

Preface and Acknowledgements

Aim of the handbook

1. The aim of the handbook is to help improve the effectiveness of UNHCR's response to refugee emergencies. It is particularly intended for UNHCR field staff. The practical value of the handbook will depend on the extent to which it provides information, guidelines and procedures that meet the needs in actual emergencies. This in turn will depend on the feed-back from those who use it: the more the handbook reflects experience, the more useful it will be. There can be no final version; improvements to the text will always be possible.

2. The intention in preparing the handbook has been to set out comprehensive yet clear guidelines on all aspects that might be of concern to the managers of emergency programmes for refugees. The need and direct responsibility for the action suggested in the various sectors of assistance will vary greatly in each case. This important qualification is made once here, for it would otherwise need to be repeated on almost every page at least of Part 2. However, unless this qualification is borne in mind, a reader may get the false impression that all the action is always necessary, and always the responsibility of UNHCR. This qualification does not, of course, affect UNHCR's protection responsibilities.

3. It must also be stressed that, in seeking to help decision makers and more generally to inform, the handbook is only a management tool. Responsibility in the field rests, of course, with the Representative, and his or her actions must above all reflect the imperatives of the situation.

Contents

4. The handbook is arranged in two parts. Part 1 - chapters 1 to 10 - considers the organization of UNHCR's response. Part 2 - chapters 21 to 27 - gives guidelines by sectors of assistance. (Chapter numbers in Part 2 start with the figure 2.) The ISO

system for numbering divisions and subdivisions has been adopted. Thus 27.5.3 refers to paragraph 3 of section 5 of chapter 27. Pages are numbered by chapters, thus 27.5.3 will be found on page 27-8. The annexes are printed on grey paper.

5. An alphabetical index will be found at the end of the handbook. Each chapter starts with an annotated list of contents. In addition, the chapters in Part 2 have a summary page which sets out the most important considerations. Points worthy of special attention are underlined in the text, and the second and subsequent sections of chapters in Part 2 begin with a summary of the key considerations discussed in the section. As far as practicable, each chapter in Part 2 follows the same general pattern. Thus, for example, the second section of each deals with organizational considerations.

6. This provisional version has been prepared in English. The first edition will be available in both English and French.

Nomenclature

7. For convenience "Representative" is used throughout to refer to the High Commissioner's representative in the country where the emergency occurs, regardless of the representative's official title. "Headquarters" naturally refers to UNHCR Headquarters in Geneva. "Refugee camp" has been avoided, despite the phrase's convenience, in order not to give the impression that the creation of camps should be the automatic response. The place is referred to as the "refugee site" or "location", hence "site level" rather than "camp level", and the people at a given site as the "refugee community". "Statute" and "statutory" refer to the Statute of the High Commissioner's Office (General Assembly resolution 428(v) of 14 December 1950).

Comments on the provisional version

8. The handbook has been produced in provisional version in order to seek the comments and suggestions of UNHCR staff and also of a number of organizations and individual reviewers outside UNHCR

who are specially qualified by experience, particularly with regard to Part 2. In this way it is hoped that the first edition will reflect generally accepted standards and procedures for the management of refugee emergencies. Comments and suggestions from all readers of the provisional version will be most welcome. Please see the sheet following the acknowledgements.

Further reading

9. A list of basic sources is given in paragraph 14 and a list of selected further references is given at the end of some chapters. These may be of interest to those with direct responsibility for the delivery of assistance, or for background reading. Accounts of experiences and lessons learnt would be very useful complementary reading. Sources include reports by UNHCR and operational partners held in field offices and at Headquarters, some of the further references listed in Part 2 and "Disasters", the journal of the International Disaster Institute, which often contains articles on refugee emergencies. The Ross Institute of Tropical Hygiene, London School of Hygiene and Tropical Medicine, is preparing a review, with selected annotated references, of publications on refugee health care. This should be available in 1982 and will list publications covering a wide range of considerations beyond immediate health care, almost all based on experience of specific refugee situations.

Acknowledgements

10. Many persons within UNHCR have contributed to the preparation of the handbook, but special mention should be made of those working for UNHCR in Thailand, where from late 1979 UNHCR gained its first major experience of direct operational responsibility in a refugee emergency. To draw on this experience, Everett Ressler, Regional Representative, Redd Barna (Norwegian Save the Children), acted as a consultant and collected and collated the suggestions of both UNHCR staff and those working in association with UNHCR

in Thailand. He himself also assisted in the preparation or review of drafts of chapters in Parts 1 and 2.

11. Outside assistance and advice was particularly valuable in the preparation of Part 2. Ian Davis, Leader, Disaster and Human Settlements Group, Oxford Polytechnic, reviewed chapter 21 in draft. Stephanie Simmonds, Community Health Adviser, Ross Institute of Tropical Hygiene, London, helped prepare chapter 22. Sue Peel, Nutrition Adviser of the League of Red Cross Societies, Geneva, helped prepare chapter 23 and made many valuable suggestions on drafts of other chapters. Dr. Tim Lusty, Medical Adviser, Oxfam, reviewed drafts of chapters 22-25. Jim Howard, Technical Officer, Oxfam, also reviewed drafts of chapters 24 and 25, and Richard Feacham, Senior Lecturer in Tropical Public Health Engineering, Ross Institute, provided advice on these chapters, parts of which draw on Ross Bulletins 10 and 8. The International Committee of the Red Cross, and in particular their Central Tracing Agency, assisted in preparing parts of chapter 26. The ICRC also helped prepare part of chapter 2. The Crown Agents (UK) and a number of individuals from other organizations, including persons working with UNHCR in Somalia, reviewed early drafts of chapter 27.

12. The assistance of staff of UNHCR, UNICEF - in particular with the development of the standard specifications in annex 1 to chapter 27 - WFP and WHO, especially Dr. S.W.A. Gunn, Responsible Officer, Emergency Relief Operations, is gratefully acknowledged, as is that received from the League of Red Cross Societies.

