

# COUNTRY OPERATIONS PLAN 2002

## REGIONAL OFFICE BUENOS AIRES, ARGENTINA

### Part I: Executive Summary

#### *(a) Context and beneficiary population(s)*

The situations in Colombia, Bolivia, and Paraguay, each for different reasons, give cause for concern in the region covered by the Regional Office, as does the situation in Ecuador and Peru. Furthermore, economic reform programs of the 1990's from Brazil to Argentina have only partially delivered.

The democratisation process and primacy of the rule of law are still at various developmental stages in each country and not yet firmly established everywhere. Across the continent democracy, the rule of law and economic growth remain on trial.

Regarding Human Rights, and despite important progress and achievements, serious problems remain in the region. Police arbitrarily arrest and detain citizens, and lengthy pre-trial detention is a problem. The judicial system is subject to political and economic influence and to inordinate delays in trials. There are many reports of harassment, threats, and criticism of the press by public officials. Police used violence against demonstrators on a number of recent occasions. Violence and discrimination against women are also a problem. Discrimination against indigenous people persists.

Income disparities remain an issue which give rise to concern, even in the most prosperous countries. In the poorest countries approximately 60 percent of the population live below the level of poverty. All of the countries have a market economy with a large informal sector.

While it would seem logical to view the member and associated MERCOSUR countries as a whole, it is imperative to deal with them in accordance with the specific context and needs of each country, as there are many significant differences in general and as regards refugees in particular. Therefore, the Regional Office combines a regional perspective (harmonisation of standards, MERCOSUR, OAS) with a national perspective on the issues.

The regional integrative processes in the field of human and refugee rights and migration are still far from comprehensive. UNHCR clearly has a role to play in the next few years in helping to develop the capacity of government and civil society to fully implement the 1951 Convention and to pro-actively interact with these regional integrative processes. Thus, there are still critical functions that UNHCR has to perform in the region.

Southern South America is generally not considered as a refugee-producing region yet very significant numbers of migrants are known to reach Argentina and Chile, mainly from Bolivia and Paraguay but also from Peru. All three countries are known to be theatres of various conflicts and substantive human rights violations. Among these migrants are unknown numbers of persons who would qualify as refugees, if they applied for the status. Generally they don't for lack of knowledge of the procedure and because they "disappear" in the very large illegal

immigrant communities present in the respective countries of asylum. In addition authorities generally take a strict migration approach to any person arriving from these countries. This is both attributable to the fear that recognition of some as refugees would make too many others follow suit and the fact that many immigration officials have little or no knowledge of these persons right to seek asylum. Additionally refugee protection networks remain scanty.

In Argentina, Brazil, Chile and - to a lesser extent - in Uruguay, civil society is more and more actively involved in developing important programs to address national inequalities. These trends reflect the general transformation of these societies with the re-establishment of democracy in the 1980's. Argentina remains marked by a recession that causes social unrest and corresponding political convulsions. More so, the progress with the broader societal issues, including refugee issues, lags behind in Bolivia – though it has a migration law - and in Paraguay. Both the latter countries are still subject to significant political instability.

Of the six countries covered by the Regional Office, Argentina, Brazil and Chile are the most prosperous, even if significant segments of their populations remain “out in the cold”. They also are the main refugee-hosting countries.

Migration and human rights are two critical subjects in intra-regional debates that also illustrate the growing interdependence of countries in the hemisphere. These two issues are important entry points for UNHCR and partners to put refugee matters back on the region's social and political agenda. The International Organisation for Migration (IOM) is becoming an increasingly important partner for the governments in the region and for UNHCR. A South America wide, IOM-sponsored migration debate is becoming institutionalised through annual conferences. The third such conference will take place in Ecuador in 2002.

### **Main objectives and activities**

The goal of UNHCR in Southern South America is to build constituencies in Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay and progressively hand over responsibility for refugee protection and local integration to national institutions. In addition, for the three largest countries – Argentina, Brazil, Chile – the challenge is that they develop into active partners on the humanitarian scene: in international (EXCOM) and regional fora (OAS, MERCOSUR), as donors and in receiving refugees from outside the region through resettlement.

Within this context, the objectives of UNHCR in Southern South America for the year 2002 are:

- The promotion of adoption of a legal framework at national and regional levels;
- An integration strategy based on the progressively increased support of the civil society in each one of the countries covered by this Office;
- Curriculum development and training of trainers for the national law enforcement academies;
- Private sector fund raising efforts in Argentina through ARCA; and
- Resettlement from abroad in Chile and Brazil. Efforts will be enhanced to incorporate Argentina in the resettlement strategy in the region.

