperation of all concerned is gratefully acknowledged. Finally, the valuable input received from the Research Officer and Assistant and other secretariat staff is very much appreciated.
II. INTERNATIONAL LEGAL FRAMEWORK

7. The legal framework governing the competence of UNHCR, and the rights and status of refugees includes, inter alia, three principal elements, namely, the Statute of UNHCR annexed to General Assembly resolution 428(V) of 14 December 1950, the 1951 United Nations Convention and 1967 Protocol relating to the Status of Refugees.

8. The Statute provides that the United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the Statute, and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities (Chapter I, para. 1).

9. The Statute further specifies that the work of the High Commissioner "shall be of an entirely non-political character; it shall be humanitarian and social".

10. The competence of UNHCR is also defined in the Statute which in addition spells out the following specific ways in which the High Commissioner shall assure the protection of refugees:

   (a) Promoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto;

   (b) promoting through special agreements with Governments the execution of any measures calculated to improve the situation of refugees and to reduce the number requiring protection;

   (c) assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities;

   (d) promoting the admission of refugees, not excluding those in the most destitute categories, to the territories of States;

   (e) endeavouring to obtain permission for refugees to transfer their assets and especially those necessary for their resettlement;

   (f) obtaining from Governments information concerning the number and conditions of refugees in their territories and the laws and regulations concerning them;

   (g) keeping in close touch with the Governments and inter-governmental organizations concerned;

   (h) establishing contact in such manner as he may think best with private organizations dealing with refugee questions;

   (i) facilitating the co-ordination of the efforts of private organizations concerned with the welfare of refugees.
11. The substantive provisions of the Statute of UNHCR are reinforced by the aforementioned 1951 United Nations Convention and 1967 Protocol relating to the Status of Refugees, and by General Assembly and ECOSOC resolutions on UNHCR. These additional instruments provide the most comprehensive definition of the term "refugee" and codification of refugee rights, and also expand the competence and protection responsibility of the High Commissioner to include "displaced persons" in refugee-like situations.

12. The Convention and Protocol are the main instruments universally recognized for the protection of refugees. Some provisions of the Convention are considered so fundamental that contracting parties may make no reservations to them. These provisions include the definition of the term "refugee" and the principle of "non-refoulement" by which no Contracting State shall expel or return ("refouler") a refugee, against his will, in any manner whatsoever to a territory where he or she fears persecution. The Convention does not apply to refugees considered to be covered by other UN agencies like UNRWA in the case of the Palestinian refugees, nor to those who have a status equivalent to nationals in their country of refuge.

13. Because the scope of the Convention is limited to persons who have become refugees as a result of events occurring before 1 January 1951, the 1967 Protocol was established to respond to new refugee situations by extending the provisions of the Convention to cover all refugees without limitation of date.

14. General Assembly resolution 428(V) adopting the Statute of UNHCR, the Convention and the Protocol invite all Governments and Contracting States to co-operate with UNHCR in the exercise of its functions under the Statute, and in particular to facilitate its task of supervising and encouraging the application of the provisions of instruments relating to refugees and displaced persons. The Universal Declaration of Human Rights (1948) and the UN Declaration on Territorial Asylum (1967) represent additional elements of the international legal regime under which Governments, including those not parties to the Convention and Protocol, are expected to apply no less than minimum humanitarian standards to refugees and displaced persons.

15. In summary, the statutory role of UNHCR is, among other things, to provide international protection to refugees and displaced persons outside their country of origin, to aim at permanent solutions to their problems through voluntary repatriation, resettlement in other countries or local assimilation, and to promote and supervise the application of international instruments for the protection of refugees. Since the establishment of UNHCR the General Assembly and the Economic and Social Council have reaffirmed in successive resolutions these fundamental protection principles, and have urged Member States to accede to and observe the 1951 United Nations Convention and 1967 Protocol relating to the Status of Refugees.

16. However, since 1977 the General Assembly has expressed concern in a number of resolutions at the infringement of the basic human rights of refugees and the urgent need on the part of Governments to ensure their effective and continued protection. For example, in resolution 36/125 of 14 December 1981, the General Assembly noted "with great concern that, despite an increasingly broad understanding of the principles of international protection, refugees still encounter serious difficulties in many parts of the world in obtaining asylum and that they are exposed to the threat of refoulement, arbitrary detention and physical violence", and urged Governments to intensify their support for the activities of the High Commissioner by facilitating his efforts in the field of international protection, "in particular by scrupulously observing the principle of asylum and non-refoulement and by protecting asylum seekers in situations of large-scale
influx, as endorsed by the Executive Committee of the Programme of the High Commissioner at its thirty-second session."

17. While the High Commissioner's responsibilities under the Statute have been facilitated by the support of a large number of Member States as urged by the General Assembly, emerging trends the world over, and particularly so in South East-Asia, point to the need for improved observance and application of the basic international principles for the protection of refugees. In this connection, the High Commissioner's 1983 "Note on International Protection (A/AC.96/623) described a series of difficulties experienced by refugees. These difficulties included, among others, the following:

(a) the refusal of even temporary admission to asylum seekers;
(b) the tendency on the part of Governments to consider asylum as purely temporary without sufficient regard to the urgent need for refugees to find a durable solution;
(c) recourse to various forms of "deterrence" to discourage refugee arrivals;
(d) indefinite detention of refugees and asylum seekers;
(e) the increasing difficulty encountered by refugees in obtaining recognition of their refugee status;
(f) threats to and violation of the personal safety of refugees;
(g) indiscriminate armed attacks on refugees by forces from their countries of origin; and
(h) pirate attacks on asylum seekers in boats in the South China Sea.

18. The impression formed by the Inspector following his field visit to the region in connection with this study generally coincides with the concern expressed by the High Commissioner in his 1983 Note on International Protection: "The principles which have been developed by States for the protection of refugees and asylum seekers are in real danger of being eroded". Recent submissions by the High Commissioner to the Executive Committee have included proposals for dealing with some of the problems outlined above (see following chapter). Furthermore, while many countries in South-East Asia which are directly or indirectly affected by the refugee situation have made commendable efforts in supporting their share of the international burden for refugees and asylum seekers in the region, very few of them have so far acceded to the 1951 United Nations Convention and 1967 Protocol relating to the Status of Refugees. Another aspect of the problem is that, unlike in Africa where a regional convention has been established to deal with the specific nature of African refugee situations, the South-East Asian region has no such regional legal framework, nor a broad-based political forum for harmonizing national refugee policies or seeking solutions to refugee problems in a regional context, although several attempts have been made towards this end.

19. It is the firm belief of the Inspector that while refugee problems are essentially the responsibility of the international community at large, the resolution of such problems can greatly be facilitated by supportive and concerted regional measures. It is primarily up to the Governments of the region concerned to invoke the principle of regional solidarity by establishing ad hoc or standing co-operative arrangements that might be conducive to resolving the humanitarian aspects of the refugee situation in South-East Asia. To this end, the High Commissioner has played an important role in the context of his high-level diplomatic contacts with all the parties involved. That role could be enhanced.
III. FIELD OPERATIONS

A. Scope

20. The present refugee situation in South-East Asia has come a long way from its 1979 emergency proportion. UNHCR refugee statistics for the region indicate that since 1976 mass influxes of displaced Kampucheans, Vietnamese and Laotians arriving by boat and land into countries of first asylum in the region increased sharply each year to a peak of about 405,000 in 1979 alone. Since 1980 the yearly influx has decreased to a low of about 37,000 in 1983. It is estimated that the cumulative total of refugees arriving in countries of temporary asylum in the region was well over one million by the end of 1983. As of the same date, UNHCR had organized the departure of about 900,000 refugees, mainly through resettlement in third countries (especially in North America, Western Europe, China, Australia and New Zealand) and voluntary repatriation. The total number of refugees registered for resettlement in the region at the close of 1983 was over 167,000, of which nearly 133,000 (or 80 percent) are located in camps and holding centres in Thailand alone. The rest are sheltered in several temporary asylum countries, notably in Hong Kong including Macau, Indonesia, Malaysia, the Philippines and Singapore.