13. An important influence on the preparation of the handbook was a consultancy undertaken in 1980 for UNHCR by Frederick Cuny of Intertect. Several reports and studies were prepared for UNHCR by Intertect in the course of this consultancy. Of them, "Emergency Preparedness and Response: Issues in Field Operations" deserves special mention.

14. The most important sources for Part 2 were:

Field Directors' Handbook
Oxfam (1980)

A Guide to Emergency Health
Management after Natural Disaster
Pan American Health
Organization/WHO (1980)
PAHO Washington

A Guide to Food and Health Relief
Operations for Disasters
Protein-Calorie Advisory
Group of the United
Nations system (1977)
UN New York

The Management of Nutritional
Emergencies in Large Populations
de Ville de Goyet C.,
Seaman J., Geijer U.
(1978)
WHO Geneva

15. Two other sources should be acknowledged: the report on a survey of UNHCR-supported Indochinese refugee camps in Thailand, Malaysia and Indonesia in late 1979 prepared for UNHCR by Mm/Ms Barnes, Byrne, Cremin, Finucane, Meagher and Orpen of the UNHCR/CONCERN multi-disciplinary team, and the first draft of guidelines for the health care of refugees being prepared by the Ross Institute of Tropical Hygiene, in collaboration with WHO and UNHCR, for publication in 1982. (The review referred to at the end of paragraph 9 is intended to complement these guidelines).

16. Responsibility for errors in the handbook rests with UNHCR. It is greatly hoped that the preparation of this provisional version will allow errors to be corrected and omissions rectified in the first edition.

Comments and Questionnaire on the Provisional Version

General

Comments and suggestions from all readers would be most welcome. Where these are minor, an annotated copy of the page would be helpful. Where there are errors of fact that are not self-evident, or differences of opinion, the authority or experience on which the observations are based would also be helpful, as would proposed texts to remedy omissions.

Questionnaire

We should be grateful if you would also answer the following questions, continuing overleaf or on separate sheets as necessary:

1. Which chapters have you read? All/(please specify)
2. Bearing in mind the aim, do you think the level of information provided in
 - (a) Part 1 is appropriate/too detailed/not detailed enough
Specific comments
 - (b) Part 2 is appropriate/too detailed/not detailed enough
Specific comments
3.
 - (a) Do you find the presentation of the text clear?¹/
 - (b) Are the summaries at the start of chapters and sections in Part 2 useful?
 - (c) Would you like similar summaries for Part 1 where possible?
 - (d) Would you like more diagrams? (Please specify where)
4. Do you find the layout of handbook (dividers, annexes, index, etc.) easy to use; can you locate the information quickly?
5. Would you prefer a physically smaller handbook? (This might be achieved through using the UNHCR directory A5 size with smaller print or perhaps by preparing Part 2 and some less UNHCR-specific chapters of Part 1 in separate small bound booklet form; the handbook would then become two smaller volumes.)

Please forward your comments, suggestions and the completed questionnaire to arrive not later than 31 March 1982 at:

The Emergency Unit
UNHCR
Palais des Nations
CH 1211 Geneva 10

Name(s) Address
Date

THANK YOU VERY MUCH FOR YOUR HELP

¹/ The provisional version was printed in offset direct from masters prepared on the UNHCR word processor.

PART 1: Organisation of Response

1 Aim and principles

2 Protection

3 Emergency action plans

4 Needs assessment and immediate response

5 Implementing arrangements and personnel

6 Field-level management

7 Programme formulation and project control

8 Administration

9 External relations

10 Communications

Aim and principles



Aim and principles

List of Contents

<u>Section</u>	<u>Paragraph</u>	<u>Contents</u>	<u>Page</u>
1.1	1-5	<u>Definition and Aim</u>	2
1.2		<u>Responsibilities</u>	2
	1-2	The government and UNHCR	2
	3-4	UN organizations	2
	5	Other organizations	3
	6-7	Rights and responsibilities of the refugees	3
1.3		<u>Principles of Response</u>	3
	2	Priorities	3
	3-6	Appropriateness	3
	7-11	Involvement of refugees	4
	12-13	Durable solutions	4
	14-15	Monitoring effectiveness	5

Aim and principles

1.1 Definition and aim

1. The majority of UNHCR's programmes begin as a result of what would generally be considered an emergency: a sudden influx of refugees. The organization and procedures of UNHCR reflect this; much of UNHCR's normal work is in effect an emergency response. There are, however, situations that are clearly exceptional. This handbook addresses the needs of such situations.

2. The distinction is one of degree: a theoretical definition for the purposes of this handbook might be that a refugee emergency is any situation in which the life or well-being of persons of concern to UNHCR will become or remain threatened unless immediate and appropriate action is taken, and whose scale and nature demand an extraordinary response and exceptional measures. It should be noted that an emergency can develop in an existing programme.

3. What is important is less a definition than the ability to recognize in time the development of situations in which an extraordinary response will be required of UNHCR in order to safeguard the life and well-being of refugees.

4. Much of the handbook is concerned with guidelines on the material assistance likely to be needed when large numbers of refugees, often of rural origin, cross frontiers to seek asylum. Such emergencies are, of course, not the only situations which demand an extraordinary response of UNHCR. No less swift action and intervention will be required in emergencies that concern protection, for example when events suddenly place in danger refugees who had previously enjoyed asylum in safety. However, action in these emergencies will depend to such a large extent on the specific circumstances that too detailed guidelines would be unlikely to be generally valid.

5. The aim of UNHCR's emergency response is to ensure protection of the refugees and that the necessary assistance reaches them in time.

1.2 Responsibilities

The government and UNHCR

1. The primary responsibility for assistance to refugees rests with governments; UNHCR provides material assistance to refugees at the request of governments. The arrangements whereby assistance is delivered will vary and are discussed in chapter 5. Whatever the organizational manner in which UNHCR provides emergency assistance in response to a government request, UNHCR will be responsible for ensuring that the immediate needs of the refugees are being met in an effective and appropriate manner. The statutory function of providing international protection to refugees and seeking permanent solutions for their problems is always a responsibility of UNHCR.

