# Summary of conclusions and recommendations

## 1. Introduction

This report has been prepared by an independent team of experts commissioned by UNHCR to evaluate the agency's preparedness and response to the 1999 Kosovo refugee emergency.(1) The emergency developed in the wake of NATO air strikes against the Federal Republic of Yugoslavia (FRY), and ended 11 weeks later when a framework for peace was established in mid-June and repatriation started. While focusing on UNHCR, the evaluation team was also asked to "consider the role and impact of other actors involved in the crisis, to the extent and insofar as they affected UNHCR's operations". The evaluation uses a historical–analytical method to reconstruct and analyse the relevant events. While the team has jointly formulated the conclusions, the main report is structured as a collection of expert papers written by individual authors.

The report is divided into the following chapters:

Context (nature of the emergency and international response)
Preparedness (early warning and contingency planning)
"Day One" (initial response and emergency management)
Management (field and HQ, emergency staffing, logistics, financial constraints)
Assistance and co-ordination (co-ordination mechanisms, provision of material assistance, registration)
Protection (securing first asylum, humanitarian evacuation and transfer programmes, registration, security)
Relations with the military

The report assesses UNHCR's response in relation to three criteria:

the overall outcome: did the refugees obtain appropriate protection and assistance?
agency criteria: did UNHCR meet its own standards for providing protection and assistance during an emergency?
situation-specific demands: were UNHCR standards and responses relevant to the unusual characteristics of the Kosovo case?

The evaluation takes the extraordinary nature of the Kosovo emergency as its starting point. In physical terms, the refugee movement was unusually large and swift – half a million people arrived in neighbouring areas in the course of about two weeks, and a few weeks later the total was over 850,000. In political terms, the emergency was an extraordinary event of a type that is rare in contemporary international relations. It involved the national interests of major powers, strong regional organisations, and military action in Europe. NATO, and to some extent the OSCE, shaped policy towards the conflict after a controversial decision to bypass the UN Security Council. In this situation, the displacement issue became an important element in the diplomacy of war. To many governments, the refugees were too important to be left exclusively to UNHCR.

## 2. Main conclusions

The refugees from Kosovo generally received adequate assistance. Indicators of mortality rates were well below the generally accepted threshold for emergencies, and there were no serious epidemics. This was partly due to fortuitous factors – the generally good health of the refugees and the short duration of the emergency – and support from the host families, as well as the massive aid apparatus marshalled to help them.

UNHCR's contribution to this outcome must be judged against its relatively limited role in the overall relief response. The agency's shelter programme funded only 12 per cent of the refugee population housed in some 278 camps and collective centres in Albania (the equivalent figure for The former Yugloslav Republic of Macedonia (2) is unknown but was probably similar); furthermore, nearly two-thirds of the refugees lived with host families outside camps. UNHCR expended about $73 million in Albania and about $50 million in FYR Macedonia between March and the end of the year,(3) presumably most of it during the emergency. (4)

On the protection side, there was a near-disaster at the outset of the emergency, when thousands of refugees were trapped at the Blace crossing point on the border between Kosovo and FYR Macedonia. The immediate cause was the refusal of FYR Macedonia to admit a massive refugee flow unless it had reasonable assurances that other states would help. The result was a "burden-sharing programme" based on the underlying premise that protection is a common responsibility of states. Governments rather than UNHCR took the initiative in these programmes, particularly the USA, which was moved by strategic–political interests as well as humanitarian concerns. UNHCR worked with states to develop and co-ordinate the evacuation and later transfer programmes. The agency made significant efforts to raise protection issues and should be commended for quickly producing guidelines to clarify standards.

Within these parameters, and given the power and specific resources that it did command, the agency performed variably.

Early warning: UNHCR did not anticipate the size and speed of the exodus, nor could it reasonably be expected to have done so. However, preoccupation with IDPs inside Kosovo distracted attention from preparing for the unlikely, but possible, worst-case scenarios of refugee outflows.