21. Table 1 of annex I presents a static picture of the refugee population under UNHCR protection in the region from 1979 through 1983. Although this tabular summary does not reflect the actual scope and dramatic nature of the problem, that is the teeming movement in a couple of years of one million people seeking asylum and the consequent stretch of UNHCR's concern and operations, it does give an appreciable idea of how the refugee caseload in the region has evolved over the past five years. In terms of numbers registered for protection, the refugee population has declined by about 60 percent from 1979 to 1983. However, annual decreases averaged 24 percent between 1979 and 1981 and only 15 percent between 1981 and 1983, which indicates a levelling off of the refugee situation. The annex does not include the approximately 200,000 displaced persons camped along the Thai-Kampuchean border and who fall under the joint responsibility of the Royal Thai Government, the United Nations Border Relief Operation (UNBRO) and the World Food Programme (WFP). UNHCR's involvement in the region is broader geographically than the annex suggests; it includes the Orderly Departure Programme in Viet Nam, under which the Office has assisted the departure of over 70,000 Vietnamese refugees to countries of resettlement and the local integration of 21,000 others, resettlement projects for over 270,000 refugees in China, and for about 1,300 in Laos.

B. Expenditure

22. The cumulative total of UNHCR's expenditure in the region between 1979 and 1983 stands at roughly US$685 million. Annex 1 (table 2) gives an annual breakdown of this expenditure in comparison with aggregate expenditure by UNHCR during each of the five years considered. Refugee operations in South-East Asia accounted for 56.2 percent of total UNHCR expenditure in 1979. Since then the ratio has steadily declined to 20.4 percent in 1983 reflecting the decreasing magnitude of the refugee problem relative to developments in other regions. The UNHCR expenditure level in South-East Asia indicates a successful performance by the Office in the mobilization and delivery of resources commensurate with the requirements of the situation. Per capita UNHCR expenditure on refugees in the region averaged US$500 between 1979 and 1983.

23. UNHCR has equally registered success in attracting other sources of support for refugees in the region. Some Governments of first asylum countries rely on their own resources, especially staff, to carry out various tasks for the benefit of refugees, while local communities and national NGOs provide a range of valuable services, either individually or in collaboration with the numerous international NGOs also active in the region. These NGOs, some of which are UNHCR's operational
partners as will be discussed later, make a significant contribution of their own resources, staff and logistic expertise to refugee aid projects. Further, some organizations of the United Nations system, such as WFP, UNDP and UNICEF, have assisted some refugee projects in the region, while several Governments, especially those of the OECD community, have made direct contributions in cash or kind to refugee camps and centres. These multiple forms of national and international assistance, the monetary value of which is not quantified, constitute without doubt an indispensable adjunct to UNHCR's central funding role for refugee operations in South-East Asia.

24. It is, however, not entirely obvious that these various resource inputs, including UNHCR's, are based on a thorough assessment of the nature and level of refugee needs, and that they are always programmed to be complementary and mutually reinforcing in order to avoid duplication and waste. While the Inspector recognizes that the emergency character of most refugee problems may not always be conducive to a precise identification and assessment of refugee needs and all possible sources of assistance, he considers that UNHCR needs to assume a more aggressive and leadership role in assessing refugee aid requirements, and assuring a more systematic and co-ordinated approach in meeting those requirements. Such an approach should enable the Office to achieve a more rational and cost-effective deployment of its resources in full complementarity with other assistance activities directly supported by other bodies, especially the many non-governmental relief organizations working in the region. In this connection, the Emergency Unit established in 1980 at UNHCR Headquarters could be used to optimum effect.

25. Analysis of UNHCR expenditure by country yields a general pattern of resource allocation in accordance with the relative size of the refugee population in each country (see table 3 of Annex 1). The Inspector recognizes that near-perfect congruence of UNHCR per capita expenditure on refugees in the different asylum countries may not always be possible, since refugee needs and projects differ from one country to another, special programmes allow little flexibility in resource allocation, and refugees receive assistance from other than UNHCR funds. Because of these variables and numerous other considerations, UNHCR per capita expenditure on refugees is bound to vary from country to country. Yet, a few pronounced discrepancies should be pointed out, for they underscore the Inspector's field findings.

26. The refugee groupings in the Philippines and Singapore for example are much better housed and serviced generally than in Hong Kong or Thailand. The Inspector understands that the refugee processing centres in the Philippines receive special attention because most of the refugees have been accepted for resettlement and have to undergo intensive language and readjustment programmes prior to their departure. In 1983 the refugee groups in the Philippines received around 10 percent of UNHCR resources (mostly under general programmes) expended in the region although they represented only about 1.3 percent of the total Indo-Chinese refugee population under UNHCR protection. The refugees in Hong Kong, which in 1983 as in past years constituted the second largest grouping after Thailand, are in comparison less supplied with amenities. However, despite the crowded conditions, living standards in the camps and "closed centres" are generally satisfactory, with the exception of the Jubilee Refugee Centre which is characterized by wear and tear and poor sanitary conditions. Although a substantial number of the refugees in Hong Kong are able to cater for their material needs through gainful employment and consequently do not appear to be in need of additional UNHCR relief assistance, at least the infrastructural aspects of some of the camps should be upgraded, with the refugees themselves making a financial contribution from their gainful endeavours. UNHCR officials have pointed out that efforts have been made by the Office to correct imbalances in per capita expenditure in different countries, especially as regards food and health.
27. In contrast to the significant proportion of the UNHCR voluntary funds budget (general programme) devoted to the South-East Asian refugee problem in the last five years (Annex 1), expenditure under the regular budget amounted to 2.6 percent of UNHCR's total regular budget expenditure during 1979-1983. For example, in the critical 1979-1980 phase of the refugee situation when a direct and substantial involvement of UNHCR regular staff seemed the most logical, only 1.8 percent of the UNHCR regular budget expenditure was engaged in the region, as against a full 50 percent of its aggregate voluntary funds expenditure during the two years. Moreover, as statistically exemplified in table 2, annex 1, the regular budget expenditure in the region in the past years, unlike the voluntary funds, follows an erratic pattern from year to year, and generally tends to increase in inverse proportion to the declining magnitude of the refugee problem.

28. This analysis throws up an imperfect correlation in the deployment by the Office of its regular and extrabudgetary resources to support its field operations. Although, as provided in article 20 of its Statute, UNHCR's core regular operations are to be financed under the regular budget, the Office chose to finance most of its field administrative costs in South-East Asia from extrabudgetary sources. In this connection, the Inspector is aware that, as UNHCR's world-wide operations have expanded over the years while its regular budget has remained stable for the most part, an increasing proportion (about 70 percent in 1983) of its administrative costs have had to be financed from voluntary funds.

29. The question of the apportionment of the UNHCR administrative expenditure between the regular budget and extrabudgetary resources was jointly reviewed in 1982 by the Secretary-General and the High Commissioner (see Secretary-General's report: A/C.5/37/1 of July 1982). Although the review did propose a basis for apportioning the administrative costs of UNHCR between the regular budget and voluntary funds, it did not address the question of the ratio of regular budgetary resources that it would be desirable to deploy relative to the scope and gravity of a refugee situation for the basic regular field functions of UNHCR to be performed efficiently. In view of the ever fluctuating nature of refugee situations, especially in the developing regions, it would seem necessary for the High Commissioner to be able to shift and decentralize his regular funds and staff in response to evolving field requirements. UNHCR takes the view that the question of whether staff are paid from the regular or extra-budgetary sources is immaterial to the provision of assistance to refugees. The Office considers that "the creation of posts under extra-budgetary funds, with subsequent approval by the Executive Committee if necessary, is a much more flexible arrangement than establishing posts under the United Nations regular budget". The Inspector is, however, not recommending the creation of new posts under the regular budget as such but rather a more judicious deployment of existing regular and experienced staff of the Office to perform its field responsibilities (see paragraphs 42-43 below on decentralization to the field).

30. A breakdown of expenditure by main types of activity (table 4 of the annex 4) indicates a concentration of resources during the past five years on relief assistance as opposed to the promotion of permanent solutions although the Inspector understands that relief assistance often includes durable solutions as well. This expenditure pattern reflects the stationary character observed in recent years in the regional refugee caseload; opportunities for resettlement abroad have narrowed as noted in the introductory chapter, while local settlement, which in other regions such as Africa, Europe and Latin America offers the most ready solution, has not yet proved to be a successful proposition in the South-East Asian countries of first asylum. Under the circumstances a persuasive argument can be made in support of redoubled efforts by all concerned to open up avenues for voluntary repatriation.
31. The figures in table 4 of the annex concerning programme support and administration corroborate earlier observations regarding the relatively slender administrative and regular programme resources deployed by UNHCR to administer largescale and complex refugee operations in the region. Like under the regular budget, expenditure under programme support and administration in the last five years has increased in inverse relation to the decreasing volume of field operations in South-East Asia.