2. However implementing responsibilities are assigned, where substantial material assistance is required all those involved, within and outside the UN system, multilateral and bilateral, should have clearly defined responsibilities within a single overall programme. Only thus will duplication of effort and gaps be avoided.

UN organizations

3. Responsibility for co-ordinating the response of the UN system to a refugee emergency will normally rest with UNHCR. In certain cases special arrangements may be made by the Secretary-General.

4. The material needs of persons of concern to UNHCR are likely to cover sectors for which other organizations in the UN system have special competence, as, for example, FAO, WFP, WHO and UNICEF in the food, health and water supply sectors. UNHCR will seek assistance and expertise from such organizations and UNDP as appropriate, and the implementing arrangements agreed with the government may give specific responsibilities to other UN organizations.

Other organizations

5. The International Committee of the Red Cross (ICRC), which also has special responsibilities in armed conflicts which embrace refugees, the League of Red Cross Societies (LRCS) and the national Red Cross and Red Crescent societies have long provided assistance to refugees in emergencies. So have a great many non-governmental organizations (NGOs). These organizations often act as UNHCR's operational partners, in which case respective responsibilities would be determined by the implementing arrangements agreed between them, the government and UNHCR. Similar arrangements would set out the responsibilities of any inter-governmental or other governmental organizations involved.

Rights and responsibilities of the refugees

6. Beyond the right to international protection under the Statute of UNHCR and under the 1951 Refugee Convention and 1967 Protocol, if applicable, all persons of concern to UNHCR - as all persons - have certain basic human rights. These are most notably enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights: the fundamental right to life, liberty and security of person; the protection of the law; freedom of thought, conscience and religion; and property. They have the right to freedom of movement, although it is recognized that, particularly in cases of mass influx, security considerations and the rights of the local population may dictate restrictions. Chapter 2, Protection, discusses the rights of refugees in humanitarian law in more detail.

7. Refugees and displaced persons also have, of course, responsibilities towards the country where they have sought refuge. These are set out in Article 2 of the Convention: "Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order."

1.3 Principles of response

1. Whatever the framework of responsibility for a particular refugee emergency, certain principles of response are likely to be valid. Some of these are common themes in the chapters that follow, where they are discussed in more detail.

2. By definition, the needs of a refugee emergency must be given priority over other work of UNHCR. This will be essential if the aim of ensuring protection and timely assistance is to be met. Of particular importance will be the priority given to deploying enough UNHCR staff of the right calibre and experience to the right places and arming them with the authority, funds, material and logistical support needed. Leadership and flexibility are required of UNHCR in an emergency.

The response must be appropriate

3. An appropriate response in the provision of material assistance requires an assessment of the needs of the refugees that takes account not only of their material state and the resources available, but also of their culture and background and that of the nationals in whose country they are granted asylum. What is appropriate will vary with time: in the early stages of a major emergency special measures that rely heavily on outside assistance may be necessary but, as a general principle, the response should draw to the extent possible on local resources, materials and methods, and, for example, avoid military-style refugee camps. Solutions should be sought that can be readily implemented with existing resources and simple technologies.

4. An important responsibility for UNHCR will be to determine with the government and operational partner(s) the standards of assistance that are appropriate. This will require expertise in a number of disciplines. The guidelines in Part 2 suggest general considerations, to be modified in light of the circumstances of each emergency.

As a general principle, the standards of assistance should reflect those enjoyed by the local population, while taking account of the special needs of the refugees as a result of their condition and experiences.

5. If the specific standards have been correctly determined, they cannot later be lowered without risk to the refugees. The refugees must, for example, receive a minimum basic food ration. The outside contribution required to meet the standards will, however, naturally be reduced as the refugees become self-sufficient.

6. A final general principle in considering the appropriateness of the material response is that from the start resources must be devoted to prevention and improvement not just deployed in reaction to needs. For example, resources must be devoted to general public health measures and not just to the individual treatment of diseases, which will include many that could be prevented by better water and sanitation.

Involve the refugees

7. Inherent in the foregoing is the need to involve the refugees in the measures to meet their needs. Obvious as this principle is, the pressures of an emergency often make it easier to organize a programme from the outside, for rather than with those whom it is to benefit.

8. There are three levels to this involvement. The first is in the overall planning and organization, for example, the determination of what is the best and most culturally appropriate solution to a problem given the constraints of the situation, or the organization of the distribution of assistance. This level requires the refugees to have a social organization within the community that is properly representative. As the previous structures may have been severely disrupted, this may take time to develop but will be important to the success of the emergency operation and the future of the refugees. Meanwhile, urgent action to meet evident needs must of course be taken without delay.

9. The second level of involvement of the refugees is in the practical use of their skills and resources wherever possible for the implementation of the programme. Where suitably qualified refugees exist, for example doctors, nurses, teachers and traditional practitioners, they must obviously be used. Where they do not, outside assistance should ensure that refugees are trained to take over from those who are temporarily filling the gap. The appropriateness of this response is evident: the refugees themselves should run their own community services to the extent possible.

10. The third level is the education of the community on life in their new situation, which may perforce be markedly different from their previous experience. Public health education is an example: such matters as the importance of hygiene in crowded conditions, mother and child care and the use of unfamiliar latrines. As another example, if unfamiliar foods or preparation methods have to be used, immediate practical instruction will be essential. Education and guidance of this sort is itself best given by the refugees, with outside assistance.

11. If the emergency operation involves the refugees in this way from the start its effectiveness will be greatly enhanced. Furthermore, such an approach will allow the refugees to maintain their sense of dignity and purpose, encourage self reliance and help to avoid dependency.

Work for durable solutions

12. When an emergency occurs, actions taken at the very outset can have important longer-term consequences. To secure protection may be of crucial importance: intervention may be necessary to save lives, and a clear and consistent policy from the beginning will have an important long-term effect. Similarly, the immediate response of the international community to a major influx of refugees must take account of the ultimate aim of promoting a durable solution to the problem. This requires that the response both encourages the self-sufficiency of the

refugees and avoids prolonged dependency on outside relief, and that at the least it does nothing to foreclose the promotion of a long-term solution as soon as possible.

