

ExCom 2004: The Americas

Part A: Major developments

The year 2004 marks the 20th anniversary of the Cartagena Declaration on Refugees, adopted in 1984 by a group of governmental experts and eminent jurists from Belize, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Venezuela. The commemorative event, to be held in Mexico from 15 to 16 November 2004, will have been preceded by three sub-regional meetings. Participants from governments, civil society and experts, while recalling the contribution of Latin America to international protection, reaffirmed the validity of the Declaration and its pragmatic approach in the current regional context. They identified new challenges in refugee protection, including local integration of urban refugees, and offered support to main asylum countries in Latin America through the strategic use of resettlement as a tool of “South-South” cooperation and in compliance with the principle of responsibility sharing.

Due to ongoing conflict, the humanitarian situation in many areas of Colombia continues to deteriorate. There has been further internal displacement (now well above 2 million people) as well as refugee movements to neighbouring countries and further abroad (some 40,000 refugees and asylum-seekers are registered in the region alone). The increased presence of security forces throughout the country has contributed to a reduction in overall levels of violent crime. However, the Government’s efforts to improve security have not been complemented with measures to prevent displacement fully and to guarantee protection of the rights of internally displaced persons (IDP). The predominance of security considerations at the regional level has tended to overshadow humanitarian concerns, limiting the impact of UNHCR’s efforts to promote the international protection of Colombian asylum-seekers and refugees.

In the USA and Canada, UNHCR continues to work to promote protection, assistance and durable solutions for refugees, and to enhance political and financial support for UNHCR. Both countries maintain generous resettlement programmes. Unfortunately, national security concerns and terrorism have led in some instances to a decline in the USA in both accessibility to asylum and in increased detention of those who seek protection. Although border control measures continue to be key elements of governmental policy and practice, UNHCR has recently reached agreement with Canada and the USA under which UNHCR will play a key role in monitoring the implementation of the Safe Third Country Agreement, signed by Canada and the USA in late 2002.

In Mexico, Central and South America, asylum-seekers tend to be part of mixed flows of migrants to the North. In this context, the identification of those in need of protection and ensuring the availability of alternatives to detention remain a challenge. A restrictive migratory environment prevails with the increasing use of interception, detention and large-scale organized deportation of undocumented persons. The countries in the region, however, continue to be receptive to the needs of asylum-seekers and refugees, and show a readiness to continue their cooperation with UNHCR in the strengthening of their asylum institutions.

In the Caribbean, UNHCR's work continues to focus on building capacity for both the regular adjudication of asylum claims and for dealing with situations of mass influx of refugees. In February/March 2004, UNHCR responded to the unfolding crisis in Haiti which led to a small outflow of Haitians to Jamaica and Cuba.

Part B: Progress on UNHCR's global objectives and the Agenda for Protection

Promotion of the highest protection standards: Goals 1, 3-AfP Goals 1, 2 and 3

- UNHCR's response to the outflow of Haitians during the latest political crisis in Haiti, when over 2,000 Haitians were intercepted and over 500 arrived in Jamaica and Cuba, will be reviewed in October from a "lessons learned" perspective. The response of the Governments of Jamaica, Cuba and Haiti was very positive not only in receiving the arrivals but also in facilitating voluntary repatriation. The residual caseload in Jamaica will be the object of attention in the coming months. (*Objective 1.6*)
- In Honduras, the legal framework was strengthened by the adoption of new legislation, including a regulatory decree setting up a national asylum procedure. (*Objective 1.2*)
- UNHCR continued to discuss asylum and refugee status determination (RSD) procedures with the authorities of Canada, Costa Rica, Mexico and the USA, where the discussions centered on the implementation of UNHCR's recommendations to improve procedural guarantees of the expedited removal procedure. These recommendations are even more important in light of the US authorities' recent decision to expand the application of this procedure from ports of entry to areas within 100 miles of US land borders. UNHCR's recommendations in its May 2004 report on monitoring missions to parish jails in Louisiana were well received by the US authorities. (*Objective 1.2*)
- UNHCR continued to undertake RSD under its mandate in Cuba and to participate with voice/no vote in the Eligibility Committees of 12 countries – Argentina, Bahamas, Bolivia, Brazil, Chile, Colombia, Ecuador, Guatemala, Honduras, Panama, Peru and Nicaragua. UNHCR expects to have a similar role in the Eligibility Committees of Belize, El Salvador, Honduras, Mexico, Paraguay, Uruguay and Venezuela. (*Objective 1.2*)
- Capacity-building projects included the training in international and national refugee law of State officials responsible for refugee and migration matters in Canada, Chile, Guatemala, Mexico, Nicaragua, Panama and Paraguay. (*Objective 1.2*)
- The promotion of refugee issues in regional bodies included UNHCR's active participation in the June 2004 session of the Organization of American States (OAS) General Assembly and in the 110th Inter-Parliamentary Union Assembly (Mexico, April 2004) where participants were briefed on the Cartagena Declaration and its 20th anniversary. UNHCR made strenuous efforts to engage the rest of the United Nations system in addressing the situation of refugees in countries neighbouring Colombia. (*Objective 1.4*)

Durable solutions: Goal 5 – AfP Goals 1,3 and 5

- UNHCR continued to promote local integration through self-reliance schemes, naturalization and issuance of residence and refugee documentation in Argentina, Brazil, Colombia, Costa Rica, Ecuador, Panama and Venezuela. In Mexico, during the first semester of 2004, 131 refugees received their naturalization documents. In Guatemala and Nicaragua, a number of long-staying refugees obtained their naturalization papers or permanent residency. In Canada, UNHCR disseminated the recently completed Reception and Integration Handbook. The implementation of micro-credit projects is particularly successful in Costa Rica (120 loans) and nascent in Mexico. Ecuador is being included in the list of Convention Plus initiatives for which a development assistance for refugees (DAR) approach would be applied. (*Objective 5.2*)
- The recent re-establishment of a UNHCR Office in Brazil is enhancing prospects for the development of resettlement capacity in that country. Some 64 refugees are being presented for resettlement in Brazil before this year's end. Furthermore, during the first half of 2004, the work of the Resettlement Units in Costa Rica and Ecuador selected 313 refugees out of a total of 655 applicants. UNHCR is promoting the resettlement of the remaining 31 refugees in Cuba (including 17 Afghans). (*Objective 5.3*)

Colombia Situation

- UNHCR continued to promote the implementation of Colombia's national IDP legislation while supporting governmental agencies and IDP associations directly involved in promoting the rights of IDPs; the Office focused on strengthening the capacity of the Offices of the Ombudsman and General Procurator to monitor compliance with the law and intervene to defend IDP rights in specific cases; the implementation of the February 2004 Constitutional Court Sentence T-025, by which IDPs rights are re-confirmed, is being followed closely by the Office. By the end of October 2004, UNHCR intends to provide the Government and civil society with its second analysis of the last two years' implementation of Colombia's public policy. Another report, closing eight months of monitoring of IDP returns, will be shared with the Government by end of September 2004. The Office will continue monitoring refugee repatriation movements and, when viable, assist in voluntary return. (*Objective 1.5*)
- In bordering countries, UNHCR continued to strengthen protection networks and assistance programs that also benefit host communities. In Ecuador, UNHCR participated in an inter-agency mission to the northern border with Colombia, which evaluated the situation in the region in terms of human rights, humanitarian assistance and refugees, social services, poverty, production and employment, environment, public administration and drugs. UNHCR increased its support to host communities with small development projects (QIPs) to facilitate local integration of Colombian refugees. (*Objective 4.4*)