Preparedness and initial response: The agency did not fully meet its own standards for providing immediate assistance. The target current at the time of the emergency called for non-food relief items for 250,000 persons to be immediately available, and for field deployment of emergency response teams (ERT) within 72 hours. However, reserve stocks of some key items were low and the decision to dispatch the ERT was not taken soon enough. The reasons were largely due to management factors under the agency's control.

The agency had insufficient high-level staff to address critical diplomatic challenges that arose simultaneously in several places in the initial phase of the emergency.

Emergency management: Staff deployment was generally slow, critical mid-level management for field operations was lacking, and some key field positions were not staffed. Junior or inexperienced staff were at times placed in overly demanding positions. At Headquarters, the unique decision-making structure developed for the former Yugoslavia had responsibility for the Kosovo crisis, but was not well suited to manage a large and complex emergency operation.

Overall co-ordination: Weaknesses in staff deployment reduced the effectiveness of UNHCR's co-ordination role. At the same time, the dominance of bilateralism and the presence of numerous actors made system-wide co-ordination extraordinarily difficult. While not assessing the consequences on the overall effectiveness of the response, the evaluation noted wide variations in standards (particularly in shelter), incomplete coverage (particularly regarding the host family refugees), and a tendency for the relief process to be supply-driven and dominated by a competitive concern for visibility.

Registration: The pressure placed on UNHCR to register the refugees stemmed from concerns that differ from those in normal operations: it focused on family tracing and issues related to denial of nationality that could lead to statelessness, rather than on facilitating the provision of assistance. This led to unrealistic demands from donors.

A basic UNHCR registration was successfully completed in FYR Macedonia but was slow and incomplete in Albania. The shortcomings were partly attributable to management weaknesses, but UNHCR could not reasonably have been expected to complete a full registration in the 11 weeks the emergency lasted, particularly as most refugees were still mobile and widely dispersed in host families.

Security: Some donors appeared to have unreasonable expectations that UNHCR was solely responsible for camp security. Despite accepted refugee norms, host states and donors situated camps too close to the border and the war zone. Security within camps rested on unclear lines of responsibility and was attained through ad hoc arrangements.

Protection: Effective protection depends, in the first instance, on the host states' assuming their international responsibilities. FYR Macedonia's unwillingness to grant unconditional asylum placed UNHCR in a position where it was criticised in relation to two conflicting criteria. Some donors criticised the agency for not being sufficiently sensitive to the destabilisation concerns of FYR

Macedonia, and for putting too much pressure on the government to open the border unconditionally. Some human rights groups criticised the agency for not putting enough pressure on the Skopje government.

The evaluation report recognises that UNHCR was placed in a difficult situation. Faced with contradictory demands, and armed chiefly with the power of international refugee law and creative diplomacy, the agency had limited ability to break the impasse. Recognising that burden-sharing schemes are likely to be rare, the agency emphasised the principle of unconditional first asylum, as repeatedly confirmed by its Executive Committee. On the other hand, the report finds that UNHCR should have given more attention earlier to the probability that this kind of situation would arise and been prepared more creatively to develop policy. Instead, it was left to the donors to unblock the border and set the pace of innovation.

The evaluation assessed the two policy innovations – HEP and HTP.

HEP (humanitarian evacuation programme) transferred refugees out of the region in an operation of unprecedented speed and scale. By alleviating the burden on a vulnerable host state, the operation enabled other refugees to enter FYR Macedonia, thereby enhancing overall protection. On the other hand, the implementation was marred by inconsistency on the part of states and its opportunistic use by refugees. HEP also fundamentally undermined the alternative of transfers in the region (HTP).

HEP is likely to remain rare in view of the limited public support for receiving refugees from more distant regions, and the lack of interest of Western states in promoting such programmes unless they themselves are directly involved in the conflict.

HTP (humanitarian transfers programme) was feasible in that Albania accepted refugees, and UNHCR's leadership as well as key donors encouraged the programme. However, it attracted few refugees and did not contribute significantly to enhance protection during the emergency. Part of the reason was that UNHCR's standards varied from explicit (i.e. fully voluntary) to implicit consent (or absence of reasonable objections). International law is not completely clear on this point.

