

Protection

UNHCR's Protection Mandate

UNHCR was created to provide international protection for refugees and to find durable solutions to their plight. In certain circumstances, UNHCR is also expected to help and protect other groups of people in a refugee-like situation. UNHCR's unique mandate has required it since 1950 to monitor situations that could make people take flight and to take appropriate action when refugees' rights are threatened. Action includes both operational and other types of responses, such as intervening with relevant authorities on behalf of refugees and proposing appropriate remedial action. UNHCR must work in close cooperation with governments, who bear the primary responsibility to protect the human rights of people on their territory.

Securing Basic Rights

Protecting refugees involves ensuring that their basic human rights are respected in accordance with international standards. To do this, UNHCR works both in refugees' countries of origin and in countries of asylum. The first step towards protecting refugees is often ensuring non-rejection at borders and access to safety. Operations in border areas, camps, airports and detention centres allow staff to monitor and address the protection problems that refugees frequently encounter during their flight and asylum and for some time after their return home. A crucial protection activity is to ensure that asylum-seekers are given access to status determination procedures and, along with refugees, are protected from forced return to a situation of danger. In complex displacement emergencies – typically involving many humanitarian actors as well as increasing numbers of intergovernmental organisations and even the military – UNHCR plays a pivotal co-ordinating role for organisations that share its aims. Its paramount concerns are to secure the rights to life (and to food, shelter and health care) and liberty.



Ensuring Asylum

The fundamental UNHCR protection activity is ensuring that refugees and others in need of international protection are recognised and granted asylum. When national authorities cannot or will not implement procedures to identify refugees, UNHCR's staff are often deployed to thoroughly assess individual cases. Usually, UNHCR helps states to establish adequate refugee status determination procedures through training, advice and provision of background information on the refugees' countries of origin. Another important concern is to ensure that recognised refugees receive documentation attesting to their status to secure appropriate treatment and, in some cases, to avoid the denial or loss of nationality. When host governments fail to guarantee refuge to people in need of protection, UNHCR co-ordinates efforts to ensure their safety and rights. This might be through political approaches to governments, by mobilising other actors in the national and international arena, or through physical intervention, like transfer to safer locations or resettlement. UNHCR endeavours to see that governments keep not only to the letter but also to the spirit of international refugee law.

Legal and Resettlement Assistance

Resettlement remains a vital instrument of international protection and a durable solution for a small number of carefully

screened refugees who need to be moved for security reasons or because of their vulnerability. Special resettlement programmes are designed to benefit women at risk and other groups with special needs. UNHCR's protection officers usually identify refugees personally for resettlement. In recent years clear and consistent criteria have been rigorously introduced in order to improve this process. Through continuing consultations with governments and agency partners UNHCR develops strategies for meeting resettlement needs in a coherent and transparent manner.

Protection and Security Risks

In carrying out protection work on the ground UNHCR and partner agency staff increasingly face physical risk. In recent years, forced population displacement has often occurred in situations of armed conflict or violent civil disorder, and the mere presence of UNHCR or other humanitarian staff can arouse hostility. The number of security incidents is rising sharply. Since January 1999, five UNHCR staff members have been killed in the line of duty – four in the month of September 2000 alone. The specific problem of the security of humanitarian workers is described in this chapter.

Promoting Refugee Law

In addition to their operational protection role, UNHCR's field offices engage in a range of other activities to promote the international refugee protection system. These include promoting accession to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, to the 1954 Convention relating to the Status of Stateless Persons and to

the 1961 Convention on the Reduction of Statelessness. In 1999, UNHCR launched a campaign to promote accession to the 1951 Convention that will culminate on its 50th anniversary in July 2001. Other promotional activities include helping states to enact or revise national refugee legislation, strengthening relevant legal and judicial institutions, training staff of government and non-governmental agencies and liaising with relevant human rights bodies. UNHCR is also involved in: research and advice on new laws and regulations affecting persons of concern to the Office; technical and financial support for law schools and civil service institutes, to develop refugee law courses; and support for human rights and refugee rights advocacy groups, legal aid centres and non-governmental organisations with an interest in refugee protection.

Finding Solutions

UNHCR's mandate is to continue to protect refugees until a viable and lasting solution to their predicament has been found. The preferred solution for refugees is generally voluntary repatriation in safety and dignity. When repatriation takes place, UNHCR continues to ensure respect for basic rights during the process of return, and works with returnees for some time after their repatriation, monitoring their treatment and promoting their reintegration. In other cases, however, return under satisfactory conditions remains elusive. Then UNHCR looks into other long-term solutions. These include helping refugees to successfully integrate into the society of their country of asylum or to move to a third country (where they may resettle). In either case, refugees are helped to become self-reliant and, eventually, obtain citizenship.



PRESERVING ASYLUM

Global Consultations on International Protection

In a world facing increasingly complex population movements, preserving asylum is one of the key challenges for UNHCR in the new millennium. At its 51st session in October 2000, UNHCR's Executive Committee endorsed the Office's proposal to launch global consultations to promote full implementation of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Beginning in 2001, these global consultations on international protection will involve states, non-governmental organisations (NGOs) and refugee protection experts. Their aims are: to revitalise the international protection system; to devise measures to ensure that international protection is effectively provided for all who need it, while taking into account the legitimate concerns of states, host communities and the international community; and at the same time to identify appropriate approaches to new situations not covered by the Convention.

