

PROVIDING INTERNATIONAL PROTECTION

UNHCR's international protection function has evolved steadily over the past five decades. It began as a surrogate for consular and diplomatic protection and expanded to include ensuring the basic rights of refugees and their physical safety and security. The Office assists host governments to safeguard the basic rights of refugees and to take the necessary measures to guarantee protection throughout the displacement cycle, from preventing *refoulement* and securing asylum to the realisation of durable solutions (voluntary repatriation, local integration and resettlement). Various protection-related activities are undertaken both in the field and at Headquarters, including:

- Ensuring the granting of asylum, and admission to asylum countries, and intervening, where necessary, to avoid *refoulement* and to ensure access to refugee status determination procedures;
- Assessing needs and monitoring the treatment of refugees and asylum-seekers;
- Ensuring, together with host governments, the physical security of refugees and other persons of concern;
- Identifying vulnerable groups and prioritising assistance to ensure their well-being;
- Supporting a number of States to establish registration and documentation systems and participating in national refugee status determination procedures or directly undertaking determination of refugee status;
- Promoting the avoidance and/or reduction of statelessness;
- Actively pursuing the revitalisation of protection regimes as well as co-operating with civil society, non-governmental organisations (NGOs) and international organisations to ensure wide support for these regimes;
- Promoting refugee law, including the advocacy of accession to the Conventions and Protocols and assisting in the development of national institutions and legislation;
- Protecting internally displaced persons (IDPs) whenever necessary;
- Further developing UNHCR's own protection capacity;

- Promoting and implementing durable solutions through the facilitation of voluntary repatriation, reintegration and resettlement; and
- Identifying resettlement needs and processing submissions on behalf of refugees applying for resettlement in third countries.

Five main global challenges were identified as protection objectives for 2000:

- Preserving and maintaining the quality of asylum;
- Giving new impetus to efforts to revitalise the protection framework by fostering the commitment by States to the central tenets of the 1951 Convention;
- Achieving consistency between regional approaches and international standards;
- Strengthening partnerships in support of the international refugee protection system; and
- Promoting timely and protection-oriented solutions to refugee problems.

PRESERVING AND MAINTAINING THE QUALITY OF ASYLUM

Although many States, often those with limited resources, continued to admit and host large refugee populations, in 2000 the quality of asylum frequently deteriorated. This was also the case in several countries with a generous tradition of asylum policies. UNHCR continued to work towards not only securing admission and asylum but also preserving, and improving the quality of asylum; this frequently involved working towards discouraging the tendency to adopt measures to deter asylum-seekers.

UNHCR's primary means of achieving its protection objectives lies in its field presence, which allows active monitoring. In 2000, field activities ranged from ensuring admission at the border, to assessing the well-being and needs of refugees in reception centres, camps or areas populated by refugees. UNHCR was in regular contact with governmental counterparts in order to ensure the necessary action to identify and protect all persons deemed to be in need of international protection.

During the year, UNHCR continued to face situations in which areas populated by refugees had become mili-

tarised, with the risk that the refugees might become either the source or the object of military attacks. In such situations, a genuine refugee population may face the risk of falling under the control of elements suspected of genocide, crimes against humanity or serious violations of international humanitarian law. In order to enhance physical safety, UNHCR developed further the concept of the “ladder of options” (focusing on preventive action and early presence in refugee-hosting areas), first presented in 1999. In 2000, UNHCR explored the possibility of stand-by arrangements with a number of governments to provide Humanitarian Security Officers (HSOs) as a component of UNHCR’s Emergency Response Team. An understanding was reached with the UN Department of Peace-Keeping Operations (DPKO) that, at the request of the High Commissioner, an assessment team would be dispatched, should any of the situations described above pose a threat to international peace and security. If approved by the UN Secretary-General, the team would be sent to evaluate the threat and consider appropriate responses.

Continued involvement in national refugee status determination (RSD) procedures enables UNHCR to reach individuals requiring international protection. In most States, UNHCR plays an advisory role in the procedures, while in some cases, it is part of the appeals body reviewing rejected requests for asylum. When the State is not a party to international refugee instruments or has not established the relevant procedures, UNHCR carries out RSD under its mandate. This occurs in more than 70 countries. To better facilitate the RSD process, the RSD project was launched in 2000. It resulted in reduced backlogs of asylum applications awaiting processing, enhancement of the capacity to deal with new cases, and the establishment of procedural standards. More than 92,000 persons were screened by the RSD project during the year 2000. The project succeeded in completely clearing backlogs in Chad, Mauritania, Morocco, Niger and Thailand, and substantially reducing those in Iran (within the framework of the Joint Programme for Afghan Asylum-Seekers) and South Africa (where there were 23,000 claims that had been awaiting adjudication).