## 3. Analysis of UNHCR's role

As a result of the intense international interest in the Kosovo refugee crisis, many factors affecting UNHCR's performance were not under its own control. However, the agency was in some respects weaker than it needed to be by not optimally utilising the resources which it did control, or could easily acquire. This applies particularly to management practices and staffing patterns, possibly also to diplomacy in the field during the initial phase. These weaknesses fuelled criticism over agency failures, further encouraging bilateralism and assertive behaviour of other organisations.

The constraints on UNHCR operations were both external and internal.

External factors

> extensive bilateralism
> significant blurring of humanitarian and military–political missions
> powerful role and independent agenda of NATO in the humanitarian sector
> reluctant governmental hosts or partners in the frontline states
> complex institutional rivalries among major actors
> high visibility and saliency of the emergency

Internal factors

> small in-house surge capacity of staff and other resources for emergencies
> inappropriate decision-making structure for the conflict area
> cumbersome decision-making structure for managing the emergency
> limited financial and human resources compared with other actors
> undigested, recent organisational restructuring and previous down-sizing
> underestimation of the special requirements of a high-profile emergency

External constraints are most graphically illustrated by an episode on 31 March, when the aircraft supposed to carry UNHCR's first emergency response team to Albania did not receive flight clearance from NATO due to crowded air space.

For UNHCR, NATO's humanitarian engagement was a mixed blessing. It added significant resources to deal with the emergency, but also inserted competing priorities and, especially in Albania, took a form that blurred the line between military and humanitarian missions. For NATO, as a party to the war, it was important to demonstrate its commitment to alleviate the humanitarian crisis that followed. NATO initiated humanitarian support operations in many ways, including logistics and camp building, and deployed a special NATO force to Albania (AFOR) whose only formal mission was humanitarian.

The unusual concern of states to have a visible field presence through national NGOs or state agencies (military or civilian) was in UNHCR's perspective also a double-edged sword. It brought enormous resources to the emergency, but relatively little of it was channelled through the agency, and consultation with UNHCR varied considerably. Uneven consultation combined with a large number of actors – about 250 NGOs operated in Albania and FYR Macedonia at the peak of the emergency – made co-ordination difficult. Only about 20 per cent of the NGOs were UNHCR implementing partners.

The pronounced bilateralism seems not to have been primarily a response to UNHCR's performance, but rather reflected the independent interests of states involved. The refugee crisis erupted close to western Europe, where the previous wave of Bosnian refugees and recent asylum seekers from Kosovo had made governments weary of receiving more. Fearing that the new exodus would spill over into western Europe, EU members took rapid action to contain the flow within the region. There was large-scale assistance to refugees, aid to Albania and FYR Macedonia, rapid construction of refugee camps in both countries, and an early UK proposal to create a "security zone" on the border between FYR Macedonia and Kosovo.

In theory, these concerns were not incompatible with multilateralism, had funds been channelled through UNHCR and had the agency been properly consulted. In practice, high stakes in the outcome made states inclined towards independent action. Moreover, the high visibility of the emergency in west European countries – accentuated by the refugee trains that recalled the more ignominious parts of west European history – created strong incentives to "show the flag" on the humanitarian front. Charges from critics that NATO air strikes had inadvertently triggered the outflow had the same effect. The competitive logic became so strong that the idea of a "national" refugee camp was discussed even by committed multilateralists such as Norway and Canada.

Bilateralism in terms of funding was most marked in the European Union. The top six EU contributors to the emergency allocated $279 million in public humanitarian assistance to the emergency (excluding military expenditures); of this, UNHCR received only $9.8 million directly, or 3.5 per cent.

As a high visibility event for Western states, the crisis attracted an unusual amount of relief resources (including "luxury camps") and invited special asylum treatment (evacuation to Western states). In part, this represented an acknowledgement by contributing states that their role in the Kosovo conflict entailed a special obligation to assist the refugees. This is quite legitimate in the perspective of political morality. UNHCR, however, is institutionally committed to universal standards of refugee protection and to that extent disinclined to support differential treatment of refugees. The result was that UNHCR and the donors were out of step on some key issues.