13. As a general principle, the best solution is always voluntary repatriation. Where this is not possible, assimilation within the country of asylum (local settlement) is in most circumstances preferable to assimilation within another country (resettlement), and generally particularly so for large influxes and where resettlement otherwise would take place in a cultural environment that is alien to the refugees. It is evident that resettlement is a solution that in some circumstances may effectively foreclose the possibility of voluntary repatriation.

Monitor the effectiveness of the response

14. Whatever the nature of the emergency, the action needed of UNHCR is likely to vary with time and as circumstances change. It is essential that the effectiveness of the response

is kept constantly under review and action adjusted as necessary and in time. This will require sound monitoring and reporting systems, to detect deteriorations or changes, and also a continuous review of the aims of UNHCR's assistance, both in terms of bringing the emergency to an early end and for the promotion of a durable solution, as already discussed.

15. Such monitoring must also ensure that the funds provided voluntarily to UNHCR by governments, NGOs and private individuals are being used to best advantage. This is inherent in the principle of appropriate response. It should be borne in mind that whatever funds may be available in the early stages of an acute humanitarian emergency, the passage of time will produce financial constraints. Thus it is important that potential donors can see that the action proposed is indeed essential.

Protection



Protection

List of Contents

<u>Section</u>	<u>Paragraph</u>	<u>Contents</u>	<u>Page</u>
2.1	1-4	<u>Introduction</u>	2
2.2	1-10	<u>Meaning and Basis of International Protection</u> (including the international instruments)	2
2.3	1-10	<u>The Geneva Conventions and Protocols and the ICRC</u>	5
2.4		<u>Immediate Action in an Emergency</u>	7
	1-4	General principles	7
	5-21	Courses of action	8
2.5	1-8	<u>Emergencies as a Result of Changes in Government Policy</u>	10
2.6		<u>Occupation of UN Premises by Refugees</u>	11
	1-3	General	11
	4-12	Guidelines	12

Protection

2.1 Introduction

1. This chapter contains guidance on action, particularly in the field, to secure protection in an emergency. Familiarity with the key international instruments covering the protection of refugees is, of course, necessary, and the Collection of International Instruments Concerning Refugees (UNHCR, Geneva 1979) and the Handbook for Determining Refugee Status (UNHCR, Geneva 1979) are essential complementary reading.

2. An emergency requiring protection action is likely to arise as a result of either a new influx or a sudden change in the situation of refugees already granted asylum, for example as a result of a change of government policy. The guidelines are primarily focused on emergencies in the former category. Though emergencies in the latter category can pose very acute protection problems, the action required will be very largely dependent on the circumstances.

3. In any emergency, speed of intervention to secure protection where necessary is the first priority. The most effective means of securing protection is a UNHCR presence where the refugees are.

4. It should be borne in mind that action taken at the outset in an emergency may have significant long-term consequences, both for continued protection, including perhaps for other groups of refugees within the country, and for the promotion of durable solutions.

2.2 Meaning and basis of international protection

1. UNHCR's fundamental task is to provide international protection to refugees and displaced persons outside their country of origin and to seek permanent solutions for their problems. The need for international protection arises from the fact that refugees, unlike ordinary aliens, no longer have the protection of their former home

country. The reasons for this are evident from the definition of a refugee contained in UNHCR's Statute as a person who is outside his country of origin and who, due to well-founded fear of persecution, is unable or unwilling to avail himself of that country's protection. Persons who meet this definition are refugees irrespective of whether or not they have been formally recognized as refugees by a national authority or UNHCR.

2. The aim of international protection is to ensure treatment of refugees in accordance with internationally accepted basic standards, and especially respect of the principle of non-refoulement according to which refugees may not be forcibly returned to a country where they have reason to fear persecution. This principle figures in paragraph 1 of Article 33 of the 1951 United Nations Convention, to which acceding States may not make a reservation: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." (Paragraph 2 of Article 33 provides for very limited exceptions for refugees reasonably regarded as a danger to the security or community of the country where they are.)

3. The principle of non-refoulement has also found expression in various other international instruments adopted on the universal or regional levels, notably the United Nations Declaration on Territorial Asylum, the Final Act of the United Nations Conference on the Status of Stateless Persons, the OAU Refugee Convention, and the American Convention on Human Rights. For example: "No person (entitled to invoke article 14 of the Universal Declaration of Human Rights) shall be subjected to measures such as rejection at the frontier or, if he has already entered the territory in which he seeks asylum, expulsion or compulsory return to any State where he may be subjected to

persecution." U.N. Declaration on Territorial Asylum, adopted by G.A. resolution 2312 (XXII), 1967, Article 3, paragraph 1.

"In no case may an alien be deported or returned to a country, regardless of whether or not it is his country of origin, if in that country his right to life or personal freedom is in danger of being violated because of his race, nationality, religion, social status, or political opinions." American Convention on Human Rights ("Pact of San José, Costa Rica"), 1969, Article 22, paragraph 8.

4. Operative paragraph 2 of General Assembly Resolution 428(V), adopting the Statute, calls on governments to co-operate with UNHCR in the performance of his functions, inter alia by "admitting refugees to their territories". Material assistance pending or linked to permanent solutions cannot, of course, be provided unless compliance with this principle is assured and asylum has been granted.

5. UNHCR's protection responsibilities stem from the Statute of the Office and do not depend on whether or not a particular country of first asylum is a party to the 1951 United Nations Convention and/or the 1967 Protocol or to a relevant regional instrument such as the OAU Refugee Convention. In countries that are parties to such instruments UNHCR's protection function is naturally facilitated. Article 35 of the 1951 United Nations Convention obliges States parties to the Convention to co-operate with UNHCR in the exercise of its functions and in particular to facilitate UNHCR's duty of supervising the application of the Convention's provisions.

