



COUNTRY OPERATIONS PLAN

Executive Committee Summary

Country: Argentina

Planning Year: 2005

REGIONAL OFFICE FOR SOUTHERN SOUTH AMERICA

2005 Country Operations Plan

Part I: Executive Summary

(a) Context and beneficiary population(s)

Most of the countries in the region face increased security problems, political instability and economic difficulties which undermine the democratic process and have direct implications on the State's capacity to facilitate local integration of refugees. Moreover, the current international scenario negatively affects Human Rights developments in the region and has a negative impact on refugee protection. The Argentine-Brazilian-Paraguayan triple border continues to draw the attention of US authorities who consider that this border has become a sanctuary for Islamic fundamentalist groups. UNHCR, in co-ordination with the State and Human Rights organisations at the main borders will monitor this issue to ensure that national authorities take due consideration of the safeguard clauses related to asylum-seekers and refugees.

In general the authorities, lacking knowledge of refugee law, take a migration approach in dealing with refugee issues. As a result, many refugees have given up asking for asylum.

Argentina: President Nestor Kirchner continues to place human rights at the top of his agenda, along with economic growth, job creation, and fairer income distribution. The economy grew by 7% in 2003. Nevertheless, unemployment rates continue to be very high, affecting 15.6% of the economically active sector of the population. Human rights groups have been enthusiastic about the passing of a new Migration Law. This law facilitates residency application procedures and creates an adequate framework for enhanced respect of immigrants' rights.

Argentina's efforts are focused on enhancing co-ordination with MERCOSUR members and associated countries, at a time when Argentina assumes the Presidency of the group.

Bolivia: Following the forced resignation of former President Sanchez de Lozada, the Parliament appointed the former Vice President, Mr Carlos Mesa, as the new President of Bolivia. Although about 80% of Bolivians are said to support Mr. Mesa, his mandate is fragile due to the socio-economic crisis and the lack of support from his own political party. The new regulations on oil and gas, the policy aiming at reducing coca production, the dispute with Chile and Bolivia's increasingly insistent demand for access to the Pacific, and peasant protests demanding a fairer income distribution, are presently at the centre of the political agenda - all in a very fragile political context. Mr. Mesa intends to serve the remainder of the presidential term (until August 2007). However, he might be forced to stand down if he faces concerted opposition.

Brazil: President Luiz Inacio (Lula) da Silva has taken a number of steps to reassure financial markets and international lending agencies, to achieve the goals of his socio-economic agenda and to strengthen Brazil's position at the sub-regional (MERCOSUR) and the continental level and on the international scene at large. While macroeconomic indicators seem to be positive, inequalities in income distribution, unemployment and crime continue to pose serious problems. President da Silva has also run up against major stumbling blocks, as in the case of the *Zero Hunger* programme. The Government has also faced new challenges arising from its waning popularity, corruption scandals and approaching municipal elections.

Chile: The political situation in Chile remains stable. The country's institutions seem to have a solid base and a culture of political cooperation. This has allowed the Government to find consensual solutions to political and economic challenges. Relations with Bolivia remain difficult due to Bolivia claiming access to the Pacific. A Free Trade Agreement (FTA) came into force in January 2004. A similar agreement with South Korea will be implemented in 2004. Chile also hopes to negotiate an FTA with China, India and Japan.

Paraguay: The Government has set out measures to address public finance problems and to foster economic growth. President Duarte will have to negotiate with the three main opposition parties.

Six of the nine members of the Supreme Court were removed from Office and the appointment of the new members has been postponed. It will be crucial for the integrity of the Court, and for the credibility of Mr Duarte, to take into account merits and not political considerations in the selection of the judges.

Uruguay: The opposition group *Encuentro Progresista - Frente Amplio (EP-FA)*, having won the plebiscite which took place in December 2003, appears likely to win the Presidency in the October 2004 elections. The *EP-FA* is a broad group which includes parties and movements ranging from the centre left to the radical left. Analysts consider the result of the plebiscite not only as indicating support for the left, but also as a rejection of the Government and of further private-sector involvement in the economy.

Human Rights: Migration and human rights are two critical subjects in intra-regional debates that illustrate the growing interdependence of countries in the hemisphere. UNHCR has a role to play in helping governments to develop and strengthen national capacities to fully implement the Refugee Convention and to interact with regional integration processes. The existence of irregular migrants impacts on refugees and asylum-seekers. Many of them have opted to remain anonymous in order to avoid being looked upon with suspicion. They face a series of problems ranging from the lack of legal status to scarce possibilities for local integration. UNCHR addresses this issue by reinforcing protection networks and fostering dissemination activities and by implementing capacity-building activities at border areas.