32. The Inspector is aware of the fact that UNHCR is not primarily and statutorily an operational body; it relies on its operational partners to implement and manage its refugee aid projects and programmes. These partners, who in the case of South-East Asia are mainly Government agencies and non-governmental organizations, are generally equipped with administrative and logistic resources of their own. UNHCR maintains, moreover, that it wishes to remain a non-bureaucratic organization and that the increase of its presence in the region would not necessarily lead to greater effectiveness. As a result, UNHCR has not considered the possibility of establishing a sizeable presence in the region through decentralization from HQs, other than recruiting a complement of "L" series staff. Some might view this approach as prudent use of the administrative and programme resources of the Office. This would have been commendable but for the fact that, as will be noted in other parts of this report, excessive dependence by the Office on implementing agencies and project staff hardly conversant with UNHCR policies and operating procedures to fulfill its field management responsibilities has not proved satisfactory. Not the least, it has obscured the supervisory and co-ordinating role of UNHCR's field establishment in the region.

C. Field establishment

33. The High Commissioner has established field offices and other representations in those countries of the region where refugee operations are concentrated. Such representations currently exist in eleven countries, excluding, for the purpose of the present study, field offices in Burma, India, Papua New Guinea, and the Regional Office in Australia. Annex 2 lists the countries where UNHCR is represented and provides staffing figures for each country in 1983 and 1984.

34. Unlike the Regional Office in Australia which oversees UNHCR's operations in several countries and territories in the South Pacific, the field establishment in South-East Asia is not structured on a regional basis but on a country by country basis, with hardly discernible interacting relationships among them. The individual offices have direct reporting links with Headquarters, through the East and South-East Asia Regional Bureau.

35. The functions of the field network broadly run parallel to those of the regional Bureau. They include in particular, the following key activities:

(a) promoting UNHCR objectives and maintaining relations with the Government, diplomatic missions, UN agencies, other inter-governmental and non-governmental organizations, and the media;

(b) providing protection for persons of concern to UNHCR, by ensuring the Government's observance of the universally recognized principles of asylum and promoting accession to and, where applicable, compliance with, the relevant international refugee instruments;

(c) transmitting to Headquarters with analysis and comments, or where appropriate deal directly with the Government's requests for assistance;
(d) assessing refugee needs and formulating, in consultation with the Government (and where applicable the implementing agency) proposed measures of material assistance to meet these needs;

(e) ensuring that approved UNHCR programmes and projects are properly carried out;

(f) co-ordinating, at the country level, fund raising, public information and public relations activities, etc;

(g) providing Headquarters, on a continuing basis, with relevant information on political, legal, social and economic developments in the country(ies) covered, and assisting the High Commissioner in the formulation of policy concerning the country(ies).

36. The High Commissioner's field Representatives who, as heads of the field offices, are accountable for the effective performance of the above activities, are equally responsible for all administrative, financial and budgetary operations of the UNHCR field establishment. Chapter IX of the UNHCR Manual entitled "Administrative and Financial Instructions for Field Offices" describes a very wide range of such operations, suggesting considerable delegation to the field office level of administrative and financial responsibility for personnel, finance, budget and general service functions.

37. The foregoing paragraphs indicate that the field establishment is vested with practically all the key responsibilities and functions of the four UNHCR headquarters Divisions, viz, International Protection, Assistance, Administration and Management, and External Relations. However, with the exception of the Bangkok Branch Office whose internal organization mirrors the full range of UNHCR responsibilities and functions, the field offices in South-East Asia give prominence to two functions: protection and programming. Each office (excepting sub-offices) includes a Representative and at least one Protection Officer and one Programme Officer either of whom is designated as Deputy Representative and a couple of general service staff. Hardly any budgeted professional posts exist in the area of administration and/or financial management, which is a puzzling omission in view of the considerable volume of UNHCR funds expended in the region, and the consequent need to maintain effective administrative and financial controls over large and complex refugee-related operations. Although UNHCR Representatives are expected by their job descriptions to cater to this vital aspect, in reality administrative and financial functions are ranked far below protection and programming functions- indeed they are performed predominantly by locally recruited clerical staff with hardly any experience or training in the application of United Nations staff and financial rules and regulations. More often than not, confusion has been the result.

38. This shortcoming reflects a much wider problem confronting UNHCR field offices in South-East Asia, which is that several of them are patently understaffed in light of the numerous responsibilities and functions they are expected to discharge. As shown in Annex 2, each field office (excepting Bangkok) currently has 2-3 budgeted professional staff posts making a total of 42 (excluding field offices mentioned in paragraph 33). This number represents a 31 percent increase over the 1979 professional staffing level. As the refugee crisis has subsided budgeted staff resources have increased, but without redressing the staff shortages noted in the region, particularly in Hong Kong and Singapore, despite the fact that aggregate UNHCR professional staff posts increased by 168 percent from 150 in 1979 to 402 in 1984.
39. As a result of the sparsity of UNHCR regular field staff, most of the field offices have been constrained to rely extensively on "L" series personnel in order to cope with the pace and volume of field operations. The Branch Office in Bangkok alone employs over 10 professional level staff (mostly P-2) under this series, which is used in varying degrees by other field offices. Although the role of the "L" series staff should properly be limited to operational activities, their services in the field offices span the full spectrum of UNHCR regular programme functions such as protection, legal and counselling services to refugees, public information, and even office administration. Many of them lack experience in the area of UNHCR competence since they are recruited mostly from foreign NGOs. But in view of the penury of regular field staff, it would be reasonable to surmise that the field offices might not have accomplished much without the services of the "L" staff.

40. Yet, recourse to the "L" staff series, which usually is intended to serve as a stop-gap measure in the wake of a refugee crisis, but is used increasingly as part of regular UNHCR field personnel, cannot be considered a wise and viable alternative to the strengthening of the UNHCR field establishment in the region, and perhaps in other regions as well. Since the field offices bear the brunt of UNHCR statutory responsibilities and operations in addition to fulfilling the High Commissioner's many accountability functions, it seems inappropriate to leave these critically important field tasks to largely inexperienced and other personnel, while the most qualified and experienced regular UNHCR staff remain at Headquarters. In light of this the Inspector urges that consideration be given to the following recommended lines of action for strengthening the field establishment.

41. A new field staffing policy. UNHCR clearly needs a much more consistent and overall policy to govern the organization and staffing of its field offices at the regional and country levels so that they are fully equipped to respond to the relative demands of refugee situations, and to perform the full array of UNHCR responsibilities and functions. The present staffing pattern of the field office network in South-East Asia exhibits some incongruous aspects, such as in one country visited by the Inspector where a P-3 Officer maintains contacts with Government officials and NGOs, attends to numerous refugee needs, and performs alone protection, programming, administrative and even operational functions. This extreme case illustrates the need for a more coherent policy that matches staff resources to refugee requirements, including the following two elements:

(a) a clear definition of the role and functions of the "L" series staff financed from voluntary funds and employed in the field offices, who should not in principle perform the core programme functions of UNHCR as at present, since these functions cannot be delegated to any extent to operational staff without adversely affecting the accountability of the High Commissioner.

(b) With due regard to differences in refugee situations, the organization and staffing of the field offices should as a general principle reflect the basic responsibilities and functions of UNHCR in the areas of international protection, programming and co-ordination of assistance activities, administration and financial management controls, and public information. While the UNHCR Representative is supposed to be accountable for these varied functions in his capacity as head of the field office, he cannot be a specialist in all these areas and consequently needs to be assisted by experienced staff specialized in the various disciplines. Further, as discussed in more detail below, the administrative and financial management functions of the field offices should be upgraded and performed by qualified and experienced staff.
42. Decentralization. For an organization whose mandate is discharged essentially at the field level, the present UNHCR overall staffing structure seems overly centralized at headquarters. The current distribution of all professional staff posts and above between headquarters and the field is 190 (47 percent) and 212 (53 percent) respectively. This ratio is, however, more than reversed when senior level posts in the P-4 grade and above are considered: 112 (56 percent) at headquarters and 87 (44 percent) in the field. This analysis suggests that whereas total UNHCR professional staff posts have increased by about 500 percent over the last decade as a result of an upshot in the number of refugee situations particularly in the developing regions, staff deployment practices of the Office have not evolved markedly from the early years of its operations. These findings indicate that UNHCR can accommodate significant decentralization of its experienced staff to the field level within the context of a flexible staff deployment policy designed to strengthen its field establishment in those regions and countries where serious and urgent refugee problems and UNHCR expenditure levels so warrant.

43. True, UNHCR staff management policy does emphasize field service and experience for professional staff as an incentive for promotions and the award of indefinite contracts. However, present internal policy guidelines concerning the standard duration of staff postings in the various duty stations including Headquarters do not take adequate account of the unpredictable nature of refugee situations and the desirability to shift and reassign staff, within short notice, between Headquarters and the field and even between regions and countries in order to respond with prompt effectiveness to new and emerging refugee cases. The Inspector concludes that a new UNHCR staff management policy should accord priority to further decentralization of staff to the field.