The most important difference in perspective concerned the first asylum issue in FYR Macedonia. UNHCR vigorously defended unconditional first asylum, as indeed it might be expected to under the norms enunciated by its Executive Committee. The USA and the UK were more attuned to the destabilisation concerns of FYR Macedonia, and worried that the refugee presence would make the government withdraw its support for NATO's military campaign. This made the USA initiate "burden-sharing" schemes in which onward passage to third countries was offered as an incentive for FYR Macedonia to admit refugees. Other countries, including Canada and the Nordics, pushed for evacuation on general humanitarian grounds. At times, UNHCR was faced with the unusual situation of some donors competing to take in refugees, and was criticised for not adjusting quickly enough to their demands.

UNHCR had problematic relations with the other frontline state as well. Albania provided unconditional asylum, but preferred NATO, governments and OSCE as channels of co-operation. The Kosovo emergency came at a difficult time for UNHCR. The agency was experiencing the cumulative effects of three to four years of steady budget decline, including an unusual 1997–98 reduction in General Programme funding that was read as an austerity warning. It had just been through a round of staff cuts in 1997–98 when it was announced that the 1999 budget would be reduced from $900 million to around $800 million. The reduction was partly a correction to the high budget levels associated with the Bosnia operation in the middle of the decade, but it affected the agency's ability to rapidly mobilize resources for the crisis.

The effects of shrinking margins were most evident in the unwillingness of managers to release staff for the Kosovo operation, leading to delays in staffing. Competition for resources among the regional bureaux of the agency – framed by the recurring question of the equity of the disproportionate use of resources for refugees in Europe as compared with Africa – further sharpened internal negotiations over staff allocations. The organizational restructuring in early 1999 probably reduced rather than enhanced the emergency response capacity of the agency; for one thing, the changes were undigested.

The crisis placed heavy demands on UNHCR's diplomatic skills as well. Yet the agency has a thin leadership structure at the top and the High Commissioner's Special Envoy seemed impossibly overtasked.

The decision-making unit responsible for Kosovo was a unique structure in UNHCR. A post-Dayton, down-sized version of the Yugoslavia operation, it was not anchored in a Bureau and lacked associated management support. The operation reported directly to the High Commissioner through the Special Envoy, yet the High Commissioner was dealing with policy issues far above the din of operations. More generally, it seems that UNHCR responded to the Kosovo refugee crisis as if it were a "normal" emergency. Standard routines for a smaller or slower emergency were followed (although not always attained). Even within the existing framework for emergency preparedness (200,000–250,000 immediate case-load), the response was often too little, or too late. This might not have been noticed in a less visible and less "popular" emergency. By not sufficiently taking into account the extraordinary political nature of this emergency, UNHCR opened itself to criticism – some of it fuelled by mixed motives in a competitive and intensely politicised humanitarian field.

UNHCR seemed to expect that its mandate and traditional lead agency role in refugee crises would automatically assure it a leadership position in co-ordination. The experience in the former Yugoslavia, particularly in Bosnia and Herzegovina, where conditions had favoured this position, possibly reinforced the expectation. The humanitarian sphere in the Kosovo emergency, however, was more intensely competitive and UNHCR's leadership by no means assured.

## 4. Consequences for UNHCR

Much of the criticism of UNHCR's performance during the emergency concerns its assistance and co-ordination functions. This seems ironic insofar as these shortcomings did not have grave consequences for the welfare of the refugees; indeed, they were relatively minor in relation to the overall relief response. There may be more consequences for UNHCR itself. Areas of demonstrated weakness and inability to rapidly meet its own standards of response affected the credibility of the agency. Since the shortcomings occurred in a crisis of high visibility to the Western world, their significance was magnified. The Kosovo emergency became a defining event in terms of who was there (particularly at the early stage) and how they had performed.

The Kosovo case also brought out some fundamental questions of policy facing UNHCR. Since the evaluation is assessing both operations and policy, the broader policy implications arising from the agency's response to the Kosovo emergency case will briefly be examined below.