6. In various resolutions the General Assembly has widened UNHCR's original competence to act, extending this beyond refugees within the meaning of UNHCR's Statute to:

- (1) displaced persons, in the sense of persons outside their country of former habitual residence who may not necessarily

qualify as refugees within the terms of the Statute but who are nevertheless in refugee-like situations;

- (2) former refugees and displaced persons repatriated to their country of origin; and

- (3) in specific cases (subject to a request by the Secretary-General or the General Assembly), persons displaced as a result of man-made disasters within the territorial limits of their country of origin.

This extension of UNHCR's competence means that the Office also has protection responsibilities with respect to displaced persons as described in (1). Persons described in (2) and (3) fall outside the terms of the Statute, the 1951 United Nations Convention and the 1967 Protocol. In providing assistance to persons in these categories, UNHCR nevertheless acts in the spirit of the Statute and has a responsibility to ensure that fundamental and internationally recognized humanitarian standards are adhered to, including as a minimum the provisions of the Universal Declaration of Human Rights.

7. Instruments for the benefit of refugees have also been established on the regional level. These instruments have important implications for UNHCR's protection function. A notable example is the OAU Convention, under which the term "refugee" is defined in Article 1 not only as in the 1951 Convention, 1967 Protocol and the Statute of the Office but, more broadly, as applying

"to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality."

In this particular case the wider definition of the term "refugee" is broadly consistent with the term "displaced person" as used in paragraph 6 and has the same implication for UNHCR's protection responsibility. In the case where a regional instrument is more restrictive in its definition of the term "refugee" or in its other provisions than the 1951 Convention, 1967 Protocol or the Statute, UNHCR should of course seek to ensure that the more liberal provisions are applied.

8. The International Covenants on Human Rights, and in particular paragraph 1 of Article 2 of the International Covenant on Civil and Political Rights, may also be relevant when seeking to extend international protection on behalf of refugees:

"Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

9. When a refugee emergency occurs in a country not party to the international refugee instruments, UNHCR must rely on the Statute. The 1951 Convention and 1967 Protocol may nevertheless be brought to the attention of the government, for they define standards of treatment which are internationally recognized, as evidenced by the large numbers of Contracting States.

10. In all circumstances, the Charter by which the United Nations was established in 1945 and the Universal Declaration of Human Rights adopted by the General Assembly in 1948 place certain general obligations on Member States of the United Nations of particular relevance to UNHCR's international protection function. The Charter and Universal Declaration are the two best known and least challenged of the expressions of humanitarian

principle that may be invoked by UNHCR in the discharge of its responsibilities under the Statute. For example (emphasis added):

(1) Charter of the United Nations

Preamble

"We the peoples of the United Nations determined ... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person ... and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained ..."

Purposes and Principles, Article 1

"The Purposes of the United Nations are:

1. ... to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;"

"3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all ..."

International Economic and Social Co-operation, Article 55

"... the United Nations shall promote: ...

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

Article 56

"All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55."

Statute of the International Court of Justice

Article 38

"1. The Court ... shall apply:

- a. international conventions, whether general or particular...;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognised by civilized nations; ..."

(2) Universal Declaration of Human Rights

"Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration ..."

"Article 13 (2)

Everyone has the right to leave any country, including his own, and to return to his country."

"Article 14 (1)

Everyone has the right to seek and to enjoy in other countries asylum from persecution."

2.3 The Geneva Conventions and Protocols and the International Committee of the Red Cross (ICRC)

1. Protection of refugees is also an important preoccupation of international humanitarian law applicable in armed

conflicts. The ICRC, as a promoter of international humanitarian law, plays an important role in reinforcing the international protection of refugees and displaced persons, particularly in situations of armed conflict. In addition to the functions of supervision entrusted to the Protecting Powers by the four Geneva Conventions of August 1949 and their additional Protocols of 1977, the ICRC is also entitled to visit and assist all the persons protected by the Conventions. It may even assume the humanitarian tasks imparted to the Protecting Powers by the Conventions whenever no such Powers could be designated.

2. Refugees and displaced persons are protected persons under the Fourth Geneva Convention when they "find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals". This Convention further provides for the reunion of dispersed families, for the supervision of all places where protected persons are, and for general humanitarian activities.

3. Article 44 of the Fourth Convention provides:

"In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality de jure of an enemy State, refugees who do not in fact enjoy the protection of any government." (emphasis added)

This article stipulates that the position of an enemy alien must not be considered solely in light of his legal nationality, and it invites belligerents to take into consideration a whole set of circumstances.

4. Article 70 of the Fourth Geneva Convention, dealing with offences committed before occupation, also provides:

"Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions

expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

"Nationals of the Occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace." (emphasis added)

The second paragraph of this article refers to persons who fled from their home country before the outbreak of hostilities and found refuge or asylum in the occupied country; they rank as refugees, which distinguishes them from other subjects of the occupying power who are in occupied territory and to whom this clause does not apply. Article 44 deals with the relationships between the refugees and the authorities of the country of asylum while Article 70 governs their position vis-à-vis their own country of origin when it becomes the occupying power.

5. The above-cited provisions were further strengthened by Article 73 of Protocol I additional to the Geneva Conventions and relating to the protection of victims of international armed conflicts, which states:

"Persons who, before the beginning of hostilities, were considered as stateless persons or refugees under the relevant international instruments accepted by the Parties concerned or under the national legislation of the State of refuge or State of residence shall be protected persons within the meaning of Parts I and III of the Fourth Convention, in all circumstances and without any adverse distinction." (emphasis added)

6. Concerning the reunification of dispersed families, Article 26 of the Fourth Geneva Convention provides:

"Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organizations engaged on this task provided they are acceptable to it and conform to its security regulations." (emphasis added)

This Article is concerned with the re-establishment of family ties and therefore applies solely to members of dispersed families. The parties to the conflict not only must allow members of dispersed families to make enquiries, they must facilitate such enquiries. The main aim of this article is the safeguarding of family unity and the re-establishment of contacts between members of a family group.

7. Article 74 of the Additional Protocol I, in reaffirming and reinforcing the above, provides:

"The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the reunion of families dispersed as a result of armed conflicts and shall encourage in particular the work of the humanitarian organizations engaged in this task in accordance with the provisions of the Conventions and of this Protocol and in conformity with their respective security regulations." (emphasis added)

8. Concerning the supervision of places where protected persons are, Article 143 of the Fourth Geneva Convention provides:

"Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work."