44. A regional perspective. In considering ways and means of strengthening the UNHCR field structure, the High Commissioner should carefully study the possibility of a more articulated regional approach to refugee situations. Although the present organization structure of the Office features Regional Bureaux at Headquarters and some Regional Offices in the field, in practice the regional perspective and orientation of UNHCR appear quite weak. This is evident, for example, in the country-specific character of UNHCR field operations which hardly emphasize inter-country co-operation in over-coming refugee problems or the regional or sub-regional harmonization of national refugee policies and their uniform application. Refugee situations in the world increasingly exhibit unique regional and sub-regional characteristics of a political, cultural and even economic nature, and might probably best be solved within a regional context with due support from UNHCR and the international community as a whole.

45. UNHCR seems to have recognized the importance of such an approach by designating in recent past two Regional Co-ordinators, one for the Horn of Africa and another for South-East Asia. This, however, was an ad hoc time-limited move that only served to underscore the inadequacy of present regional arrangements. The Inspector suggests a more systematic and active regional orientation in all areas of UNHCR endeavours and a consequent strengthening of its field regional structures, starting with South-East Asia. New arrangements should include, among others, the pooling at the regional level of certain specialist functions such as legal services, which is already being done to a modest extent in South-East Asia; public information which needs to be stepped up considerably in co-operation with UN Information Centres (UNICS), the local media and educational institutions; project evaluation; financial monitoring and auditing functions; etc. A strengthened regional machinery at the field level should additionally be vested with sufficient authority to foster collaboration between country offices and to redeploy staff resources from one country or area to another to meet evolving requirements.
46. National Officer scheme. The Inspector observed in the course of this study that UNHCR hardly made use of national personnel at the professional level in the conduct of its regular field operations in South-East Asia. In Malaysia four national programme officers have been employed with great advantage under the Extended General Service Scheme (EGS). In Thailand local general service personnel serve as resettlement Clerks; their contribution has proved extremely valuable, not the least because of their facility to communicate with refugees and to understand the socio-cultural environment of refugee groups. It would appear that some of the national staff will be upgraded to the professional category under a new National Officer scheme expected to enter into effect in January 1985. The Inspector fully supports this development and urges that the use of national professional staff be intensified as a supplementary means of strengthening the field offices. Although Governmental personnel is already heavily involved in the implementation and management of UNHCR field programmes in some countries where Government agencies serve as UNHCR operational partners, more advantages could be derived from a more direct association of experienced senior level national officers with the work of UNHCR, especially in its diplomatic contacts with Governments, sensitizing public opinion about the plight of refugees and exploring local settlement opportunities, and promoting increased security measures for asylum seekers on land and at sea.

47. Programme support and administration. Preceding sections of this study have already underlined the meagre resources devoted by UNHCR to this aspect of its operations in South-East Asia. The level of UNHCR expenditures in the region in recent past should have warranted more serious and continuing attention than was actually the case to programme support and administrative services. Although the Office has considerably strengthened its administrative and managerial systems at headquarters, similar improvements have not yet occurred in the field offices where financial management procedures and controls in particular call for urgent improvement. The Inspector concludes that more experienced administrative and financial staff should be made available to the field establishment in South-East Asia, whose share of the programme support and administrative budget of UNHCR has consistently hovered around 10 percent in the last five years in contrast to the significant proportion of the total UNHCR voluntary funds budget expended in the region during the five-year period.

48. Additionally, consideration should be given to establishing financial control functions to be performed by qualified professional staff with specific responsibility to monitor all financial operations and maintain permanent control over disbursements, banking and bidding procedures as well as other aspects of financial management. For relatively small offices this function could be centralised at the subregional or regional level (as recommended in paragraph 45). Such a monitoring system would provide a safeguard against serious financial mismanagement problems in South-East Asia as elsewhere and thus enable the High Commissioner to fulfill even more effectively his accountability functions.

49. The foregoing findings interrelate with other aspects of UNHCR endeavours in the region, especially its protection, assistance programming and co-ordination responsibilities which are examined in the following sections.

D. Protection functions

50. The refugee protection functions entrusted to UNHCR under the Statute are manifold. They include, for example, all matters pertaining to the determination of refugee status; granting of asylum; prevention of refoulement or expulsion, abusive detention or arbitrary police action; facilitating voluntary repatriation or family reunion; issuance of identity and travel documents; and ensuring for refugees the benefits of economic and social rights. Further, UNHCR is required under the Statute to promote accession by States to international
refugee instruments, to keep abreast of domestic legislations concerning refugees and promote improvements where needed.

51. The unstinting support and co-operation of Member States are crucial, even indispensable, to the effective performance by UNHCR of its statutory protection functions outlined above. By and large, this has been the case in South-East Asia where a great deal has been accomplished by UNHCR in collaboration with NGOs and Governments within and outside the region. Such remarkable international solidarity deserves to be underlined for it has permitted the resettlement of close to one million Indo-Chinese refugees to date. Viewed in these statistical terms, the job accomplished by UNHCR and the international community has been impressive indeed.

52. However, the refugee situation in South-East Asia is far from over. It is in fact bedevilled by recent trends and difficulties already observed in the broad international context (see Chapter II). The "front-line" countries of South-East Asia and their populations have demonstrated broad willingness to provide refuge, albeit temporarily in most cases, to unprecedented numbers of refugees and asylum seekers in the region. Probably as a result of the sacrifices endured by these countries and the local populations in shouldering part of the burden of mass refugee caseloads on their territories, highly restrictive measures have been adopted by several Governments of the region towards refugees and asylum seekers.

53. In general, admission is granted only temporarily, conditional on resettlement in third countries. The principle of non-refoulement is not scrupulously observed in all cases, while the long confinement of refugees in crowded camps has resulted in hardships. Various forms of "deterrent" measures have been employed to discourage the influx of asylum seekers. This situation is further compounded by pirate attacks on asylum seekers in the South China Sea, and the increasing distress of refugees at sea ignored by passing ships. It is in this challenging context that it behooves to assess the accomplishments of UNHCR in exercising its protection functions in the region.

54. Determination of refugee status. Following the outbreak of the refugee crisis, the determination of refugee status was constrained by the exceptional character of largescale influxes of asylum seekers even though hundreds of thousands were and are still granted temporary asylum. Not in all cases were asylum seekers recognized as refugees and the determination procedures employed by some Governments appeared somewhat arbitrary in the wake of the refugee emergency.

55. Such situations of mass exodus are apparently not fully covered by the protection provisions contained in the United Nations Convention relating to the Status of Refugees, and UNHCR's country level role in protecting the rights of refugees and asylum seekers was submerged by the more visible lead role assumed by other parties, especially those directly involved in organizing emergency relief assistance to Kampuchea. However, following commendable initiatives by UNHCR at the international level, the Executive Committee in 1981 recommended a series of protection measures for refugees and asylum seekers in mass influx situations. Among other things the Executive Committee urged that it was imperative to ensure the full protection of asylum seekers in largescale influxes, including basic minimum standards for their treatment pending arrangements for a durable solution, and to establish effective arrangements in the context of international solidarity and burden-sharing for assisting countries which receive large numbers of asylum seekers. The Executive Committee also reaffirmed that in all cases the fundamental principle of non-refoulement, including non-rejection at the frontier, must be scrupulously observed.
56. Although the mass arrivals of refugees have subsided considerably in the last few years, establishing the validity of refugee status of the new arrivals continues to present a problem to some countries which believe that an increasing number of new asylum seekers are not political refugees fleeing persecution, but rather immigrants in search of better economic and living conditions outside their countries of origin. UNHCR's field presence has been sparse and weak from the outset and remains so up to the present; most of its information on refugees is obtained from second and even third sources; it has no proper mechanism for verifying numerous refugee claims and confirming the authenticity of such claims. In light of these deficiencies, it cannot be said that UNHCR has a direct and total feel of the refugee situation, especially in Thailand and Hong Kong where the Inspector noted only very little direct feedback from the field. UNHCR needs to take a more direct and leadership role in assisting Governments to determine the validity of refugee status and establishing a more reliable refugee data base derived from first hand sources.