Resettlement: Considering resettlement as a protection alternative, UNHCR continues working with the Governments of Chile and Brazil so that all refugees can benefit from national services (health, education, etc.). The implementation and expansion of the resettlement programmes depend on the appropriate selection of cases, the provision of technical assistance to NGOs with no prior refugee-related

experience, as well as on the creation of local networks of public and private partners to assist integration of the resettled refugees into their community (education, health, job training, etc.). Such constraints imply a need for continued international support, either by UNHCR or through bilateral arrangements between the two emerging resettlement countries and other countries that have a long tradition in resettlement.

Protection issues:

Major UNHCR protection activities in the region are focussed on: a) providing capacity- building to the government refugee institutions and civil society enabling them to increasingly take up operational responsibility for refugee protection; b) supporting the national institutions in Argentina, Brazil and Chile to reduce pending cases; c) strengthening the protection framework by improving the current national refugee instruments; d) supporting the creation of legal aid centres; e) facilitating increased use of local resources e) improving protection for women taking into account different age groups, f) enhancing constituencies and awareness in favour of refugees through the *Cathedra Sergio Vieira de Mello*.

UNHCR's role and goal in the region

The goal of UNHCR in the region is to strengthen national capacities and to build constituencies in Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay. The aim is to reinforce the protection framework and to progressively transfer responsibility to Governments in order to facilitate local integration of refugees. In addition, for Argentina, Brazil and Chile, the challenge consists of becoming active partners on the humanitarian scene: in international (EXCOM) and regional (OAS, MERCOSUR) fora. For Chile and Brazil the challenge is the integration of refugees through resettlement.

Fundraising is part of UNHCR's major goal in the region of supporting activities in favour of refugees around the world.

Initiatives at the MERCOSUR level.

MERCOSUR's Ministers of Interior and Justice meetings are fundamental to the discussion of refugee-related issues. As a result of these meetings important initiatives aimed at promoting regional policies on refugee matters will be submitted to the MERCOSUR member states Bolivia and Chile, both on protection and self reliance/local integration issues. For 2005, UNHCR's lobbying efforts in this context will focus on supporting compliance with international standards on refugee protection.

A major issue is the discussion on the adoption of a Schengen-type transfer-of-responsibility agreement currently under consideration in this forum.

Safeguards have been introduced in MERCOSUR agreements in order to preserve the asylum institution in the context of the 51 Convention and 67 Protocol.

UNHCR also promotes the incorporation into national law and the implementation of the 1984 Cartagena Declaration principles (specific grounds for the recognition of refugees) in the current eligibility practices.

In December 2002, Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay signed an agreement granting free transit and residence for their citizens. All citizens will be allowed to circulate or settle in any of these countries and will enjoy the same civil, social, cultural and economic rights as nationals of the host country. The category "illegal immigrant" will no longer exist for MERCOSUR citizens residing in any of

the MERCOSUR countries. The situation of those currently in irregular situations will automatically be regularised.

The implementation of the agreement will have implications for refugees and for those who are in a refugee-like situation. It will facilitate the local integration of those who have fled one MERCOSUR country and sought asylum in another.

Migratory procedures will remain unchanged, except that “the only requirement will be to present a certificate of no criminal conviction, a valid passport, and a birth certificate”.

Through this measure, the illegal situation of 300,000 Argentines, 600,000 Paraguayans, 500,000 Bolivians, 10,000 Brazilians, 100,000 Uruguayans in Argentina and 380,000 Brazilians in Paraguay could be regularised.

Overview of each beneficiary population: numbers, origin, and demographic composition.

Persons of Concern: There are approximately **8,800** refugees and asylum-seekers in the region. Some **3,800** refugees and **1,300** asylum-seekers receive material assistance and cultural, educational, labour and legal orientation from UNHCR. 35% of the assisted population are women. Almost 75% of the male refugee and asylum-seeking population are young (17 to 35 years), most of them single. Although minor differences exist between countries, a similar demographic distribution applies to the total of the refugee population in the region.

There are three main groups of asylum-seekers and refugees in the region: Latin American refugees (in Argentina, Bolivia, Brazil, Chile) with increasing numbers of Colombians among them; an extra-regional group, mainly from Africa (in Brazil) and from Central Europe (in Argentina, Chile and Uruguay) and a small refugee group of elderly Europeans supported by the Tolstoy Foundation in Argentina, Brazil, Chile and Paraguay.

Taking into account both new arrivals and delays that occur in the issuance of official documentation, the assisted refugee group will depend on temporary financial assistance to cover their basic needs, especially with respect to food and shelter.

Resettlement

UNHCR’s work on resettlement is focused on selecting cases, on fostering the integration of small groups of refugees in Brazil and Chile, and on strengthening the overall refugee protection regimes in these countries. The framework agreements and related sub-agreements (between UNHCR and the respective countries offer new mechanisms for tripartite collaboration on refugee matters, while also heightening the attention of government officials to address existing gaps in the access of refugees to national systems (health, education, housing, etc.). UNHCR simultaneously establishes sustainable resettlement programmes, addresses existing barriers to integration, and identifies additional resources to support local integration.