"They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

"Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

"Such representatives and delegates shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

"The delegates of the International Committee of the Red Cross shall also enjoy the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties."

Owing to the role it plays in armed conflicts, the ICRC can therefore sometimes visit detainees who are of concern to the High Commissioner but to whom UNHCR representatives may have no access. These visits, which can have great humanitarian value, are a direct complement to the action of UNHCR.

9. Concerning general humanitarian activities, Article 10 of the Fourth Convention provides:

"The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief."

The above article allows any initiative or activity that may appear necessary for the benefit of protected persons, even if not explicitly or implicitly foreseen by the Convention. Such right of initiative granted to the ICRC or to any other impartial humanitarian organization is considered as a prerogative of utmost importance by the Red Cross movement.

10. Close working relationships and regular consultations exist between the ICRC, the League of Red Cross Societies and UNHCR in matters of common interest. It should be noted that the services of the ICRC Central Tracing Agency (see chapter 26.4) and ICRC travel documents can be a valuable source of protection for refugees.

2.4 Immediate action in an emergency

General principles

1. The need for immediate action to secure protection will frequently occur before a determination of status is possible. Where those seeking refuge may be of concern to UNHCR, the Statute of the Office calls for action on their behalf. Furthermore, the aim is to secure treatment in accordance with universally recognized humanitarian principles not directly linked to the status of those in need. In short, when in doubt, act. This principle is valid at all levels.

2. There are, however, some groups of persons where caution may need to be exercised: UNHCR is not competent to intervene on behalf of active combatants and persons bearing arms. Protection of such persons may fall within the competence of the ICRC. Attention is also drawn to the exclusion clauses in Chapter II, 7(d) of the Statute and in Article 1, F of the 1951 United Nations Convention relating to persons for whom there are serious reasons to consider that they have been guilty of crimes against peace, war crimes, crimes against humanity, serious non-political crimes outside the country of refuge, or acts contrary to the purposes and principles of the United Nations. It should be noted that the provisions of the Universal Declaration of Human

Rights on asylum from persecution are similarly qualified by the exclusion of such persons. Persons thus excluded do not fall under the High Commissioner's competence. It is, however, unlikely that all those in a major influx would be so excluded, and when protection is clearly an urgent humanitarian need, the benefit of the doubt should be accorded at least until a considered opinion is available. Headquarters must, of course, be informed immediately of action taken and advice sought as necessary.

3. When an influx of persons who may be of concern to UNHCR occurs, the overriding priority is to ensure that at least temporary asylum is granted to them and that their survival, basic needs and well-being are assured pending longer-term arrangements. An on-the-spot presence and quick action are generally crucial to the attainment of UNHCR's objectives, particularly where there is danger of refoulement or abuses of human rights such as arbitrary detention or mistreatment. It should be noted that UNHCR does not, as a principle, favour the granting of merely temporary asylum or refuge, preferring rather to emphasize the need to grant durable asylum. However, this may not be immediately possible, and Representatives and field officers may have to decide whether or not an insistence on durable asylum is in the interests of those who seek refuge.

4. Some possible courses of action for influxes or problems in countries where UNHCR is not represented are given in the Headquarters Action Plan in chapter 3. The measures taken should reflect UNHCR's universally recognized right of initiative in exercising its protection responsibilities as an entirely non-political, humanitarian and social body. As these responsibilities come from the Statute, action by UNHCR is not dependent upon a request by the government concerned.

Courses of action

5. Where UNHCR is already present in the country concerned, the established sources of information and contacts available in the field should be such as

to ensure that UNHCR is quickly aware of a new influx or protection problem. The best source will be UNHCR field officers who are already on the spot or in the area, but the border regions are often remote from the capital and UNHCR may not yet have a local presence. Other sources of information include:

- asylum-seekers themselves
- local or central government authorities
- local or expatriate NGOs
- ICRC, if present
- the international community
- the national (particularly local language) and international media.

6. As immediate, on-the-spot action is often the key to securing protection in emergencies, the first priority is the rapid deployment of staff where necessary. Unless UNHCR is already present locally, a fact-finding mission, with the central authorities if possible, should be arranged without delay and a continuing UNHCR presence should be established in the area concerned for as long as required.

7. Subsequent action will depend on circumstances; some possible steps are discussed below. Circumstances may dictate that a number of these will need to be taken immediately by field officers, but the guidance of the Representative must be sought without delay.

8. Immediate, clear and regular reports of developments, action taken and intended are most important, whether from the field officer to the Representative or the latter to Headquarters. Guidance must be requested as necessary and Headquarters-level interventions recommended as appropriate.

9. Timely and regular information sharing in both directions and clear advice, instructions and support from Headquarters will be vital. Delays may undermine the initiatives on which the fate of those seeking refuge may depend.

10. Once UNHCR is on the spot, and provided it appears that those in need of protection may be of concern to

UNHCR, which in many cases is not difficult to establish on a provisional basis, the most senior local official directly responsible should be approached and requested to allow (at least temporary) asylum. At the same time, every effort should be made to ensure that basic needs are met. NGOs may be able to advise on the local infrastructure and decision-making process, and influential local personalities, such as church or community leaders, may be helpful.

11. The basis for UNHCR's concern should be explained in as practical terms as possible. Local officials may not know of UNHCR's mandate, nor of the assistance which UNHCR may already be giving elsewhere in the country. The approach should stress that the work of the High Commissioner is of an entirely non-political character and is strictly humanitarian and social. Where possible, this, and subsequent significant approaches, should be confirmed in writing. When in doubt, copies should be given to other senior local officials. Details of démarches and any texts should be immediately shared with the main UNHCR office.