At a time when irregular migration and human trafficking have become major concerns, measures to discourage traffickers are often employed at the expense of genuine asylum-seekers. In the Pacific region, for example, various legislative changes and new policies were adopted, limiting the scope of the refugee protection regime. The issue was addressed in the context of re-examination of the concept of “adequate protection” which was traditionally measured against strict legislative and procedural standards. Pragmatic policies actu-

ally implemented (determining, for example, the actual availability of social services) will generally determine the reality of asylum rather than official declarations, or indeed the letter of the law.

A worrying corollary of increasing irregular migration was a growing tendency of arbitrary detention of asylum-seekers. UNHCR advocated the minimisation of such detention on the grounds that, whereas each State has a right to control those entering its territory, this right is to be exercised in accordance not only with the applicable national law, but with the 1951 Convention and international law. Immigration controls need “built-in” mechanisms to identify and differentiate genuine asylum-seekers from illegal migrants, and detention should only be a last resort. The detention of asylum-seekers in an irregular manner should therefore be neither automatic nor unduly prolonged. Asylum-seekers are entitled to benefit from the protection afforded by various international and regional human rights instruments which set out the basic standards and norms of treatment.

UNHCR is actively involved in the “harmonisation process” in Europe (the ironing out of inconsistencies between asylum practices in different States). UNHCR advocates the use of the 1951 Convention as a basis for the harmonisation process. The significance of Europe’s asylum policies cannot be exaggerated, as they often serve as a model to safeguard and strengthen the institutions of asylum and international protection in the rest of the world. UNHCR played a co-ordinating role in helping governments ensure that there is no overlap between European Union programmes and other multilateral and bilateral efforts. The strategy included capacity-building and partnership in the building of asylum systems.

In 2000, UNHCR submitted its first ever legal opinion to the European Court of Human Rights. This was in the matter of the removal of asylum-seekers from a Member State of the Council of Europe in December 1999. The subsequent decision in March provided an important safeguard for asylum-seekers in Europe, reflecting the position of UNHCR with regard to the *non-refoulement* provision of the 1951 Convention.

REVITALISING THE PROTECTION FRAMEWORK

UNHCR’s proposal to launch a process of Global Consultations on International Protection received final approval in October 2000. The Consultations aim to promote the full and effective implementation of the 1951 Convention; develop new approaches, tools and

standards in order to strengthen protection in areas not adequately covered by the Convention; as well as enhance international co-operation in the refugee arena. The Global Consultations provide a unique opportunity for UNHCR to develop standards and influence refugee policy and asylum issues in a comprehensive manner. The Office developed a “three tracks” framework for the consultation process:

- The first track will seek to reaffirm the political commitment of States to the full and effective implementation of the 1951 Convention and 1967 Protocol and to promote further accessions to both instruments, on the occasion of the 50th Anniversary of the 1951 Convention.
- The second track will focus on specific interpretative aspects of the Convention to improve a shared understanding of contentious legal issues.
- The third track will be conducted within the framework of the Executive Committee and will deal with issues not adequately covered by the 1951 Convention, from protection of refugees in situations of mass influx to the challenges arising from the interface between asylum and migration. Burden and responsibility sharing, a child rights perspective and gender-sensitivity are themes which cut across all these issues.

The Global Accession Campaign (launched by the High Commissioner in 1998) continued during 2000, notable successes being the accession of Mexico and Trinidad and Tobago to both the 1951 Convention and its 1967 Protocol. At the end of 2000, the total number of States to have signed up to the 1951 Convention

and/or the 1967 Protocol reached 140. One of the campaign’s principal accomplishments has been to raise awareness. Information packages on the accession campaign were made available in the six official UN languages and several others. Workshops were organised around the world for parliamentarians and key government officials (for example, Indonesia, Mexico and Thailand). The Office also contributed to research on international refugee law and provided many thousands of documents to UNHCR’s offices, governments, NGOs and universities.