57. Anti-piracy programme. To head off frequent pirate attacks on sea-bound asylum seekers, an anti-piracy programme involving the Royal Thai Government and UNHCR acting on behalf of twelve donor countries was established in 1982 and has been extended annually in subsequent years. While a number of pirate suspects have been prosecuted, the extent to which this programme which currently costs over US$3 million has helped to slow down acts of piracy at sea is difficult to gauge. Although no precise statistics are available, it is estimated that thousands of refugees have perished in the South-China sea in recent years, which is probably the most tragic loss recorded in a single refugee situation since UNHCR was established. In June 1983, the High Commissioner assembled a team of maritime experts to review anti-piracy activities and make recommendations on how operations might be improved. This team, comprising naval officers from Australia, Norway and the United States of America, visited the relevant areas in the region and made specific recommendations for improvement of operational effectiveness. As a result, an Anti-Piracy Coordinator was appointed to follow up the recommendations made which include the deployment of consultants to improve information gathering and the evaluation of technical equipment for operational use. To this effect, one Member State in the region has already contributed equipment to be used in this type of operation.

58. Rescue of asylum seekers at sea. The obligation for ships to rescue persons in distress at sea—whether they be Indo-Chinese refugees or not—is explicit in international maritime law. It is assumed that the fulfillment of that obligation by ships sailing through the South-China Sea would considerably reduce the numbers of "boat-people" subjected to acts of piracy on the high seas. In that sense rescue of asylum seekers at sea would appear to complement the anti-piracy programme.

59. In practice this has not been the case, first because of the large numbers of boat people involved and second because of the stringent asylum policies of coastal States who either refuse disembarkation of rescued refugees or admit them for a very short period of time on condition that they be resettled elsewhere. As a result, shipmasters have been reluctant to rescue refugees in distress for fear of protracted delays and/or uncertainty that they would be removed from their responsibility at the next port of call. UNHCR has taken meritorious initiatives so far to overcome this dilemma. There are two UNHCR sponsored schemes, one now in operation, namely Disembarkation and Resettlement Offers (DISERO) and the Rescue at Sea Resettlement Offers (RASRO). DISERO has been in operation since 1980 and seeks to cover cases where resettlement guarantees by flag States cannot be envisaged. RASRO, which it is hoped will be possible to implement on a trial basis in the near future, offers additional incentives to governments to encourage shipowners and shipmasters to rescue asylum-seekers at sea and to facilitate disembarkation and subsequent resettlement from coastal States. The Office has moreover intensified co-operative arrangements with the International Maritime Organization
(IMO) and the non-governmental shipping community with a view to strengthening measures for the rescue of boat people.

60. Despite these arrangements there are indications that fewer ships are picking up fewer numbers of straggling refugees in the South China Sea. Available statistics suggest that less than 7.5 percent of refugees had been picked up by September ending in 1984 compared to higher percentages in previous years. To prevent situations where refugees are ignored by passing vessels, the options open to the High Commissioner beyond measures already initiated are very restricted, short of the active and unreserved collaboration of individual Governments and the international community at large. Even a moderate liberalisation, on purely humanitarian grounds, of present asylum policies of the coastal States in respect of refugees rescued at sea would strengthen existing incentives for rescuing the boat refugees who are much worse off generally than the land refugees enjoying comparatively better asylum conditions.

61. Orderly Departure Programme. Compared with the schemes described above, the Orderly Departure Programme (ODP) for Vietnamese and others leaving their country directly for countries of resettlement, particularly the United States, has fared very well to date. For this year alone, about 24,500 Vietnamese have been resettled under this programme, raising the total number who have taken advantage of the programme to over 70,000 since it was initiated in 1979 (figures at end of October 1984). This has been a viable scheme all along and the Inspector takes the view that its further expansion and consolidation by all means available could appreciably reduce the numbers of Vietnamese asylum seekers taking to sea at the risk of their lives. A further intensification and broadening of the ODP would certainly require that a comprehensive and integrated view be taken of all the UNHCR-sponsored schemes in respect of boat people: the anti-piracy arrangement with the Thai Government, DISERO, RASRO and the ODP, all of which are inter-related. Of course, the final and fundamental objective is not to devise and nurture programmes that would grace the way out of Vietnam especially for those with unfounded reasons to seek asylum elsewhere. The overriding objective is to solve the refugee problem and in this light initiatives designed to seek durable solutions, through voluntary repatriation in particular, deserve a more compelling sense of urgency than all the schemes discussed in the preceding paragraphs.

62. Durable solutions. Unlike in other regions of the world, such as Africa, Europe and Latin America, where local settlement or integration represents the most ready and frequent durable solution for refugee problems, countries of South-East Asia have not as yet envisaged this option because of cultural, ethnic balance, overcrowding, and other considerations. Resettlement in third countries has thus far constituted the sole major durable solution. Voluntary repatriation, which seems the most desirable option for a decisive solution, has been possible to date only for a modest number of Laotian refugees. A 1980 attempt to repatriate a large number of Kampuchean refugees in Thailand aborted because of doubts about the methods employed by the authorities to recruit potential candidates for repatriation and arrangements made for them on their arrival at the border. It seems that conditions are not yet ripe to envisage whole-sale repatriation of those, especially the "hill-tribe" Laotians, still not registered for resettlement in third countries. This fact should, however, not preclude intensified contacts and initiatives by the High Commissioner acting at the highest political level possible, in co-ordination with the United Nations Secretary-General, and with appropriate members of the UNHCR Executive Committee, with a view to exploring all avenues possible and necessary for achieving durable solutions for Indo-Chinese refugees under his protection. In that context, the possibility should be examined of convening a regional humanitarian conference involving all the countries concerned by the refugee problem in the region in order to work out concrete measures for bringing about a durable solution to the problem.
E. Assistance activities

63. In monetary terms, assistance activities have all along accounted for the most important aspect of UNHCR involvement in South-East Asia (see table 4 of the annex). In 1980 UNHCR expended over US$140 million on refugee material assistance programmes in the region; the corresponding figure in 1983 was US$58 million. Assistance operations are mainly two types, viz resettlement and local integration schemes (durable solutions) designed to facilitate the assimilation of refugees within new communities, care and maintenance programmes for the upkeep of refugees waiting in camps and processing centres. Activities in China, and in the Indo-Chinese region are mostly oriented towards local integration and include in most cases concrete projects like the establishment of farms, schools, hospitals and sanitation schemes, transport infrastructure, etc. These projects aim to recreate a normal pattern of life and a high degree of self-sufficiency in the refugee community. In the opinion of the Inspector, such projects must continue to form a significant component of UNHCR assistance programmes particularly because the overall improvement of the living conditions of refugee returnees would be a powerful incentive for further voluntary repatriation.

64. Care and maintenance projects account for a much bigger share of UNHCR's operations in Hong Kong, Indonesia, Malaysia, Philippines, Singapore and Thailand where local integration of significant numbers of refugees has not yet been envisaged by national authorities. Assistance under this heading covers the provision of basic daily necessities (food, health and sanitation, shelter and related infrastructure, transport, education and skills training). Besides UNHCR material support, the refugee populations in first asylum countries receive significant aid from host Governments and a variety of voluntary organizations. Thus organizational arrangements for the provision and implementation of refugee assistance programmes in the region appear somewhat complex, and necessitate clear policy, operational and co-ordinating guidelines on the part of UNHCR to enable the Office to exercise effective control over field operations and expenditures.

65. Assistance policy framework. Article 10 of the UNHCR Statute states that the High Commissioner shall administer any funds, public or private, which he receives for assistance to refugees, and shall distribute them among the private and, as appropriate, public agencies which he deems best qualified to administer such assistance. Accordingly, UNHCR whenever possible seeks, as a matter of policy, to implement material assistance programmes through an operational partner, rather than directly. As stated in the UNHCR Handbook for Emergencies, the Office has "a unique statutory responsibility for providing international protection to refugees and seeking permanent solutions for their problems. No such uniqueness, of course, characterizes arrangements for the actual provision and distribution of emergency assistance to refugees". The Office sees obvious advantages in implementing a programme through national organizations or those already familiar with the country, since these organizations, governmental and non-governmental "have as much, or more experience and expertise as UNHCR in directly implementing assistance programmes for refugees because this is not normally UNHCR's role".

66. Pursuant to Article 1 of its Statute which requires that Government's concurrence be sought on the proposed implementing arrangements, UNHCR policy is to assist the Government to exercise overall responsibility for a refugee emergency situation, especially in the assessment of needs, the development of assistance programmes to meet them, and the monitoring and controlling of implementation. The Office "always retains responsibility for accounting to donors for the proper expenditure or use of their contributions".
67. Another key element of UNHCR assistance policy is the promotion of self-sufficiency in refugee camps and communities by directly involving them in the planning and execution of assistance programmes, encouraging them to cater to their own needs through self-help activities or self-fil employment.