### **Overview of beneficiary population**

The number of refugee population for Southern South America as at 31-12-2000 was approximately 6,000, of whom some 4,000 were under UNHCR assistance.

Besides refugees, the region hosts many millions of migrants. Argentina, for example, has 1.2 million Paraguayans, 750,000 Peruvians and 1.7 million Bolivians. Similarly significant figures apply in Brazil and lesser, yet significant numbers, including Peruvians, have moved into Chile. The existence of these large groups impacts heavily on the refugees and asylum seekers. Indeed among these migrants there are undetermined numbers that have simply given up on asking for asylum, even though they tried to do so initially.

Reliable institutions confirm that many of these Colombians, Peruvians, Paraguayans or Bolivians presently in the region are unaware of their rights and/or have in fact shunned seeking asylum, fearful of making their presence known officially. They have become an ever-increasing presence that is looked at with suspicion, reinforcing xenophobic and racist attitudes. A significant portion among them may well qualify as “persons of concern to the Office”. Building and reinforcing “protection networks” through existing and or additional partners is therefore one of the major objectives of this Office. Such efforts are however limited by lack of resources and a very reduced amount of staff time that can be devoted to this task.

The aforementioned protection networks would provide information about reasons for leaving/moving, as well as flight patterns and destinations. In addition, substantial refugee flows from these same countries into one or another of the six countries covered by this office could occur in the future if a deterioration were to come about.

To live up to the challenge, UNHCR must see that state and non-state actors ensure the safety and security of the refugees, asylum seekers and others who have been forced out of their homes.

There is a crucial need for supervision of the refugee status determination procedures. This is particularly true in Uruguay and Paraguay where there are currently only ad-hoc procedures. In Chile and Argentina, the legislation and procedures need to be improved. Even in Brazil, where the law is considered good, there are in each of these countries distinct problems with implementation of procedures that do not meet international standards. In particular in Argentina unacceptable delays are a source of concern as they have continued increasing notwithstanding continuous efforts on the part of this office. The case backlog reaches presently 1894 persons and it takes two years on average for a refugee to be recognised and receive corresponding documentation. All of this requires active UNHCR involvement and follow-up.

In refugee assistance programs there remains, for the time being, an essential role for UNHCR. The economic resources in the region are generally not yet geared towards providing an adequate level of assistance to refugees, especially in the initial phase of reception and application for asylum. Consequently it is towards the initial phase of a refugee’s presence in the region where most of UNHCR’s assistance resources are currently directed. UNHCR must continue to fill in gaps with assistance programs until arrangements are made by national institutions - governmental and non-governmental - to take over.

### **Refugee initiatives at the MERCOSUR level**

During 2000 and 2001, important initiatives aimed at harmonising regional policies on refugee matters have been submitted to the MERCOSUR member states, Bolivia and Chile. Such initiatives were sponsored by the Government of Brazil, who is playing a leading role in the adoption of decisions.

Within this capacity building approach, UNHCR will gradually lessen its involvement with routine activities and act more as a catalyst and maximise the impact of its limited resources. It will focus its resources on the national and regional legislative processes, on implementation of the law as well as strengthening of coordination mechanisms amongst civil society institutions.

## **PI/PA**

In the Southern Cone, Public Information and Public Awareness activities support in multiple ways the efforts by the Regional Office towards improving the protection and facilitating the integration of refugees in the region. Although much work still needs to be done to achieve true awareness of refugee issues, and to overcome varying degrees of public and in some countries governmental indifference to the refugee problem, direct PI/PA efforts, as well as those conducted by supporting partners, have allowed for increased coverage in the local media. Media work is used to draw public attention to protection as well as integration problems, and has led on a number of different occasions to job offers for refugees as well as offers of in-kind services and donations.

PI/PA activities also provide crucial support for PSFR activities carried out in Argentina by Argentina con ACNUR (ARCA). Apart from providing regular assistance in terms of networking and information on UNHCR's most urgent needs, the office's PI/PA activities ensure public visibility of the refugee problem and the Organisation, both of which are crucial for PSFR activities in Argentina. Thanks to constant efforts to network with the media, significant free media slots are regularly obtained for publicity created both by HQ and locally. In the year 2000 free media slots obtained in Argentina were valued at over 1.15 million US dollars. In the first semester of 2001 alone, the equivalent of approximately 1 million US dollars has been obtained in free media slots.

In the year 2002, the Regional Office plans to continue using PI/PA to support the protection and local integration of refugees, and to assist in consolidating Argentina con ACNUR as an important national partner for UNHCR. A central focus of PI efforts will also continue to be the consistent and timely provision of translated information material to regional partners to keep them regularly up to date on refugee developments, thereby continuing to encourage their respective media efforts. The regional website, currently in construction will also be used as a tool for achieving objectives and for promoting partners' activities.