## 5. Implications for policy

### Assistance

The most obvious issue concerning assistance is the size of the emergency for which UNHCR should prepare. The agency has an in-house dedicated capacity for emergency preparedness and response of

nine persons (in EPRS), reserves of basic relief items supposed to meet the immediate needs of 200,000–250,000 persons, and emergency response teams drawn from a roster of 30 staff members who are recalled from their current postings around the world for redeployment to an emergency. Even if used with utmost efficiency, this in-house capacity would have been totally inadequate in the Kosovo emergency without large-scale external support.

The Kosovo case suggests that UNHCR should not develop an in-house capacity to meet major material assistance requirements for emergencies of this kind.(5) First, massive emergencies are historically rare – while three have occurred in the last decade, in a slightly longer historical perspective they are infrequent and it is unclear if recent occurrences constitute a trend. Second, states and organisations currently command significant standby capacity that can be rapidly mobilised for large emergencies. To build up a parallel capacity in UNHCR would be a sub-optimal use of resources. Third, to attain the needed level would entail a radical expansion of UNHCR's current capacity that seems politically unrealistic.

Rather, UNHCR should prepare for massive emergencies by strengthening its in-house capacity for strategic planning to mobilise external resources. Critical elements include reviewing and developing standby agreements and national service packages with governments and other organisations (civilian as well as military). Strategic planning includes "thinking-outside-the-box" by preparing for the possible occurrence of the rare but catastrophic event.

Plans should take into account assistance that supports the co-ordination function. This means prioritizing shared resources such as warehousing, transport and communications, which provide a bridge between the discrete assistance packages of other actors and facilitate the overall response. The need for such shared services also encourages independent actors to collaborate with and be co-ordinated by UNHCR.

The availability of national responses will always be conditioned by political considerations and hence carry an element of unpredictability, yet they are essential to assist large-scale refugee flows.

The failure of "early warning" in the Kosovo case confirms the historic tendency of such systems to be unreliable or inadequate. Rather than develop its "early warning" capacity, UNHCR should strengthen its mechanisms to react rapidly.

Protection

The pressing protection problems on the Kosovo–FYR Macedonia border raised basic issues of first asylum in relation to the obligations and rights of states. In this case, a solution was developed which permitted the refugees to enter on condition that a certain number would be passed on to third countries, thereby lightening the burden on the first asylum state.

"Burden-sharing" arrangements of this kind are historically rare. Only two clear cases have occurred in the last half-century (after the Second World War and after the Viet Nam War), and of these only the latter was premised on conditional first asylum. The constellation of strategic and political interests that made evacuation programmes possible in this case is unlikely to recur frequently. It is equally self-evident that mass inflows can entail significant costs and risks for first asylum states, as was demonstrated in FYR Macedonia. There was, in this case, legitimate fear that the small, newly established and ethnically fragile state might disintegrate in conflict.

The potential tragedy at the Blace border crossing dramatically juxtaposed the rights of refugees against the interests of state. Resolving such conflicts is the fundamental challenge of a viable protection policy and should motivate burden-sharing initiatives. This is not easy, as the inconclusive discussion on burden-sharing in Europe and elsewhere suggests. Nevertheless, UNHCR has a special responsibility to bring the discourse forward.

The Kosovo case suggests that burden-sharing can be essential for small and vulnerable states that face mass inflows. UNHCR should take the initiative to re-examine the principles and dynamics of burden-sharing for such cases.

Co-ordination

In the present decentralised, international humanitarian regime, co-ordination is an elusive goal. In the Kosovo case it was particularly difficult. Yet UNHCR's co-ordination performance varied significantly over time and place, depending on the willingness of the actors to be co-ordinated, relations with local or national authorities, resources, skills and appropriate deployment of UNHCR staff. This suggests that within the constraints of consensual co-ordination, the shortcomings were not structurally related to the lead agency model, but due to variations in the policy environment or the staff capacity of UNHCR. The case demonstrated, however, that the exact role of the lead agency is poorly defined, leading to variable expectations and interpretations. In a massive emergency, the model demanded an additional, human resource capacity dedicated to co-ordination.

