

# PROTECTION

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Protection functions of UNHCR have received a renewed focus with this year being the 50<sup>th</sup> anniversary of the 1951 Convention relating to the Status of Refugees and in the process of the review and prioritisation of the Office's activities (so-called Action 1-2-3) initiated by the High Commissioner. In particular, Action 1 defines core activities based on UNHCR's central universal responsibility, thus, focuses on protection. "... a core activity will have a clearly established link to the international protection of refugees (and stateless persons) or pursuit of durable solutions". In this light, UNHCR continued to pursue revitalisation of the international protection regime and strengthening of its protection activities, in particular the issues of resettlement and statelessness in the first half of 2001.

## GLOBAL CONSULTATIONS

The Global Consultations on International Protection, approved by the UNHCR Executive Committee in October 2000, is the central tool for UNHCR's efforts to revitalise the international protection regime. Starting in 2001, the Consultations aim to promote full and effective implementation of the 1951 Convention and its 1967 Protocol and to develop complementary new approaches, tools and standards to ensure the availability of international protection where Convention coverage needs to be strengthened. The Consultations consists of the following three tracks.

- The "first track" seeks to strengthen the commitment of States to respect the centrality of the 1951 Convention and its 1967 Protocol in the international refugee protection system. Strengthened implementation and better oversight are important goals set for this track, which will culminate in the first ever meeting of States parties

at the Ministerial level, to be hosted by the Swiss Government and UNHCR in Geneva on 12 December 2001.

- The "second track" provides a forum to take stock of developments in refugee law and to examine specific aspects of the interpretation of the 1951 Convention and its 1967 Protocol. It is comprised of four Expert Roundtables which include participants from governments of States Parties, NGOs, academia, the judiciary and the legal profession. The background papers and conclusions of the roundtables on these specific legal aspects of the 1951 Convention will assist UNHCR in updating its guidelines in a manner that will complement the existing *Handbook on Procedures and Criteria for Determining Refugee Status*.
- The "third track" of the Consultations, will take place in the context of the Executive Committee framework. It is structured around a number of protection policy matters, including issues not adequately covered by the 1951 Convention. This component of the Global Consultations is designed, firstly, to foster a common understanding of the protection challenges and enhance co-operation to address them; secondly, to identify and promote practical responses to emerging protection problems; and thirdly, to lead to the development of new approaches, tools, and standards to strengthen protection.

It is planned that a preparatory meeting for the December Ministerial Meeting of the first track will be organised in Geneva in autumn 2001.

The first Expert Roundtable within the second track was held on 3 and 4 May 2001, co-organised by UNHCR and the Carnegie Endowment for International Peace. Discussions focused on the exclusion and cessation clauses, two issues which pose legal and operational challenges to States parties

and UNHCR. Three other roundtables are planned in 2001. The second roundtable meeting to be held in July in the UK will consider issues related to Article 33 of the Convention, which deal with the principle of *non-refoulement*.

In the context of the third track, two meetings have so far taken place. The first meeting, took place on 8 and 9 March, and examined topics on protection of refugees in mass influx situations. The second meeting, which was held on 28 and 29 June, focused on the interface between migration and asylum with emphasis on fair and efficient procedures. A number of follow-up activities, including the drafting of Executive Committee Conclusions and practical guidelines, are currently underway. Another meeting is planned in 2001 and two others are scheduled to take place in 2002.

In addition, the Global Consultations process is accompanied by regional reach-out initiatives in order to ensure a truly global dimension of the Consultations. UNHCR is organising a number of regional meetings on issues of particular interest to the different regions. Global deliberations have benefited from regional meetings in Budapest, Macao, Ottawa, Pretoria and San Jose, and other regional meetings are planned. In order to ensure refugee participation in the Consultations process, various events which gave a voice to refugees, have taken place, including the International Conference on the Reception and Integration of Resettled Refugees (Sweden, 25-27 April 2001), Refugee Parliament (Paris, 16 June 2001); and Respect Our Rights: Partnership for Equality – A Dialogue with Refugee Women (Geneva, 20–22 June 2001). A refugee woman also addressed the second substantive meeting of the third track of the Global Consultations in June. The involvement of refugees in the process provides a “reality check” on best practices and principles and adds important perspectives for other stakeholders. An NGO liaison officer for Consultations has

been working to ease the information flow between UNHCR and NGOs who continue to play an important role in the Consultations.