12. Two factors may be particularly important to success at the local level: first, keeping the local authorities informed of démarches UNHCR has made or intends to make in the capital and second, an early indication that UNHCR's intervention may result in material assistance, in other words that the granting of asylum and meeting of immediate needs will not be a charge on the local budget. Representatives and, through them, field officers must thus receive early guidance on the extent to which commitments on material assistance may be given. If the influx consists of additional asylum-seekers clearly belonging to a group already assisted by UNHCR, a firm assurance of material assistance within the means available can probably be given. While the link between such assistance and protection responsibilities is self-evident to UNHCR, it should be borne in mind that the connection is not necessarily so clear to the local or central authorities.

13. In certain circumstances tensions in relations between neighbouring countries may make it necessary to stress even at the local level that the granting of asylum is a purely humanitarian and therefore not a hostile act, and that UNHCR's presence and involvement may help reduce tension. The refugees should be located away from the borders of the country of origin so as to avoid security problems.

14. As a general rule, a written démarche should be made as soon as possible to the central authorities at the highest appropriate level. This level, and the form of the démarche, will be determined by the nature of UNHCR's presence in the country. Where UNHCR already has a presence, the Representative will know who is the responsible official and may decide to approach that official directly, while a démarche by a newly-arrived mission would normally be addressed to the minister of foreign affairs (or perhaps interior; the advice of UNDP and/or embassies should be sought). The communication might:

- ☐ refer to the information available to UNHCR on the influx or problem (qualifying it as necessary: the government will often know more than UNHCR);
- ☐ state UNHCR's view that persons are or may (as applicable) be of concern to the High Commissioner;
- ☐ refer to the government's protection responsibilities;
- ☐ request (confirm understanding, express gratitude for, etc.) assurances that persons will be granted (at least temporary) asylum (if appropriate: pending determination of status and longer-term arrangements);
- ☐ offer, where persons are found to be of concern to UNHCR, commitment in

principle to provide material assistance (for example, "every effort" formula).

15. The text of Representative-level démarches should be communicated to Headquarters at once both for information and in order that they may be shared with the permanent mission and/or referred to in any subsequent Headquarters-level démarches, whose texts/details should of course likewise be shared at once with the field.

16. Representatives should immediately recommend action at the Headquarters level if they are in doubt that their interventions alone will secure protection.

17. Further action at the local level should, while closely monitoring developments affecting protection, concentrate to the extent possible on assisting the authorities to meet the practical problems of the influx. New oral and written démarches should of course be made as necessary if there are any grounds for concern that protection is still not adequately assured (refoulement, abduction, arbitrary detention, mistreatment, abuse of women/children etc.).

18. Visits by local and international media and the diplomatic corps may help achieve a broader appreciation of UNHCR's protection function. However, experience suggests that field officers should try to limit themselves to a factual briefing and general statement of UNHCR's principles, and refer such visitors to the Representative for an explanation of UNHCR policy and intentions in the specific situation. The impact of such visits is in any case more likely to be felt centrally than locally.

19. Further action at the Representative level should complement that of the field officer, in the wider framework of action to set up the necessary emergency operation. However, particular attention should be paid to briefing other UN organizations and the diplomatic community, especially those interested governments whose influence

may be able to facilitate protection (for example, by an early indication of support for UNHCR and/or of intent to contribute financially to the UNHCR programme).

20. Action in respect of the media will depend very much on the circumstances and whether or not publicity would help protect the refugees, and should be closely co-ordinated with Headquarters. Where UNHCR is already represented, previously-established good contacts with the locally-based (and especially local-language) media may prove a valuable source of information and perhaps useful in advancing understanding of UNHCR's role. Where UNHCR was not previously present, key representatives of the media should at least be aware that UNHCR has established a presence. Chapter 9.4 gives general guidance on the media.

21. Once immediate protection is secured, arrangements must be made to monitor the situation and ensure continuing respect of the rights of the refugees. Any temporary or ad hoc agreements with the authorities should be formalized, as for example covering the local UNHCR presence. Reference should be made to protection and durable solutions in any formal exchanges governing the provision of material assistance. As soon as possible, appropriate measures must be taken for tracing and family reunion (see chapter 26).

2.5 Emergencies as a result of changes in government policy

1. A special type of protection emergency can occur as the result of a sudden change, for whatever reason, in government policy towards persons of concern to UNHCR already on its territory. Those affected may include both persons known to UNHCR and recognized as refugees, and others who have hitherto neither formally requested asylum nor made themselves known to UNHCR, but who may nevertheless fall within the High Commissioner's competence.

2. The action to take in protection emergencies of this type will vary greatly in each case and only very general guidance can be given. Accurate information, a UNHCR presence where it is needed and a clear and consistent policy in defence of the rights of the refugees will always be required. The guidelines that follow must be modified as necessary in light of the actual situation. Some of the considerations discussed in the previous section may also be relevant.

3. The Representative should immediately try to identify and if possible establish a list of persons who are, or may be, of concern to UNHCR. Such information should already be available for those known to UNHCR directly or through existing operational partners. Sources of information on "new" cases, that is, those who may now be at risk but were not previously known to the field office, include the diplomatic community (some persons may approach or even seek asylum in embassies), the ICRC, the national Red Cross society, churches and NGOs. Early identification and if possible registration of these new cases by UNHCR can often be a very important source of protection.

4. UNHCR must maintain (or in the case of a new régime establish) close and continuing co-operation with the authorities. UNHCR's strictly humanitarian and non-political role and objectives must be stressed. If the country has acceded to the international instruments, these obligations of course remain binding, whatever new policies may be adopted. The provisions of the relevant instruments should be invoked as necessary. If the country is not a party to any of the refugee instruments, the Statute and universal instruments must be invoked, as discussed in 2.2.

5. At the same time, Headquarters must be kept fully and continuously informed, and advice sought. UNHCR has considerable experience of this type of emergency. Headquarters-level démarches should be recommended and staff reinforcements requested as necessary.

6. The government is, of course, responsible for the physical security of the refugees. Every effort must be made to encourage the government to protect the refugees, particularly during any initial period of civil tension. The immediate aim is that refugees should be able to remain in safety in their present country of asylum. Respect of the principle of non-refoulement is of paramount importance.