In 2000, UNHCR turned its attention to its additional mandate: to address the problem of statelessness. To this end, the Office acts as a catalyst with States in ensuring that national law and practice reflect the principles contained in the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The Office’s work in this field has a direct impact on the potential for prevention and resolution of refugee flows, as well as the avoidance and reduction of statelessness. The year 2000 saw the need for a geographical expansion of UNHCR’s work on statelessness, which had previously centred mainly on the newly independent States in the CIS and the former Yugoslavia. Now it also involves countries in Africa, Asia and the Middle East, which were trying to resolve disputes pertaining to citizenship. During 2000, Lithuania, Slovakia, Mexico and Guatemala acceded to the 1954 Convention, and Slovakia and Tunisia to the 1961 Convention. At the end of 2000, 53 States were parties to the 1954 Convention and 23 to the 1961 Convention. Consultations were held with government officials to discuss the resolution of country-specific issues in Armenia, Canada, Ethiopia, Eritrea, the former Yugoslav

Republic of Macedonia, Georgia, Kuwait, Viet Nam, Ukraine and the United States. Consultations in the Horn of Africa, the Gulf region and Asia established a basis for further co-operation as appropriate. UNHCR also continued to deal with individual stateless persons and to develop systems to identify and resolve both actual and potential cases. UNHCR updated, translated and distributed relevant promotional and support tools such as the Information and Accession Package and the brochure entitled *What Would Life Be Like If You Had No Nationality?*



A position paper, *Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees*, was endorsed by the Standing Committee in June. It describes a policy framework whereby UNHCR will continue to be involved in specific IDP operations, especially when IDPs intermingle with persons covered by UNHCR's traditional mandate. UNHCR is an active member of a high-level network on IDPs, co-ordinated by OCHA, which has been requested to review ongoing UN operations involving IDPs, and to propose arrangements for an appropriate joint UN response.

ACHIEVING CONSISTENCY BETWEEN REGIONAL APPROACHES AND INTERNATIONAL STANDARDS

UNHCR actively participated in the design and implementation of regional approaches in order to ensure consistency with international standards, while responding to specific regional concerns.

In celebration of the 30th anniversary of the 1969 OAU (Organisation of African Unity) Convention, an OAU/UNHCR meeting of governmental and non-governmental experts was held in Conakry, Guinea in March 2000. A Comprehensive Implementation Plan (CIP) was endorsed by participants from over 20 African countries, OAU, UNHCR, other organisations and experts and was adopted by the OAU Council of Ministers in July. The CIP outlines more concrete proposals to strengthen the international refugee protection system in Africa. A Task Force for the implementation of the CIP was established in October, aiming to provide support to the OAU/UNHCR Follow-up Committee by developing a list of priorities for implementation and translating the recommendations of the CIP into concrete activities and projects.

UNHCR continued to update regional priorities by regularly consulting with relevant actors. For example, UNHCR continued to develop comprehensive resettlement programmes, as part of regional protection strategies in Eastern Europe and the Middle East. Roving refugee status determination teams were established in order to ensure the consistency and quality of the status determination activities across the region concerned. The Office also encouraged the development of the regional network of the International Refugee Law Judges Association, in particular in Europe (Austria), the Pacific (New Zealand) and Africa (Uganda and Ethiopia), and supported the fourth International Conference of the International

Association of Refugee Law Judges, and two training sessions for more than 100 judges.

The Office also sought to ensure consistency between the regional approach and international standards through protection training for UNHCR staff around the world. Such training sessions create a common understanding of UNHCR's protection mandate and international protection standards, in order to further develop staff skills and ensure that these standards are consistently applied. In 2000, two pilot self-learning programmes on protection were designed and launched: the protection foundations learning programme (for newly recruited and other interested UNHCR staff) and the protection strategies learning programme (for protection staff with over 18 months experience and other experienced UNHCR staff in a managerial position). A total of 128 staff enrolled in the protection learning programmes in 48 different countries in 2000. The self-learning programmes were complemented by five workshops on key aspects of UNHCR's mandate to provide international protection. For those in senior positions, a protection-oriented train-the-trainers workshop was held in Cairo. A protection seminar for senior managers in the Great Lakes region, the Horn of Africa and Eastern Africa was also held during 2000. In addition, refugee status determination training sessions were carried out for over 250 UNHCR staff, consultants, project staff and government officials during 2000. A total of 94 protection staff and UNHCR representatives in Africa, the Middle East and Europe participated in workshops on statelessness.