The global consultations will proceed along three parallel tracks. The first will use a major international event to mark the 50th anniversary of the 1951 Convention and reaffirm the commitment of states to its full and effective implementation (and of its 1967 Protocol). The second track will focus on current interpretation of the Convention. In 2001, UNHCR will convene round-table meetings of government experts, NGOs and academics to examine trends in refugee law, with a view to up-dating decision-makers who formulate refugee policy. To this end, UNHCR will prepare or commission a number of background papers on selected topics to serve as a basis for open debate, which, it is hoped, will crystallise into recommendations for decision-makers and UNHCR. The third and final track will relate to issues that are absent from or only partially covered by the 1951 Convention. UNHCR will pursue consultations on these within the framework of its Executive Committee. In so doing it will aim: to foster a common understanding of the protection challenges and how best to work together to address these challenges; to develop practical responses; and to recommend standards or guidelines where appropriate.

Protecting other Persons of Concern

UNHCR's expertise is also often called upon to protect and assist people other than refugees and asylum-seekers.

Returnees

This term applies to people who had been of concern to UNHCR when outside of their country of origin and who remain so after their return, but only for a limited period of time. UNHCR monitors returnees until conditions in the country of origin are considered stable, national protection is again available and returnees have reintegrated in their home communities. UNHCR ensures that amnesties or other guarantees offered by the country of origin are respected and that returnees enjoy the same human rights and fundamental freedoms as their fellow citizens. UNHCR may also help returnees acquire identity documents, obtain access to public institutions and social services and repossess their land and other private property.

Internally Displaced Persons

UNHCR has increasingly been requested to intervene to protect and assist internally displaced persons (IDPs). Although UNHCR often encounters IDPs by virtue of their being mixed with other categories of person of concern to UNHCR (such as refugees and returnees), UNHCR has on a number of occasions been requested to intervene solely on their behalf. In 2000, UNHCR published guidelines setting out the conditions for its involvement with IDPs. The Office also participates actively in the UN inter-agency task force on IDPs, which is intended to co-ordinate the UN's efforts on behalf of IDPs and to ensure they receive adequate protection and assistance, in accordance with the UN's Guiding Principles on Internal Displacement.

Stateless Persons

In carrying out its mandate regarding stateless persons, UNHCR increases awareness of the problem of statelessness and the range of solutions available to eliminate it. The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness provide a comprehensive framework by which to address current cases of statelessness and avoid like situations in the future. UNHCR provides technical support and advice to states on issues related to statelessness, while encouraging them to accede to the relevant conventions and incorporate their provisions into national law and practice. As part of this effort, UNHCR provides training for government officials and UNHCR staff, participates in government and intergovernmental forums dealing with statelessness, and encourages closer co-operation among states to resolve situations of statelessness.

Protection Costs

Protection depends on the presence of protection staff in locations where refugees or asylum-seekers may be at risk. The cost of protection is therefore largely the cost of deploying protection personnel, along with the logistical, programme and administrative support they require. Although it would be fair to define all of UNHCR's global activities as integral components of the process of protection, direct costs for protection can be identified in UNHCR's budget structure in the following places:

- Under the budget items **Protection, Monitoring and Co-ordination** and **Legal Assistance** in country-specific chapters;
- In the chapter on **Global Operations** (budget headings **Headquarters' Support for Resettlement Activities, Promotion of Refugee Law and Advocacy, Resettlement Projects** and **Protection Related Projects/Voluntary Repatriation**);
- As part of the budget for **UNHCR Headquarters**, under the heading **Department of International Protection**.

ADDRESSING THE

Through its work with refugees and others during emergencies, in conflict zones, insecure refugee camps or areas rife with insurgency activities or banditry, UNHCR staff are often exposed to danger. This high risk environment has been compounded by an alarming tendency to expressly target humanitarian workers. Such behaviour can be attributed to a desire to demonstrate contempt for the international community (humanitarian workers are considered 'soft targets' compared, for example, to peace-keeping forces) or situations where one party to a conflict perceives humanitarian workers to be biased in favour of the other party. Other threats to the safety of humanitarian workers include banditry and other forms of criminality.

Growing threats to security are sadly borne out by recent events. Since 1999, UNHCR staff have been victims of a number of serious incidents: five killings, four arrests, eight shootings, 13 cases of hostage-taking or occupation of offices, 24 threats (some of them extremely serious) and 31 thefts. Most recently, in September 2000, the appalling murder of four of UNHCR's staff – Samson Aregahegn, Carlos Caceres and Pero Simundza in West Timor (Indonesia) – and Mensah Kpognon in Macenta (Guinea), as well as the kidnapping of another colleague, Laurence Djeya (also in Guinea) threw into light the increasing vulnerability of those who are implementing the Office's mandate.

In light of these events, UNHCR undertook a complete review of its own security measures, the results of which will be presented in December 2000. This was conducted against a backdrop of broader initiatives to improve the overall UN security structure, which is managed by the Office of the UN Security Co-ordinator (UNSECOORD) in New York. However, reducing security risks to UNHCR staff has budgetary implications. In 2001, funding will be needed to:

- Increase security awareness training for staff working in hazardous duty stations and those about to be assigned to such locations;
- Review the security and evacuation plans for offices located in hazardous and relatively inaccessible areas, requiring a series of field visits by staff security specialists from Headquarters;
- Hire additional Field Safety Advisors;
- Establish a reliable and effective communications network for all UNHCR offices in hazardous locations (including satphones and repeaters);

GROWING PROBLEM OF STAFF SECURITY

- Expand the availability of post-incident stress counselling; and
- Modify human resources policies (postings, standard assignment lengths and rotation) to mitigate the effects of and establish time-limits on exposure to insecure living and working conditions.

Costs for ongoing activities to improve staff security are reflected in the Programme Support budget for each country (see UNHCR's Operations) as well as in the budget for the Department of Operations/Division of Operational Support at Headquarters. Further information on cost estimates for additional measures will be made available in a separate document. Following a recent recommendation by the ACC (Administrative Committee on Coordination),



these costs will become more readily identifiable in UNHCR's new financial systems, once it becomes fully operational.