68. The Inspector considers that, in broad terms, this policy framework is sound and consistent with the UNHCR Statute and relevant General Assembly resolutions. At the same time, it would seem essential for the Office to avoid too rigid and mechanical application of these policy guidelines, especially as regards the respective roles of the Office, the Government and implementing partners in the wake of a refugee situation. While the Inspector recognizes that security, political and other sensitive domestic considerations often attendant upon a refugee crisis would perform call for the central involvement of the host Government to help address such a crisis, there can be no doubt that the timely and visible intervention of UNHCR as well would enormously assist the Government concerned in determining the actual numerical magnitude of a refugee situation, in establishing a realistic assessment and inventory of needs, and in identifying cost-effective means and ways of meeting such needs. Prompt and preliminary dispositions of this nature should certainly facilitate UNHCR’s co-ordinating and monitoring roles in the subsequent stages of a refugee problem.

69. In South-East Asia, especially in Thailand at the critical outset of the refugee problem, the somewhat tardy and ineffectual UNHCR field presence was in sharp contrast to the prompt and prominent roles assumed by the Royal Thai Government, other UN system organizations such as UNICEF and WFP and a host of non-governmental organizations working directly with national authorities.

70. Project Management System (PMS). The steep growth in UNHCR’s assistance activities in the recent past has prompted the Office to sharpen its project management methods and guidelines. Following several years of trials and improvements, a comprehensive conceptual framework for project formulation, review, implementation, management and evaluation was finally completed in 1983. This is a commendable management tool. Some of its components such as guidelines for the identification of refugee needs, project formulation, budgeting, monitoring and reporting, self-evaluation and feedback, were already in application prior to 1983. The field staff are not yet fully familiar with all the elements of the PMS, but the Inspector notes that even its limited operational application so far is already producing some encouraging results that augur well for the future effectiveness and efficiency of assistance programmes. This applies in particular to evaluation and feedback.

71. In Indonesia and Malaysia, corrective actions recommended by evaluation missions have led to significant improvements in project management and cost-savings as high as 30 per cent in the procurement of some items. These initial results argue for a further strengthening of the central evaluation function, in addition to self-evaluation at the project level. Consideration should be given to the possibility of decentralizing the evaluation function to the regional level, closer to field operations, as already suggested in paragraph 45 above. The present task of the Office is to promote the PMS at the field level and ensure that its major components are effectively being applied by the field offices and implementing agency staff.

72. Implementation and results. UNHCR assistance projects in the region are implemented mainly by government agencies, and to a lesser extent by voluntary organizations. Currently, some twelve major projects each costing over US$500,000 are in operation in eight countries. In the past several years the Office has funded over 50 such projects in the refugee-affected countries of the region. The projects usually consist of integrated multisectoral packages of services including camp construction, food aid, health care and sanitation, education,
language and skills training, social welfare services, transport, etc. Project implementation is governed by "implementing instruments" which define among others the legal framework, objectives, inputs and outputs, and additionally include a number of mandatory provisions relating to the responsibilities of the parties regarding performance, financial management, monitoring, reporting and overall administration. The implementing instrument for each project thus contains the basic provisions and safeguards required for effective project implementation by a UNHCR operational partner, and for the Office itself to fulfill its accountability to the donor community.

73. Thanks to these dispositions, UNHCR-assisted projects in the region have, on the whole, been successful so far in attaining their objectives notwithstanding initial difficulties and some management weaknesses that will be discussed later. Recent internal evaluation reports support this statement. Education, language and skills training activities that represent a major aspect of UNHCR assistance have proved particularly effective and useful in equipping the refugees with basic practical skills. The operation of health care services can also be considered satisfactory in general, and the Inspector notes with full approval the emerging emphasis being given to primary health care networks in refugee camps in Thailand where capital-intensive and sophisticated medical services initially tended to be inappropriate to the socio-cultural reality of the refugees, and to obscure the need for preventive rather than curative medical programmes. In some cases these services have been extended to the local community and this dimension has helped ease tensions between refugees and the local population. As part of the health care programmes many refugees have been trained as support medical staff (assistants, nurses, midwives, laboratory technicians) who have reduced the dependence of refugee groups on external relief workers. The procurement, quality, and distribution of food in several camps in Thailand could still be improved considerably even if, as the Inspector understands, it is difficult to completely eliminate cases of food diversion and mismanagement in the distribution network. Perhaps further diversification of sources of procurement and improvement of tendering procedures could help enhance the quality and quantity of food items.

74. A significant feature of UNHCR-funded assistance activities in the region is their prominent self-reliant orientation by which refugees participate in the planning, execution and management activities, and are trained to help themselves. Because of their increased self-reliance as a result of these projects, refugees in Indonesia, Malaysia and Thailand to some extent have become less dependent on external care and maintenance support with resultant cost-savings. In Hong Kong, skills training programmes have enabled many refugees to find gainful employment and to cater to their own needs.

75. The problems noted in the implementation and management of assistance programmes include the following:

Implementing instruments are not always strictly adhered to by operational partners and this problem seems to occur more often with government implementing agencies than with the NGOs. In one country UNHCR is faced with serious monitoring difficulties with respect to projects implemented by governmental departments which often delegate some project functions such as procurement to the provincial level where UNHCR field staff report they lack formal channels for intervention. Further, the periodic narrative and financial reports specified in implementing instruments are not always precise and provided on time, and the delays are sometimes considerable.
76. **Procurement** of goods and services is not always done on a competitive basis although so required by project agreements, and when this is done the bidding procedures are sometimes not bereft of flaws as a result of the strong influence of the local business community and the tendency to inflate prices of goods and services. Quite often, UNHCR is not represented at the opening of bids (except food bids in the Philippines), copies of the tender documents and signed contracts between implementing agencies and suppliers are not always made available to UNHCR, all of which limits the ability of the Office to exercise proper control over the use of funds and the quality of services procured. These problems have also been raised by the Board of Auditors in their successive annual reports since 1980. Some of the improvements recommended by the Auditors have been incorporated into UNHCR procurement guidelines, but in actual fact the effective implementation of improvements is rendered difficult by the lack of full co-operation on the part of some implementing agencies on the one hand, and the rather ineffectual monitoring and control role of UNHCR field offices on the other.

77. In its 1982 report (A/37/5/Add.5) the Board of Auditors, while acknowledging that effective control and monitoring of activities largely depends on the willingness of the implementing partners to co-operate, nonetheless urged UNHCR field staff to be more attentive to the control of the proper application of the administrative and financial provisions of the agreements with the partners. It also recommended that UNHCR should review whether basic contract provisions for the purchase and delivery of goods and services are correctly complied with, and that UNHCR officials should attend as often as possible the opening of important competitive quotations and demand a copy of each contract awarded by a third party. The Inspector fully subscribes to these recommendations which are still valid today as they were in 1982 when the Auditors prepared their report, and definitely constitute sound administrative practice.

78. **Co-ordination** of field operations is probably one of the weakest aspects of UNHCR's role in the region even though the situation varies from country to country. In Singapore where UNHCR is fully operational for all practical purposes, because the Government has decided that UNHCR should be responsible for the administration of refugee camps, the co-ordination of operations is smooth and efficient. The few voluntary organizations involved are under the direct supervision of UNHCR. In other countries by contrast central co-ordination is mostly assured by the Governments, assisted more often by voluntary agencies than by UNHCR, especially so in Hong Kong, Malaysia and Thailand. The Committee for Co-ordination of Services to Displaced Persons in Thailand (CCSDPT), which is the main co-ordinating mechanism in that country for all refugee matters (see below) meets once a month in Bangkok and its meetings are attended by representatives of Government, implementing agencies, UNHCR, UNBRO and ICRC. The influence of UNHCR in this Committee appears weak.

79. The foregoing review reinforces the Inspector's belief in the need to strengthen and upgrade UNHCR's field establishment as suggested in paragraphs 41-48. Some of the management deficiencies noted in this study, especially the weak monitoring, supervisory and co-ordinating role of UNHCR over the operations it finances, could be corrected and prevented in the future if the field offices were adequately staffed in proportion to the scope of a refugee situation and, more important, if they were provided with experienced administrative and financial officers. The fact that the Office is not an operational organization should not imply in any way that it should not give due emphasis to the overall supervision of its field operations and ensuring that assistance received by refugees is consistent with the stipulations of implementing instruments. The accountability responsibility of the High Commissioner is by itself enough justification for more studied attention to be given to this very practical field aspect of UNHCR's humanitarian role.
IV. WORK RELATIONS

A. Countries of origin of refugees

80. Indo-Chinese refugees and displaced persons originate mainly from Kampuchea, Viet Nam and Laos, none of which is a signatory to the International refugee instruments. UNHCR has established representations in the three countries. The non-political, purely humanitarian role of the Office in principle gives it a unique and privileged position to serve as an impartial intermediary in all matters relating to voluntary repatriation, which is probably the only wholesale durable solution that can now be envisaged in view of the increasingly dimming prospects for further large quota resettlements in third countries.