STRENGTHENING PARTNERSHIPS

UNHCR continued to strengthen and broaden partnerships in support of its protection mandate and the effective use of human rights and international humanitarian law in refugee protection.

A process of Reach Out consultations with NGOs continued throughout the year. Launched in 1999, the consultations were designed to reaffirm NGOs' key role in protecting refugees and to encourage NGOs to undertake specific protection activities in the course of their own work. In April, some 40 NGO representatives from all over Africa participated in the second regional Reach Out meeting in Kenya. A follow-up meeting was held in Geneva in July to review progress and develop plans for the future. The meeting agreed to maintain the focus of the discussions on protection, although through a "loose group" that would meet periodically around the time of UNHCR's Steering Committee meetings. To comple-

ment UNHCR's 1999 publication, *Protecting Refugees: A Field Guide for NGOs*, UNHCR sought to refine its training methodology. It therefore began in 2000 to develop a multimedia-based training module, *An Introduction to the International Protection of Refugees*, and launched a three-year world-wide protection training programme consisting of 30 workshops for senior and middle management of NGOs.

UNHCR participated in the Inter-Agency Standing Committee (IASC) Reference Group on the interface between refugees, human rights and international humanitarian law. The Office also contributed to the report of the UN Secretary-General on the *Protection of Civilians in Armed Conflict*, and prepared a reference manual on the same topic. The IASC also established a senior network on IDPs, under the co-ordination of OCHA. The Office has been actively involved in the work of the network since its inception, and participated in several evaluation missions.

UNHCR continued to co-operate closely with various human rights bodies and other relevant organisations including the Commission on Human Rights and its sub-committees, the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Committee on the Rights of the Child, Organisation of African Unity, Organisation of American States, OSCE, the Council of Europe, UNICEF and the United Nations International Law Commission (ILC).

UNHCR organised and contributed to refugee law training for government officials, NGO representatives, and academic circles in co-operation with other institutions and organisations. Examples include two refugee law courses for 95 senior government officials, NGO representatives and academics in San Remo (Italy) and the 2000 Summer Course on Refugees for 50 postgraduate students, middle-ranking government officials and NGO representatives held in Strasbourg. Nine professors of international law received training from UNHCR to help them initiate refugee law programmes in their universities (in Indonesia, Egypt and the Republic of Moldova). Some 1,500 training packages and law books were given to universities in developing countries, including Côte d'Ivoire, Nepal, Nigeria, the United Republic of Tanzania and Thailand. The Office was invited to deliver lectures on refugee law at several universities and other academic institutions. A number of decentralised training activities were conducted jointly by governments, NGOs and UNHCR during 2000 in Canada, Kenya, Thailand and the United States. In addition, UNHCR contributed to various training sessions for international organisations such as two pre-mission training sessions for human rights monitors

organised by the Swiss Ministry for Foreign Affairs and a course on peace-keeping in Turin, Italy. Substantial activities were undertaken in North America. For example, in Canada, UNHCR organised a workshop for government officials, staff, NGOs and academics and provided a lecture at the Centre for Refugee Studies, York University on the topic of statelessness.

In its pursuit of strengthened partnerships, UNHCR prepared for the International Conference on the Reception and Integration of Refugees (ICRIRR) to be held between 25 and 27 April 2001, in co-ordination with governments participating in resettlement and NGOs. An Executive Committee, which includes three former refugees from different regions, was established and a facilitator was identified. ICRIRR will be supported by the Swedish National Integration Office, other Nordic countries and the United States.

Under the Framework Agreement established three years ago with the International Catholic Migration Committee (ICMC), some 55 staff from NGOs and government staff were deployed to some of UNHCR's field offices in order to help with the increased size and complexity of resettlement caseloads. Through this deployment scheme, more training activities are expected in 2001. In addition, a project with the International Rescue Committee (IRC) commenced in October 2000. It is designed to improve the selection and processing of refugees with resettlement needs.