Public Information and Public Awareness

Public Information (PI) and Public Awareness (PA) activities comprise advocacy efforts for safeguards for asylum-seekers in regional legislation, as well as the strengthening of the national legislation.

UNHCR will assist asylum-seekers and refugees in acquiring familiarity with RSD procedures and with local integration through the creation and dissemination of tools for this purpose, including videos and information documents.

In addition to targeted media activities, sustained efforts will be made to enhance the general visibility of the refugee problem, particularly in Argentina, Brazil and Chile where the office will be concentrating its Private Sector Fundraising (PSFR) activities.

In 2005, the Regional Office plans to continue working with dedicated volunteers who have enabled the Office to steadily expand its range of activities.

Private Sector Fundraising

The Regional Office will once again engage in PSFR activities, with targeted sectors in Argentina, Brazil and Chile. Efforts will be made to identify potential funding sources in these sectors as accurately as possible, as well as partners to assist in PSFR. Awareness and visibility activities will accompany these efforts.

Capacity Building and presence of implementing partners

In a region where asylum is overshadowed by migration, it is almost inevitable that unknown numbers of genuine refugees do not accede to eligibility procedures unless proper measures, such as active monitoring, early warning, legal counselling and dissemination of information are implemented appropriately. The Regional Office will continue to enhance national capacities to respond in a timely manner and to take preventive measures where possible through civil society networks.

The civil society networks are expected to:

- Raise awareness of refugee protection principles and rights;
- Monitor protection for the timely identification of asylum-seekers and refugees;
- Provide legal counselling;
- Act as a filter to develop jurisprudence.

At the end of 2003, civil society institutions and UNHCR's implementing partners in the region covered around 35-40% of refugee needs from non-UNHCR funds. **Argentina** covered around 25%, **Brazil** 42% **Chile** and **Uruguay** 35% and **Bolivia** 20% of refugee assistance in terms of health, education, vocational training and counselling from non-UNHCR funds. It is also worth mentioning that the Government of Brazil has is supporting a Reception Centre for women in Sao Paulo.

RO Argentina, will continue strengthening its implementing partners' capacity through training in protection and local integration, as well as the establishment of appropriate management tools. This strategy, aimed at an increased reliance on national players and resources, requires constant support and follow-up from UNHCR. The experience confirms that none of the achievements so far should be considered as permanent.

All these agreements are based on cost sharing. Therefore, a formal financial commitment from UNHCR remains requested.

Presence and roles of other UN agencies and International organisations.

In Argentina, regular contacts with the UN Resident Co-ordinator and UN sister agencies are maintained and a number of joint activities are organized throughout the year, particularly in the area of PI.

UNHCR participates in Inter Agency meetings and is fully involved in the UN Millennium objectives.

In other countries of the region this co-ordination is more difficult to achieve given that there is no direct UNHCR presence. Nevertheless, contacts are made for specific purposes such as administrative issues, PI campaigns, and events, amongst others.

(b) Selected Programme Goals and Objectives

Beneficiary population: By the end of 2005, the total refugee and asylum-seeker population living in the region will amount to approximately 8,550. The resettlement cases expected to arrive in Chile and Brazil are also included in this figure (30 persons per year in each country). The assisted population, by the end of 2005, is estimated to be some **6,300 (3,800 as at 31.12.03 + 800 pending cases in 2004, 850 new arrivals in 2004 + 850 new arrivals in 2005)**. In order to meet UNHCR’s objectives, the establishment of strict assistance criteria has been agreed with the implementing partners.

Main Goals: The project is aimed at promoting and supporting local integration of refugees from Africa, Europe, Latin America and Asia residing in Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay.

To achieve this goal the project will provide:

Legal assistance,

Basic assistance/care and maintenance (6-8) months. Given the economic situation in most of the countries in the region, the assistance period may be extended after a careful needs assessment.

Labour insertion orientation and support to the above-mentioned refugees, bearing in mind the differentiated needs of women and men, as well as minors.

UNHCR will continue promoting self-sufficiency of refugees by providing support in the fields of documentation, training and labour insertion. UNHCR will also continue strengthening partnerships with State and civil society institutions with the aim of further broadening the volume and types of assistance provided by the host communities.