81. For UNHCR, repatriation must be voluntary, that is genuinely desired by the returnees whose physical and political security has been guaranteed. It seems that so far only Laos has offered such a guarantee, and slightly over 2,500 Laotian refugees have been repatriated. Further UNHCR reintegration assistance by way of improvements in basic social infrastructure might be needed to enable the country to cope with large numbers of returnees.

82. UNHCR's working relationships with Viet Nam concern mainly the Orderly Departure Programme discussed earlier and around 21,000 Kampuchean refugees in the country.

83. As regards repatriation of Kampuchean refugees, negotiations between UNHCR and the Phnom Penh authorities are yet to achieve a breakthrough. Since mid 1980 when several thousand Kampuchean refugees were repatriated, UNHCR has been operating a programme of assistance for the returnees. Further large-scale repatriation to Kampuchea could well be facilitated by a broader political solution of the Kampuchean problem. In the meantime, it would seem desirable for UNHCR to pursue and intensify its diplomatic contacts with the countries concerned with a view to working out a humanitarian solution at the highest political level possible.

B. Countries of temporary asylum

84. As already noted, the principal temporary asylum countries are Hong Kong, Indonesia, Malaysia, Singapore, the Philippines and Thailand. Of these, only the Philippines has acceded to the 1951 United Nations Convention and 1967 Protocol relating to the Status of Refugees. Though not signatories to these instruments, the other countries do have a long historical record of extending hospitality to refugees and assimilating them in their national communities. Working relations between UNHCR and national authorities are reported to be generally cordial and smooth in the majority of cases. But relations have occasionally not been free of strains especially because of incidents of large-scale refoulement which occurred at the height of the refugee crisis in 1979, such as the towing back to sea of thousands of boat people, or the mass expulsion of asylum seekers back to countries of origin, and current national policies and practices which are not always consistent with the principles of international protection of refugees and asylum seekers. Additionally, as noted in the preceding chapter, some management and operational problems experienced in a few countries stem from the lack of full co-operation between UNHCR and Government implementing agencies which do not always strictly adhere to the provisions of project agreements.
85. Although the first asylum countries have not yet accepted the principle of locally assimilating the refugee populations in their territories for a variety of cultural, political and other reasons, they nonetheless provide significant assistance in kind to the refugees, such as administrative and programme support services, physical infrastructure, and land for refugee settlements and self-help activities.

86. Public information on refugees and promotion of international refugee law should receive much more attention than has been the case up to now. UNHCR has outposted extremely few public information officers to the region and working relationships with United Nations Information Centres (UNICS) are almost non-existent. Attitudes and approaches to the refugee problem are governed by pragmatic domestic considerations rather than by national constitutions or international refugee law. The Inspector therefore recommends that UNHCR should use all the opportunities available such as UNICS, local universities and other public institutions to promote greater awareness about the status of refugees within the region. Concomitantly, efforts should be continued to assist countries of the region to develop a regional or sub-regional refugee convention similar to that adopted by African States Members of the Organization of African Unity (OAU).

C. Countries of resettlement

87. The only large-scale permanent solution that has been found to date for the Indo-Chinese refugees has been through resettlement in third countries. By far the largest number (over 654,000) has been resettled in the United States as of 31 December 1983 followed by China (over 272,000), France (over 93,000), Canada (over 90,000), Australia (over 87,000), West Germany (over 22,000), Britain (over 16,000), Taiwan (over 13,000), and other mostly West European countries. The vast majority of these countries are parties to the International Refugee Instruments, and many of them are major contributors to UNHCR voluntary funds budget, and are also members of the UNHCR Executive Committee. However, many potential resettlement countries are increasingly tightening admission policies with the result that the rate of resettlement has dropped sharply in recent past, and the status of many refugees and asylum seekers is very much under question.

88. Notwithstanding the difficulties that the restrictive admission policies of this group of countries represent for the High Commissioner, relations between them and UNHCR are reported to be very good. The major contributors to UNHCR have in particular expressed to the Inspector their full satisfaction with the management improvements introduced at UNHCR Headquarters, and the high quality of UNHCR accountability reports on the use of voluntary funds.

D. Organizations of the United Nations system

89. UNHCR has established formal co-operative relations with a number of UN system organizations (UNDRO, UNICEF, ILO, and UNESCO) in the form of signed memoranda of understanding. However, with the exception of WFP that provides large quantities of food supplies for the UNHCR assistance programmes, especially in Thailand, and UNBRO whose role is limited to the Thai-Kampuchean border, UN agencies are in general not involved in a systematic and formal manner in UNHCR refugee assistance operations in the region. UNDP has financed one regional project (RAS/82/016) which included a component of benefit to refugees. Besides this single project, the UNDP country and intercountry programmes in the region do not include any refugee-oriented projects since the refugees receive only temporary asylum and any use of the UNDP Indicative Planning Figures (IPF) to finance projects benefitting refugees must be approved by national authorities. UNICEF and WHO have provided ad hoc consultant services in a few UNHCR-funded projects. Hardly any co-operation has been noted by the Inspector in the region.
between UNHCR and the rest of the UN system in staff training and staff exchanges, especially in the areas of administration, project management and evaluation where such co-operation could prove useful to UNHCR in particular.

E. Non-governmental organizations (NGOs)

90. On the whole UNHCR works much more closely and systematically with NGOs than with other organizations of the UN system in the operation of UNHCR-funded assistance programmes in the region. Such intimate working relations with the NGO community are consistent with the Statute of the Office which makes specific reference to assisting private organizations and private efforts in promoting voluntary repatriation of refugees or their assimilation into new communities, subject to the approval of the Governments concerned. The Statute also authorises UNHCR to co-ordinate the activities of these private bodies and to distribute funds to those which are deemed best qualified to administer assistance to refugees. UNHCR has established at Headquarters a Liaison Unit for NGOs which maintains contact with some 250 NGOs world-wide. They complement UNHCR's resource mobilization role in the donor countries where they have proved effective in communicating refugee concerns to the public at large and to Governments in particular. Thus the working relations UNHCR maintains with the NGOs are crucial to the effective discharge of its mandate.

91. Nearly one hundred NGOs are currently involved in refugee relief work in South-East Asia, about sixty of them in Thailand alone. They provide a variety of services designed to meet basic refugee needs, including medical services and supplementary feeding programmes. The International Committee of the Red Cross (ICRC) with which UNHCR has established a formal working agreement plays a significant role in the protection of refugees especially through its Tracing Service that assists Indo-Chinese refugees in locating their families and facilitating their reunification. ICRC has also established hospitals in two camps in Thailand which provide the only surgical facilities available to the refugees in that country. The Inter-governmental Committee for Migration (ICM) specializes in the registration and transportation of refugees to countries of resettlement. In Hong Kong for example practically all the paper-work relating to the resettlement of refugees is done by ICM.

92. The capacity of UNHCR to co-ordinate the welfare activities of the NGOs as directed by its Statute varies from country to country, but is generally weak in most cases. Governments for the most part exercise the central coordinating role. In Thailand UNHCR's leverage vis-à-vis the NGOs including those implementing assistance projects with UNHCR funds is very weak. The Thai Government and not UNHCR originally invited the voluntary organizations to assist when the refugee crisis erupted. Thus UNHCR's lead role and authority over the NGOs had been weakened right from the outset of the refugee problem, and its position has not significantly changed over time. While the contribution of these NGOs in Thailand as elsewhere is most valuable and even indispensable in some cases, it would appear that some of them are more interested in self-publicity and promoting their international visibility - a good image from fund-raising - than in genuinely assisting in the satisfaction of refugee needs.