7. There may be circumstances in which movement of the refugees to another country is necessary as a last resort. Such moves are quite different from large-scale resettlement as a durable solution. They may be necessary either as a result of a direct request from the government or where no other way of protecting the refugees exists. Immediate approaches to potential countries of asylum must be made at both local embassy and Headquarters levels. Receipt of resettlement offers may have an important influence on the government's attitude towards the refugees. Operational partners must be identified. In addition to locally-based NGOs, the assistance of the ICRC may be sought, *inter alia* with travel documents, as may the assistance of the Inter-governmental Committee for Migration (ICM).

8. In extreme situations, when civil tension is high and the refugees' lives are threatened, it may be necessary to establish some form of "safe haven" for the refugees, where they can be gathered and protected, often pending departure for a third country. Any such haven should be under the government's direct control if possible or, failing that, under the control of UNHCR/an operational partner. Refugees may also obtain asylum in embassies, whose countries would then have principal responsibility for their physical protection. In such cases, these countries may request UNHCR's assistance in securing a durable solution.

2.6 Occupation of UN premises by refugees

General

1. A particular type of emergency situation may occur if refugees occupy UN offices or refuse to leave them. The

action to be taken will depend to a very great extent on the specific circumstances, but certain general guidance drawn from past experience may be helpful. Several distinctions may be made. The first is between occupations by nationals and those by refugees. For the former, there is a common UN policy. The official designated by the Secretary-General for security should be consulted at once (see 8.8) and special instructions may be given by Headquarters. Occupations by nationals are not discussed in this section; the guidance that follows is for an occupation by refugees. If the persons are asylum seekers whose status has not yet been determined, such a determination should be made at once, at least prima facie.

2. The second distinction is between occupations to obtain a specific benefit and those where the persons are seeking refuge and security. Both motives may be present. An occupation for refuge can raise delicate political and complex legal considerations, and special instructions will be given by Headquarters. The final distinction is between occupations by force and those that are peaceful. This will markedly influence the handling of the occupation. This section is primarily concerned with peaceful occupations, as action in the event of an occupation by force, particularly by armed refugees, can only be decided in light of the specific circumstances.

3. All field office staff should be briefed on the action to take in the event of an occupation. In certain circumstances, specific contingency plans can be drawn up, for example when a group of refugees is threatening an occupation. It must be stressed that the guidelines that follow are general and that action has to be determined in light of the specific circumstances and on the advice of Headquarters.

Guidelines

4. As soon as an occupation occurs, the host government and Headquarters must be informed. Special arrangements may be needed if UNHCR's own telephones and telex are not available. Full

details of the events and possible causes should be conveyed to Headquarters, together with the Representative's intentions or proposals. Delicate policy issues may be involved and Headquarters' advice must be sought at once. A mission by Headquarters or field staff with experience of such situations may be required. At least initially, daily situation reports to Headquarters are recommended. At the same time, the official designated by the Secretary-General for security at the duty station must be kept fully informed, though responsibility for handling an occupation of UNHCR premises by refugees rests with UNHCR.

5. The causes of the occupation will be the key to its resolution. UNHCR offices have most often been occupied by refugees in what they see as the last resort in order to draw attention to their predicament (lack of personal security, no prospect of early resettlement, problems in local settlement, etc.). It is important to realize that the refugees may therefore have acted out of despair. If their act is indeed the result of desperation rather than calculation, great care should be exercised before adopting hardline tactics to force the issue, as these may not be understood and can trigger off violence. Experience suggests that successful solutions require great patience.

6. The overriding consideration must be the personal safety of all concerned. The immediate aim should be to reduce the inevitable high initial tensions, both among the refugees and perhaps with the authorities, and to open a constructive dialogue with the refugees. The ultimate aim is a satisfactory resolution not reached under duress and which does not set a precedent that may encourage other occupations.

7. The Representative should establish immediate contact with the refugees. This should help lower initial tension, as the refugees' primary aim is generally to put their case to a valid interlocutor, often in reaction against their normal

counterpart (UNHCR's operational partner). In certain circumstances there may, however, be a case for a lower level of initial contact.

8. Keep the dialogue open continuously, with as limited a number of UNHCR and refugee interlocutors as possible, in order to build trust and confidence and reduce the risk of misunderstandings. The refugees should be encouraged to use only one or two spokesmen, otherwise demands may be made that are in themselves irreconcilable.

9. If at all possible, avoid the use of force or outside intervention to end the occupation. The Representative must make every effort to allay the mutual concerns of the refugees and the authorities and secure time for a peaceful resolution. The latter may be anxious to intervene swiftly but, given the inviolability of UN premises, they may not do so without the agreement of UNHCR.

10. Large-scale media coverage is likely to be counter-productive. Any advantages that may be seen by the refugees in publicity are more than offset by the embarrassment caused to the authorities and possible public pressure for a hard line. The media are, however, almost certain to learn of the occupation before long. There may, therefore, be a case for UNHCR, in consultation with the government, briefing them first. This might avoid sensational and ill-informed coverage and perhaps even secure a day or two's grace before the story breaks. It is recommended that a single UNHCR spokesman handles all media questions about the occupation and that replies

are limited where possible to established facts rather than policy considerations. The position taken must be closely co-ordinated between the field office and Headquarters; there may be considerable media interest in Geneva (see chapter 9.4).

11. Slowness or lack of resettlement is sometimes an issue. It may be necessary to establish immediate contact with the diplomatic or consular representatives of potential resettlement countries in order to initiate or speed up the process. Whatever the issue, make it clear to the refugees that a resolution must be linked to satisfactory solutions for any other refugees facing similar problems but who did not resort to an occupation. An immediate evacuation of the UNHCR premises should, if possible, be a precondition of any resettlement or other guarantees.

12. An occupation may be combined with a hunger strike. Every effort should be made to discourage the refugees from endangering their lives and to convince them that such action is likely to be counterproductive. Medical advice must be sought from a United Nations Examining Physician. The Representative should, however, decide in the light of the situation whether the immediate granting of requests for food, blankets, clothing, etc. at the start of the occupation would or would not contribute to an early resolution.