UNHCR Objectives in Southern South America

Main Objectives	Related Outputs
<p>Strengthening the protection framework at national and regional levels.</p> <p>Raising the protection framework to a regional level should make the Governments in the region fulfil their responsibilities at the national level as well as regionally.</p> <p>The above implies:</p>	<p>Blocking or minimising the effect of immigration or anti-terrorism measures that have a negative impact on refugee protection.</p> <p>Legal assistance is provided to refugees through specialised organisations, “legal clinics”.</p> <p>Consolidation of protection and assistance networks and partnerships.</p>

<p>A more supervisory role in refugee protection; Promotion of a national refugee law; Support for the creation of legal aid centres; Improvement gender sensitivity and child protection.</p>	<p>Issuance of documentation for refugees as the result of negotiations with Government authorities. MERCOSUR is becoming an important forum for discussion at the regional level of policy issues regarding migrants, security and refugee issues. Refugee issues are increasingly raised in MERCOSUR meetings. Special safeguards are set up to preserve the provisions of the 51 convention and 67 Protocol. MERCOSUR representatives are aware of the relevance of ensuring refugee protection.</p>
<p>Increased use of local legal capacities to promote the institutionalisation of refugee law training for border control agents. UNHCR's overall protection objective is to progress from an operational to a supervisory role. This requires capacity building for the governments and civil society so that they can increasingly take operational responsibility for refugee protection, specifically in terms of refugee status determination, local integration, and third-country resettlement.</p>	<p>The use of the existing local resources for capacity building is maximised through relevant training carried out by the eight legal consultants working throughout the region for UNHCR's implementing partner agencies. This strategy has the additional benefit of building capacity for refugee protection in civil society since the implementing partner agencies are all significant actors in the civil societies of their respective countries. Inclusion of refugee law training as a permanent component of regular training for border control agents will help ensure access to asylum procedures at the borders. Action plans for the police and border control agencies established in each of the countries in the region.</p>
<p>Promote the integration strategies based on the support of the civil society in each of the countries covered by this Office. UNHCR will support local integration of refugees both providing direct assistance and strengthening civil society networks in favour of refugees. Beneficiaries will receive appropriate assistance to cover minimum standards in the fields of subsistence, documentation, education at primary and secondary level, labour training and legal and social counselling. Assistance should be solutions-oriented to promote/facilitate self-sufficiency.</p>	<p>Legal assistance is provided to refugees through specialised organisations. Protection and assistance networks and partnerships are consolidated. Beneficiaries receive appropriate assistance to cover minimum standards in the fields of subsistence, documentation, education at primary and secondary level, labour training and legal and social counselling. Documentation for refugees is issued as a result of negotiations with Government authorities. Partnerships willing to integrate asylum-seekers and refugees in their agenda/programmes are set up/consolidated.</p>

<p>In spite of the economic crisis faced by most of the countries in the region, UNHCR will try to keep the interest and the involvement of civil society institutions on refugee matters although their contribution may be reduced.</p>	<p>Micro credit schemes developed and enhanced in Argentina, Bolivia, Brazil, Chile and Uruguay to support local integration.</p>
<p>Support the protection/integration/resettlement of refugees through PI/PA activities.</p> <p>Thanks to close co-ordination of objectives and activities with other units in the Office, PI has gone a long way towards effectively supporting the Office's specific objectives. It will continue to work in this direction and towards raising the general visibility of the refugee problem.</p> <p>Initiate PSFR activities in Argentina, Brazil and Chile</p>	<p>Advocacy efforts are supported by media work through the publication of articles and interviews.</p> <p>Partners' local integration efforts are encouraged through articles/RO ARG publications on their efforts in that area. Material is produced and/or disseminated, to enhance asylum-seekers' understanding of RSD process, protection and integration prospects.</p> <p>Information continues to be produced and/or be made available to refugees considering resettlement in the region, on selected resettlement countries.</p> <p>Materials (flyers etc.) on refugees and programmes in the region continue to be produced. Communication strategies are regularly co-ordinated with Brazil Office and with local partners throughout the region. Material on the international dimensions of the refugee problem is regularly shared with the latter.</p> <p>The continued production/broadcasting of HQ and locally produced publicity to raise general awareness of the refugee problem. Awareness-raising activities are carried out to assist PSFR efforts.</p> <p>Target sectors are selected for PSFR activities in Argentina, Brazil and Chile. Partners are selected to carry out PSFR activities, to be initiated in one or all of these countries.</p>
<p>Resettlement from abroad in Brazil and Chile.</p> <p>Within the context of constituency building activities, resettlement projects are being implemented in Chile and Brazil. The region has therefore shifted from being a refugee-producing region towards a refugee-receiving region.</p>	<p>Both Brazil and Chile have agreed to continue resettlement, expressing their political will to be henceforth considered as resettlement countries. It is expected that Chile will receive 30 to 40 refugees in 2005, with a potential to increase in the years ahead. Concerning Brazil, appropriate steps towards the integration of 30 refugees will be taken in 2004. Efforts will be made to expand resettlement projects in 2004. Nevertheless, budgetary provisions are</p>

	initially submitted for 30 persons, on the understanding that should more cases arrive, the project will be revised accordingly.
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