93. About 45 NGOs in Thailand have established an organization named the Committee for Co-ordination of Services to Displaced Persons in Thailand (CCSDPT), the purpose of which is to represent their "joint interests" to the Thai Government, UNHCR and other international organizations, and embassies of resettlement and donor countries. Since its inception in 1975, the CCSDPT has gained considerable influence vis-à-vis national authorities and over practically all major issues relating to refugees in Thailand, to the detriment of UNHCR's statutory co-ordinating role. It has a sizeable secretariat and is vigorously pushing for recognition as an international organization in its own right, with
responsibility for the protection and welfare of refugees. The Inspector is concerned that the CCSDPT, in view of its firmly established interests in relation to the refugee situation in Thailand, might further evolve to impede, rather than assist, UNHCR in the effective exercise of its mandate, especially in seeking swift and durable solutions for refugees. While the Inspector hopes that this eventuality will not materialize, it would seem desirable for UNHCR at the very least to establish with CCSDPT a formal working agreement which would spell out the primary responsibilities and tasks of the respective parties relating to refugees in Thailand. Such an agreement should fully protect UNHCR's responsibilities and functions as provided in its Statute, and underline its lead role as appropriate.
V. SUMMARY OF MAIN CONCLUSIONS AND RECOMMENDATIONS

94. The Office of the United Nations High Commissioner for Refugees has weathered a major refugee crisis in South-East Asia with the concerted support of the international community at large. Thanks to its manifold initiatives and operations since the eruption of the crisis, and despite challenging hurdles, close to one million Indo-Chinese refugees so far have found a permanent home in resettlement countries in Western Europe and North America for the most part. This is an impressive achievement, for it represents perhaps the most largescale intercontinental movement of refugees in the history of UNHCR. The Office has equally registered singular success in its resource mobilization endeavours. Since 1979 it has channelled a cumulative total of about USD700 million in emergency and multipurpose relief assistance to refugees in the region. Besides, it has attracted and tapped a variety of other sources of local and external refugee relief assistance, in particular from the NGO community whose devotion to the cause of refugees and active involvement in field level operations have proved crucial to the overall success recorded thus far by UNHCR in discharging its responsibilities in the region.

95. Because this was originally a highly complex and unprecedented refugee problem, difficulties were bound to arise and to test the capacity of UNHCR to manage a mammoth refugee crisis. Despite the impressive results achieved by the High Commissioner in galvanizing the necessary political and financial support for the resolution of the crisis, not all difficulties have been overcome. Some of them have had tragic dimensions, such as the loss of thousands of "boat people" at sea because of disembarkation difficulties, pirate attacks and abductions, and the neglect of ships to rescue them. The restrictive refugee admission policies of first asylum countries of the region have tended to obstruct if not impede the application of the fundamental principles for the protection of refugees and asylum seekers. Similarly, the increasing reluctance of potential resettlement countries to accept large quotas of refugees and the severe tightening of procedures for the determination of refugee status have narrowed the options open to the High Commissioner in his search for durable solutions for the significant numbers of refugees still in camps.

96. Besides these difficulties of a political nature, some organizational and management problems have been noted at the field level. Most of them result from the weak UNHCR field establishment in the region and the consequent extensive dependence of the Office on implementing agencies and NGOs to carry out regular field functions. The administrative and management reforms recently instituted at Headquarters are not yet reflected at the field office level. The administrative function is performed predominantly by inexperienced local clerical staff, financial control systems are weak and overall monitoring and co-ordination of UNHCR-financed operations are ineffectual. The Inspector concludes that UNHCR's statutory lead and co-ordinating role in refugee situations call for significant strengthening of its field establishment in the wake of a refugee problem.

97. In light of the foregoing the Inspector makes the following recommendations.

Strengthening the field establishment

The High Commissioner should consider developing a new field staffing policy along the following lines:

Recommendation No. 1: Organization and staffing of field offices

(a) With due regard to differences in refugee situations in the various countries and regions, UNHCR field offices in South East Asia should be adequately equipped to perform the basic responsibilities and functions of UNHCR in the areas
of international protection, programming and co-ordination of assistance activities, administration and financial management, and public information.

(b) The administrative and financial management functions of the field offices should be upgraded and performed by qualified and experienced UNHCR regular staff.

(c) Financial control and management functions should be established at the field office level and performed by qualified professional staff with specific responsibility to monitor all financial operations and maintain permanent control over disbursements, banking and bidding procedures. For relatively small offices, this function could be centralized at the subregional or regional level under the direct authority of a central comptroller. The above measures should be implemented preferably through decentralization from Headquarters as recommended below.

Recommendation No. 2: Decentralization

A new field staffing policy should afford the High Commissioner sufficient flexibility and leeway to decentralize experienced Headquarters staff to reinforce the UNHCR field establishment in those countries and regions such as South-East Asia and perhaps other areas where the magnitude of refugee situations and UNHCR expenditure levels warrant adequate UNHCR field presence as suggested in Recommendation No. 1.

Recommendation No. 3: Regional emphasis

As a corollary to decentralization of Headquarters staff to the field, the High Commissioner should give due emphasis to the strengthening of the field regional structures of UNHCR, coupled with appropriate resources and authority. New arrangements should include the pooling of some specialist functions at the regional level, such as legal services, public information, project evaluation, financial monitoring and control functions, etc. Regional Representatives should have sufficient authority to articulate an integrated regional perspective of refugee problems, foster active collaboration among country offices and redeploy staff resources from one country to another to meet evolving requirements.

Recommendation No. 4: National officer scheme

As an additional means of strengthening the field offices UNHCR should intensify the use of experienced, senior-level national staff, preferably seconded from Governments for specific periods, but selected and paid by UNHCR.

Protection functions

Recommendation No. 5: Durable solutions

(a) The High Commissioner should pursue and broaden his high-level contacts with a view to exploring all avenues possible for achieving durable solutions for Indo-Chinese refugees under his protection.

(b) In the context of recommendation 5(a), the High Commissioner and the Executive Committee of UNHCR should examine the feasibility of convening a humanitarian regional meeting of all the parties concerned by the Indo-Chinese refugee problem with the objective of working out concrete measures aimed at a permanent solution.

(c) The High Commissioner should intensify his consultations with Governments in South-East Asia with the objective of achieving a relaxation of national asylum policies for refugees in general, and for asylum seekers rescued at sea in particular.
Recommendation No. 6: Validity of refugee claims

UNHCR should exercise more visible field leadership in assisting Governments in South-East Asia to determine the validity of claims to refugee status, and should establish a reliable refugee data base derived as far as possible from first hand sources.

Assistance activities

Recommendation No. 7: Assessing refugee needs

In the wake of a refugee problem UNHCR should always strive to assume a prompt front role in assisting the Government concerned to establish reliable statistics on the scope of the refugee situation, the scale and nature of relief assistance that would be required, and the local and external potential sources of such assistance. All UNHCR assistance projects and programmes should be preceded by such a thorough assessment, and UNHCR staff should assure the systematic monitoring and co-ordination of assistance projects with a view to achieving efficiency of operations and complementarity of inputs.

Recommendation No. 8: Implementing partners

UNHCR should intensify its project monitoring and financial control efforts to ensure that implementing partners fully observe the terms of project agreements, especially as regards the procurement of goods and services on a competitive basis. In this connexion, additional efforts seem necessary on the part of UNHCR field staff to secure the effective application of the project management and financial control improvements recommended by the Board of Auditors in the past three years.

Recommendation No. 9: Gainful employment

In areas where refugees are engaged in gainful employment and other remunerative activities, the possibility should be examined of their contributing to upgrade camp conditions and infrastructure.

Recommendation No. 10: Formal agreement with CCSPDT

UNHCR should establish a formal working agreement with the Committee for Co-ordination of Services to Displaced Persons in Thailand (CCSPDT). The agreement should spell out the respective responsibilities and tasks of both parties in relation to refugees under UNHCR protection in Thailand, and should fully protect UNHCR's statutory responsibilities and functions.
### Table 1. Numbers of Indo-Chinese Refugees

(Numbers in camps/centres by end of the year)

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<thead>
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<td>No.</td>
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### Table 2. Total Expenditure

(In Thousand of US Dollars)

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<tr>
<th>YEAR</th>
<th>EXPENDITURE FOR ALL REGIONS AND GLOBAL ACTIVITIES</th>
<th>EXPENDITURE IN SOUTH-EAST ASIA AND OCEANIA</th>
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### Table 3. Expenditure by Country of Activity

(In Thousand of US Dollars)

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<tbody>
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<td>Amount</td>
<td>%</td>
<td>Amount</td>
<td>%</td>
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### Table 4. Expenditure by Main Types of Activity

(In Thousand of US Dollars)

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<tr>
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<th>PROMOTION OF PERMANENT SOLUTIONS</th>
<th>RELIEF AND OTHER ASSISTANCE</th>
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<tr>
<td></td>
<td>Amount</td>
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Source: UNHCR Documents: A/AC.96/577, A/AC.96/594, A/AC.96/606, A/AC.96/620
ANNEX 2: UNHCR FIELD STAFF POSTS IN SOUTH-EAST ASIA IN 1983-1984

(XB - Extrabudgetary Funds; RB - Regular Budget)

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Source: UNHCR documents.