The Kosovo case shows that massive emergencies demand a staff capacity that exceeds the present deployment capability of UNHCR. Surge mechanisms such as secondment from another agency (OCHA) did not function effectively in this case and should be examined more closely.

The absence of significant contractual or funding obligations with other humanitarian actors required UNHCR to co-ordinate by consensus. Funding of course provides a very different measure of control and moves co-ordination from a consensual to an authoritative model. UNHCR typically funds only a small percentage of NGOs in a massive emergency (in this case some 20 per cent of the NGOs in Albania and FYR Macedonia). Yet the case demonstrates that funding is not a necessary precondition for co-ordination. Credible leadership by itself can also have the desired effect. Hence, channelling funds through UNHCR should not be considered an absolute pre-condition for co-ordination.

Relations with the military

If UNHCR is to lead effectively in refugee emergencies, it has to be generally accepted by a wide range of humanitarian actors. UNHCR's relations with the military are critically important in this respect. Although UNHCR's status as a non-political humanitarian agency would seem to preclude close co-operation with a military that is a party to the conflict, in the Kosovo case it was widely accepted as necessary to save lives. Co-operation has been similarly accepted when military forces were involved in UN-authorised peace enforcement operations.

This suggests that contemporary norms validate operational co-operation between UNHCR and a military that is a belligerent party only under two conditions:
> when the military is engaged in a UN enforcement action under the Charter and authorised by the UN, or
> there is no alternative way to avoid substantial suffering and loss of life

Limiting relations with the military has the customary effects of "self-denying ordinances". In particular, it would seem to rule out joint contingency planning, and thereby potential sharing of information. In the Kosovo case, UNHCR declined joint contingency planning and did not receive much useful information regarding population displacement. Of course, it is an open question whether NATO would have generated and/or released information to UNHCR, even if there had been closer working relations.

The expectations gap

The political and refugee challenges of the emergency left UNHCR with a daunting task and limited room to manoeuvre. Its own role, as we have seen, was relatively small in the total picture. Yet, as the UN agency with a statutory responsibility for refugees, it was expected to be in charge. A persistent gap between expectations and reality fuelled criticism that the agency failed to meet objectives. UNHCR has in this respect itself an obligation to clarify limitations related to its tasks and capacities. In the Kosovo case, it did not adequately do so on a number of issues (especially registration and co-ordination).

Institutional priorities

Previous UNHCR evaluations indicate that the agency has performed below the mark in several emergency operations.(6) This suggests the need to focus seriously on the process of institutional

learning. While possibly as elusive as co-ordination, institutional learning has an organisation–specific dynamic that needs to be understood before launching another set of reforms or restructuring.

The repeated weakness of UNHCR's emergency response suggests a common explanation relating to institutional priorities. Possibly, each of the agency's multiple functions require distinct decision-making structures and organisational cultures. If these are not entirely compatible, uneasy compromises ensue that make it more difficult to pursue emergency management than if UNHCR were a single-purpose organisation. In the Kosovo case, this appeared mostly clearly in staff deployment issues. Lacking a substantial dedicated staff for emergencies, FYLU had to engage in time-consuming negotiations to have staff released from other tasks. The same applies to any unit in the agency that is directing an emergency response.

Staff deployment thus touches fundamental issues of institutional priorities. UNHCR's original statutory mandate focused on general issues of refugee protection. The agency was not established primarily to provide relief in emergencies. It is clearly possible to turn UNHCR into a superbly efficient rescue service. If members of the UN General Assembly want to do this, they will get a refugee agency that is quite different from that which they established 50 years ago. In the first instance, it is up to the Executive Committee to assess whether institutional priorities merit a substantial upgrading of UNHCR's emergency capacity.

The Kosovo emergency raised other issues of institutional priorities. In part it concerned standards of assistance and protection. While UNHCR should clearly uphold minimum standards, it is less clear whether it should take on special responsibilities in a high-visibility crisis which are not assumed elsewhere. For instance, should UNHCR undertake active protection monitoring of European refugees with host families – a demand that was raised in Albania and FYR Macedonia – something which the agency does not normally do for "urban refugees" outside Europe?