PROMOTING TIMELY AND PROTECTION-ORIENTED SOLUTIONS

Appropriate assistance programmes greatly facilitate UNHCR's protection function by addressing immediate needs upon arrival and in facilitating ongoing dialogue with government counterparts. Basic assistance, such as camp design and layout and the distribution of humanitarian relief items (as well as longer-term programmes to help refugees remain in host countries) has profound implications in terms of protection: from respect for physical integrity and freedom of movement to adequate living standards. In addition to providing basic care and assistance, UNHCR aims to find viable and lasting solutions to refugee problems. Such solutions, termed durable solutions, include **voluntary repatriation, local integration and resettlement**.

UNHCR continued to play a leading role in facilitating and, where appropriate, promoting **voluntary repatriation** through support for national protection and the provision of assistance to returnees during the process of reintegration and rehabilitation. A substantial and

engaged field presence in the country of origin serves as an important protection function in repatriation operations. During 2000, over 800,000 refugees returned to their countries of origin with the assistance of UNHCR. Often, however, return took place in less than ideal circumstances and in a highly politicised context. UNHCR may support spontaneous return movements through the monitoring of returnees; at the same time, efforts must be made to ensure respect for human rights, to rebuild infrastructure, restore normal economic, social and political life, rehabilitate the judicial system and bring about long-term stability. In addition, a special project on voluntary repatriation continued in 2000 to provide assistance in cases of voluntary repatriation of individual refugees not covered by any other voluntary repatriation project; 25 individuals/families were assisted to repatriate under this project.

In order to make the return of refugees to their countries of origin sustainable, UNHCR's operations often include a **reintegration** component, mainly through small scale Quick Impact Projects (QIPs). When return home is not a viable option for the foreseeable future, UNHCR continues to assist those unable to return to be **locally integrated** in the place where they are living. UNHCR's activities include advocating the granting of permanent residence as well as small-scale integration assistance, such as housing and employment packages. The ultimate goal is for the beneficiaries of UNHCR's reintegration and local settlement activities to become an integral part of a country's development plan.

For UNHCR, **resettlement** in a third country is a component of comprehensive protection and durable solutions strategies. Through deployment of resettlement experts to the field, the quality of submissions for resettlement improved and a greater proportion was accepted in 2000. Out of more than 100,000 refugees resettled globally, some 30,000 were resettled under UNHCR's auspices during the year. In addition to the ten traditional resettlement countries, eight more countries have concluded agreements to process cases referred by UNHCR. In response to UNHCR's call for greater flexibility to improve emergency resettlement procedures, the Government of Canada initiated a new Urgent Protection Pilot Project in Kenya, Pakistan and Turkey.

Further efforts were made to incorporate the needs of policy priority groups (women, children and older refugees) in the planning and implementation of UNHCR's operations. (For details, please refer to the chapter on Policy Priorities).

- **Women:** UNHCR assisted in setting up networks of lawyers and legal clinics in several countries to provide

legal assistance, social counselling and advice to asylum-seekers and refugees in Kenya, the United Republic of Tanzania and Turkey. The Afghan Gender Equity Programme, an inter-agency framework, was initiated to support female Afghan refugees and returnees through community-based initiatives. Five pilot projects in Africa were launched to raise awareness of issues related to violence against women among the refugee community. The Office also prepared a checklist on gender sensitive asylum procedures to facilitate the integration of gender equality issues into protection and assistance in Central Asia and Central and Eastern Europe.

- **Children:** UNHCR focused on the protection needs of refugee children, in particular the plight of unaccompanied minors and separated children, through tracing and family reunification programmes. Examples of programmes focusing on children included the Separated Children in Europe programme and the Liberian Children's Initiative established in 1999.
- **Older refugees:** The policy on older refugees was endorsed at the Standing Committee in March 2000.

EXPENDITURE ON PROTECTION

UNHCR's global activities may be considered an integral part of international protection: from assistance and logistical support to the deployment of protection staff in the field and activities at Headquarters to urge States to adopt legal instruments of international protection. Expenditure on international protection can be located in this Global Report as follows:

- In individual country chapters: under the budget headings Protection, Monitoring and Co-ordination and Legal Assistance;
- In the chapter on Global Operations: under the budget headings Promotion of Refugee Law and Advocacy, Resettlement Projects and Protection-Related Projects, including Voluntary Repatriation;
- In the chapter on Headquarters: under the heading Department of International Protection.

Other protection-related expenditure is included under various budget headings such as staff training, security, refugee women and children, or NGO projects. UNHCR's financial system does not at present permit the aggregated calculation of protection-related expenditure under such budget headings.