PI will also continue to provide all necessary support to ARCA through the joint organisation of awareness/PSFR activities and media campaigns as well as through the negotiation of free media slots for the latter.

## **Capacity and Presence of Implementing partners**

The civil society protection networks are expected to perform the following critical protection tasks:

- Awareness and sensitisation of refugee protection principles and rights;
- Protection monitoring for the timely identification of asylum-seekers and refugees;
- Legal counselling;
- Act as a filter to bring to UNHCR's attention jurisprudence making cases.

In some countries UNHCR partnership is yielding concrete results. In Brazil, the major role played by Caritas in the adoption of public policies is a very clear indicator of this trend. In this respect, the political role of the Vicarate in Chile and the operational multiplier effect of the FCCAM in Argentina must also be noted. Presently UNHCR's implementing partners in Argentina and Brazil cover around 47% and 40% respectively of refugee assistance in terms of health, education, vocational training and counselling from non-UNHCR funds.. It is our aim that as a result of this evolution, UNHCR will gradually become less operational and play a more supervisory and complementary role, providing advice and support to these strategic partners.

Considering the paramount role played by UNHCR implementing partners in the region, a priority for this Regional Office is to foster the technical and institutional capacity of our operational counterparts all over the region. UNHCR intends to develop its implementing partners capability through training in protection and assistance, as well as the establishment of appropriate management tools.

**Presence and roles of other UN agencies and International organisations.**

Contacts with the UN Resident Co-ordinators and UN sister agencies are maintained throughout the region, especially in those countries where there is no UNHCR presence.

**(b) Selected Programme Goals and Objectives**

<b>Name of Beneficiary Population/Theme:</b> The population assisted by UNHCR as at 31 December 2000 was of some 4,000 asylum seekers and refugees in the region. Some 1,800 are estimated to be arriving throughout 2001. By the year 2002 the total refugee population assisted by UNHCR is estimated to be some 6,000.	
<b>Main Goals:</b> The project is aimed at promoting and supporting the local integration of about 6,000 refugees from Africa, Europe, Latin America and Asia residing in Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay.	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>The promotion of a legal framework at national and regional levels, enabling governments and civil society to take operational responsibility for refugee protection.</li> </ul>	<ul style="list-style-type: none"> <li>Model law text has been adopted for use at the national level by MERCOSUR (the regional trade bloc) countries;</li> <li>Legal framework is consolidated, RSD committees, commissions become operational and waiting time is reduced from an average 2 years to 6 months.</li> <li>Legal assistance is provided to refugees through specialised organisations.</li> <li>Consolidation of protection and assistance networks and partnerships.</li> <li>Issuance of documentation for recognised refugees as a result of negotiations with Government authorities.</li> </ul>
<ul style="list-style-type: none"> <li>Human Rights, Migration and Refugee Law Curriculum development among key national law</li> </ul>	<ul style="list-style-type: none"> <li>Brazil and Argentina draft law proposals for human rights developed and ready for submission to respective National Assemblies</li> </ul>

<p>enforcement agencies to ensure that the right to asylum and the definition of a refugee are taught properly and on a regular basis.</p>	<p>in 2003.</p> <ul style="list-style-type: none"> <li>• Legislators in the countries covered by the Regional Office have officially acknowledged the need to address the issue of refugee rights.</li> </ul>
<ul style="list-style-type: none"> <li>• Promote/Support the local integration strategy based on the progressively increasing support of the civil society in each of the countries covered by the Regional Office.</li> </ul>	<ul style="list-style-type: none"> <li>• Constituencies are built/strengthened in each country of the region (in particular in Argentina, Brazil and Chile) to support local integration.</li> <li>• UNHCR progressively hands over responsibilities for refugee protection and local integration to national institutions.</li> </ul>
<ul style="list-style-type: none"> <li>• Increase private sector fund raising efforts in Argentina through ARCA.</li> </ul>	<ul style="list-style-type: none"> <li>• ARCA raises an amount equivalent to its own operating costs, in addition to free publicity slots worth hundreds of thousands of dollars.</li> </ul>
<ul style="list-style-type: none"> <li>• Resettlement from abroad in Brazil and Chile and to a lesser extent in Argentina.</li> </ul>	<ul style="list-style-type: none"> <li>• Successful resettlement of 31 persons to Chile results in Chile opening up an annual quota of 30 to 60 places for resettlement.</li> <li>• Brazil accepts a total of some 100 cases in 2002.</li> <li>• Argentinian authorities agree to re-initiate dialogue on an eventual resettlement intake.</li> </ul>