More generally, the question becomes: how much attention and resources should be given to an emergency of particular interest to the major donors? UNHCR's universal mandate, as well as considerations of equity, may seem to suggest that the organisation should not pay disproportionately high attention to the high-profile cases – or even, on the contrary, that it should pay disproportionately low attention to them, since they will attract major resources anyway. A different lesson, however, emerges from the Kosovo case: in order to protect its universal mission, UNHCR must be heavily engaged in high-visibility crises. If not, it will pay a political price that may jeopardise its future capacity to respond.


## 6. Recommendations for operations

Implications and some recommendations related to policy have been discussed above. This section includes more specific recommendations that concern operations. More detailed and comprehensive recommendations are found at the end of the relevant chapters of the main report.

The mechanisms required to operationalise the recommendations rest with UNHCR. The agency has already started to reform its emergency management in ways that harmonise with this report.(7)

Security

Lack of clarity over primary responsibility and undeveloped strategies resulted in ad hoc and inadequate measures to provide for the physical security of the refugees.
· UNHCR should clarify its responsibility for providing physical security of refugees. This should be done in conformity with the provisions of EXCOM Conclusion no. 72 (1993) that encourage UN member states to assume primary responsibility for security issues and to co-operate with UNHCR.
· States should assist UNHCR to develop further and operationalise the "ladder of options" concept for security.

Registration

Notwithstanding the unreasonable expectations regarding registration during the Kosovo emergency, inherent weaknesses in Headquarters' management of UNHCR's registration process undermined the agency's operational capacity and weakened the link between registration and protection.

UNHCR's registration policy and techniques should be modified in the Handbook for Emergencies in order to acknowledge that registration is often a key protection activity. The technological advances experimented with during the Kosovo emergency could contribute to protection activities if refined. They should be fully developed.

UNHCR should create a dedicated headquarters unit, specially trained staff and standard guidelines and formats for registration. The inclusion of a registration specialist on the EPRS, or as an immediately deployable headquarters resource, should be considered.

Management

Inadequate and slow staff deployment was a consistent weakness that severely hampered UNHCR's response throughout the emergency.

The EPRS should be strengthened by increasing the number of its emergency staff and raising its position in the organisational hierarchy.

To improve surge capacity through rapid deployment, UNHCR should systematically document emergency participation, undertake systematic performance reviews of emergency participation, and assign it importance for promotion and appointment to key management positions. In addition, in massive emergencies, the agency should ensure the rapid release of middle managers by the immediate adoption of directive, rather than voluntary, deployment practices.

The agency should develop a roster of staff and external resource persons to assist in crisis diplomacy.

UNHCR's internal reporting and public relations should be strengthened, especially in high-visibility emergencies, by the deployment of additional staff for public relations and protocol duties.

UNHCR should set up reporting procedures in order to establish minimum estimated expenditures in emergencies.

Headquarters' response capability should be strengthened by developing comprehensive contingency plans and emergency checklists.

Assistance

The agency should develop its assistance activities in ways that strategically support its overall mandate. This is particularly important in massive emergencies with large needs and many actors. To this end, UNHCR should:

improve supply capacity to meet existing agency standards for emergencies rapidly by reviewing the Contingency Stockpile. Some items currently under frame agreements should be included in the stockpile;

use its own resources to bring attention to need, thereby encouraging other actors to allocate resources appropriately;

prioritise resources that bridge other agencies' sectoral assistance and facilitate the response of other actors;

delegate activities when appropriate (for example to the WFP – which has better logistics capacity – on complementary food and associated items such as cooking sets).

Co-ordination

UNHCR can only co-ordinate those willing to be co-ordinated. Responsibility for weak co-ordination in the Kosovo response is shared equally between UNHCR, other humanitarian actors and the donors.