The Global Consultations process has proven to be effective in invigorating the debate over the international refugee protection framework. It has generated a dialogue among and within a wider group of States, a broader range of actors including refugees themselves and NGOs and within UNHCR. A range of issues has emerged during the course of the process. The discussions to date, while not exhaustive, have brought important areas of agreement on some of the key topics. The results of the process will be consolidated into an Agenda for Protection which will include recommendation for follow-up action. The follow-up mechanisms will involve different actors, to ensure that the conclusions reached and the actions decided on are timely and adequately implemented. These consultative processes are expected to continue into the second half of 2001 and 2002.

## STATELESSNESS

In 2001, statelessness has again been underlined as an integral part of the UNHCR's mandate. Pursuant to this mandate, the Office has continued to promote accession to the 1954 and 1961 statelessness Conventions, to provide technical and advisory services on national legislation, to build partnerships, to provide training of government officials, staff and others involved in stateless matters and to disseminate information related to statelessness. An increased level of international support for the legal framework pertaining to statelessness was apparent with nine accessions to the 1954 Convention and four accessions to the 1961 Convention during the 1998-2000 Global Accessions Campaign. In the first half of 2001, Guatemala has acceded to the 1961 Convention on the Reduction of Statelessness, and Uruguay has taken all necessary steps to accede to the 1961 Convention. The need to further increase the number of parties to the statelessness

Conventions, however, remains relevant as there are only 53 State parties to the 1954 and 24 States parties to the 1961 Convention.

UNHCR undertook a comprehensive review of the statelessness programme, *Evaluation of UNHCR's Role and Activities in Relation to Statelessness Issues* (June 2001). While acknowledging significant achievements in the field, the report recommended, among other things, activities on statelessness to be expanded geographically, partnerships to be further pursued, reporting on statelessness to be enhanced, training activity to be intensified and statelessness to be given more visibility. In June, *UNHCR's Activities in the Field of Statelessness: Progress Report* was submitted to the Standing Committee. Major challenges identified in this report were related to the disproportionate impact of statelessness issues on women and children. Women are often affected by statelessness as a result of political events, such as State succession, as a consequence of gender or her relationship to her children or spouse and, in some instances, because of trafficking of women. The main statelessness issue for children, including orphans, often relate to questions of access to birth registration and to conflict of laws.

Technical and advisory services on draft citizenship laws have been provided to States. Over the past five years, such co-operation with States took place in relation to the laws and practice of 141 States and to drafting of legislation reform of 51 States. Out of this, 38 services have been provided in 2001. Furthermore, advanced level training sessions for staff as well as for legal aid centres and NGOs have been conducted in Central Asia and the Balkans, where instances of statelessness or disputed citizenship are related to displacement and instability. UNHCR co-operated with BBC in a global radio campaign concerning the Universal Declaration of Human Rights, in particular on the explanation of everyone's right to a nationality.

## RESETTLEMENT

Efforts to strengthen resettlement as a protection tool, a durable solution and a responsibility sharing mechanism has been the focus in the first half of 2001. Considerable emphasis was given to the development of an Integration Initiative, aiming at enhancement of the resettlement capacity in both traditional and emerging resettlement countries. Furthermore, the need to address increasing diversity of resettlement requirements, including in mass influx situations, was discussed both at the March meeting of the Global Consultations and the International Conference on the Reception and Integration of Resettled Refugees (Sweden, 25-27 April).

The Conference in April was attended by some 265 participants from Governments, inter-governmental and non-governmental organisations and UNHCR staff, as well as 50 former refugees from 20 resettlement countries. For the first time, traditional and emerging resettlement countries were able to meet in an international forum to exchange best practices in the reception and integration of resettled refugees. The Conference endorsed a set of principles to guide the development and implementation of successful integration programmes.

The Annual Tripartite Consultations on Resettlement held from 20-21 June 2001 was attended by 17 traditional and emerging resettlement countries as well as 18 representatives of NGOs from resettlement countries and two former refugees. In this meeting, UNHCR presented the findings and recommendations of a resettlement oversight mission to Africa, and pledged to the resettlement countries a stronger management and accountability of resettlement activities. The Consultations successfully discussed major policy issues, such as the use of resettlement to address durable solution needs; strategic utilisation of resettlement to enhance asylum and protection prospects; family reunification in the context of resettlement and integration; and the relevance of emerging countries for

diversification of resettlement opportunities. The consultative process is complemented by field activities such as regional workshops. UNHCR will continue similar activities in its pursuit to expand resettlement opportunities and to encourage States to demonstrate greater flexibility in accepting UNHCR's criteria.

## **EXPENDITURE ON PROTECTION**

The details of specific activities related to international protection are reported in the following sections:

- Global Operations (Protection Related Projects);
- Headquarters (Department of International Protection); and
- Individual Country Chapters and Regional Overviews.

In addition, various other sections such as staff training, staff security and refugee women and children also relate to protection activities.