UNHCR should note the following:

For massive emergencies, UNHCR should include an assessment of the additional staff capacity required to fulfil the lead agency role in its contingency planning and staff deployment plans. Mechanisms to increase UNHCR's co-ordination capacity, such as secondment from OCHA, should be reviewed in the light of difficulties encountered in Albania. To the extent that this was the result of poor human resource administration, the UN agencies should clarify the contractual status of secondees, including the development of clear terms of reference. To the extent that the mechanism

failed as a result of intractable UN territorialism, alternative methods of increasing in-house co-ordination capacity should be developed.

UNHCR should ensure that its staff are fully trained to co-ordinate, the training including management of meetings, awareness of guidelines and information management.

UNHCR should increase the number of its senior emergency programme officers and technical co-ordinators. Sectoral specialists should either be part of an expanded EPRS or within the technical units at Headquarters such as the PTSS, STS and ICSS.

Donors, the UN and NGOs should observe the following:

Donors and host governments should support co-ordination by publicly supporting UNHCR. Donors should tie NGO funding to a co-ordination contract with UNHCR, and themselves undertake early and full consultations with UNHCR.

Clear terms of reference should be established for the functions and services expected of the lead agency.

In a bilateral context, UNHCR alone cannot "screen" independently funded NGOs to ensure that numbers and experience correspond to need. This is a shared responsibility of host governments and the NGOs.

EXCOM should address ways in which all NGOs can be made accountable and brought into the co-ordination framework, making reference to professional standards developed by the NGOs such as the Code of Conduct and the Sphere project.

Policy analysis and evaluation

Most of the current evaluations of the Kosovo emergency are single-agency or single-organisation focused, and therefore may not generate a comparative perspective and may lose cross-cutting issues. · The evaluators would encourage joint evaluation of responses to major emergencies, including comparison of multilateral vs. bilateral approaches.

Notes
1 The evaluation team members are institutionally independent of both UNHCR and the donors, and reflect a diversity of expertise including management, emergency operations, international refugee law and policy analysis. The team is composed of: Astri Suhrke (team leader, Chr. Michelsen Institute/Carnegie Endowment for International Peace), Michael Barutciski (University of Oxford), Peta Sandison (Oxfam GB) and Rick Garlock (independent consultant).
2 The abbreviated form "FYR Macedonia" will be used in this report.
3 References are to US dollars throughout.
4 Expenditure figures available from UNHCR cover the period from the end of March until 31 December 1999 and therefore include costs incurred following the repatriation. Overall expenditure in the region in this period was about $190 million, of which about $59.5 million was in Yugoslavia, including Kosovo, presumably on return and reconstruction after June. Expenditures in Albania and FYR Macedonia in this period totalled about $122 million, and it can be assumed that most of these were incurred during the refugee emergency. Within the EU, the largest national allocations made for the Kosovo emergency in the period 24 March–30 June were: Denmark ($71 million), Germany ($58 million) and Italy ($69 million). The figures include only civilian expenditures. Some of it may have been allocated for the repatriation that started in mid-June.
5 The Kosovo case does not provide a basis for determining what is an appropriate benchmark for relief reserves for "normal" emergencies, and whether the present 200,000–250,000 figure is reasonable.
6 Review of UNHCR's Emergency Preparedness and Response in Eastern Sudan, November 1985; Review of UNHCR's Preparedness and Response in the Persian Gulf Crisis, March 1992; Review of UNHCR's Preparedness and Response in the Persian Gulf Crisis, March 1992; A Review of UNHCR's Operations in Former Yugoslavia, April 1994; Lessons Learned from the Burundi and Rwanda Emergencies, December 1996.
7 An internal working group chaired by the Emergency Preparedness and Response Section (EPRS) was in December 1999 preparing a document setting out objectives and methods to improve the agency's preparedness and response. The document is intended to serve as a basis for immediate reforms. Among changes being discussed were: training and updating of senior managers on emergency issues; establishment of a pool of senior staff who could be quickly dispatched to large emergencies; establishment of additional standby arrangements for personnel deployment, relief items, and ready-made packages in the fields of telecommunication, office equipment; additional EPRS staff, acceleration of placement of staff who replace emergency teams.