

Summary of the Strategic Oral Presentation for Europe and South-Eastern Europe

Standing Committee

21st meeting

25 – 27 June 2001

1. The South-Eastern Europe Operation and the Bureau for Europe merged on 1 June 2001. This summary therefore outlines the operations in Europe in an integrated manner.
2. UNHCR's primary objective in Europe remains the promotion of high standards of refugee protection at all stages of the asylum process, from admission policies and fair and efficient asylum procedures, to adequate standards of treatment of asylum-seekers and refugees. Yet, UNHCR is fully conscious that refugee protection standards have to be safeguarded in the context of increased migratory movement into Europe. Effective protection of refugees requires, though not as a precondition, fair and equitable sharing of responsibility among the European States to receive asylum-seekers, process their claims, integrate those granted asylum and effect a humane return programme for those who are rejected.
3. European solidarity and responsibility-sharing, as part of concerted efforts within and outside the United Nations, are more crucial today than ever to prevent the displacement and suffering of people by yet another wave of conflict and violence in the region. There are still hundreds of thousands of men, women and children waiting to return to their homes in safety and security from the exile or internal displacement they were forced into by previous and current conflicts in Bosnia and Herzegovina, Croatia, Kosovo (the Federal Republic of Yugoslavia), Georgia, Nagorno-Karabakh, Chechnya (the Russian Federation) and elsewhere in the region. Wherever called upon, UNHCR has done its best, within the means at its disposal, to meet their humanitarian needs, but only a determined political action will bring about lasting solutions.

A. The asylum – migration nexus

4. Confronted with the growing scale of irregular migration, European States, like many others in all regions of the world, have introduced a wide range of measures intended to obstruct or dissuade people from gaining access to their territory, with the result that asylum-seekers cannot put forward their claim. But such measures have only had limited success in meeting their intended objectives. In fact, there is growing evidence to suggest that the imposition of such controls has had the effect of diverting migrants and asylum-seekers to new destinations and prompting them to resort to clandestine forms of movement.
5. These problems have been exacerbated by difficulties facing European States to establish expeditious and effective systems for the determination of refugee status. The prevalence of asylum backlogs, delays in status determination and the problems encountered when wishing to remove rejected asylum applicants and irregular migrants demonstrate this point. Public confidence in asylum systems and procedures is consequently low, a situation that is compounded by the widespread confusion over regular and irregular migrants, asylum-seekers, refugees and people in need of protection for humanitarian reasons. Certain politicians and media have intentionally generated this confusion to fuel anti-immigrant, xenophobic sentiments.
6. The prevailing negative perceptions of asylum in particular, but also of migration, must be counter-acted. In a globalizing world, the movement of people is not an anomaly. In many

parts of Europe, sound migration policies are lacking, and the issue falls victim to politicized election debate. In recent times, foreigners have been the subject of verbal and physical attacks proportionate to the 'political noise'. Negative characterization of asylum-seekers has far-reaching consequences not only for the individual asylum-seeker or refugee. It impacts on the institution of asylum locally and internationally, on society at large and on relations with the countries of origin. UNHCR would appeal to European Governments to use the timely World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban later this year to show courage and speak up in defence of the rights of asylum-seekers and refugees.

7. There is a need for adequate research and analysis on migration, and seen from UNHCR's perspective, particularly on the interface between migration and asylum. UNHCR therefore very much welcomes the creation of the Migration and Policy Research Programme within the International Organization for Migration (IOM), which has just been established. This programme will help reinforce the links between UNHCR and IOM on matters of common concern in the area of migration and asylum. The asylum-migration nexus is one of the subjects of the second substantive meeting of the third track of the Global Consultations on 28 and 29 June 2001.

B. Expanding the asylum space

8. While there are obvious inter-linkages between refugee and migratory movements, they nevertheless raise fundamentally different concerns and require distinct policy responses and legislative measures. To ensure the preservation of international refugee protection, the asylum space must continue to expand to Central, Eastern and South-Eastern Europe. It is noteworthy that in 2000, Slovenia received the largest number of asylum-seekers compared to the size of the national population. In Europe as a whole, a total of some 452,000 asylum applications were submitted in 2000, 4% less than in 1999. The largest share of these applications came from the Federal Republic of Yugoslavia, followed by nationals from Iraq and Afghanistan.

9. All Central European states have now ratified the 1951 Convention relating to the Status of Refugees and 1967 Protocol and have national refugee legislation in place. The challenge remains that of implementation. The promotion of adequate reception standards for asylum-seekers and integration conditions for recognized refugees is UNHCR's key objective for this and the coming years. Towards this goal, UNHCR – bilaterally as well as in cooperation with the European Union (EU) and the European Commission (EC) - is supporting the Central European States in their efforts to build asylum systems and procedures that meet international standards.

10. In South-Eastern Europe, the security and humanitarian conditions created by years of conflicts and the poor economic environment of the current post-war recovery stage have not attracted many asylum-seekers and immigrants to the region. However, the absence of law and order and the relative fluidity of the borders have facilitated the development of trafficking routes and the transit of migrants and persons seeking international protection to countries in Western Europe.

11. An important contribution to the efforts of the South Eastern Europe countries to foster peace, democracy, respect for human rights and economic prosperity and regional stability is the EU's Stabilisation and Association Process. The process is the EU's main contribution to the Stability Pact for South-Eastern Europe. In this context, UNHCR has introduced the issue of asylum system development for the countries of the region in the framework of Working Table III.

12. In Eastern Europe, the asylum space is slowly expanding through the adoption of legislation and development of asylum systems. UNHCR congratulates Belarus on its accession to the 1951 Convention and 1967 Protocol in May this year, and commends the Government for its refugee integration policies. Moldova and Ukraine are also making commendable progress in developing national refugee laws, and are encouraged to make the final step by acceding to the 1951 Convention and 1967 Protocol.

13. The *quality* of the expanded asylum space is a decisive factor. In this regard, the major challenge for refugee protection in Western Europe continues to be the EU harmonization process pursuant to the Amsterdam Treaty that came into force in May 1999. The outcome of the harmonization process – be it of high or low quality – will have an immediate impact on the quality of asylum in accession States as well as in the rest of Europe and the rest of the world.

14. The Tampere Summit of the European Heads of State and Government in October 1999 was a milestone in shaping the policy direction of the EU in the fields of asylum and migration. Much has been done since Tampere; more will need to be pursued. The EC has put before the EU Member States almost all of the asylum-related proposals required by the Amsterdam Treaty. These proposals require lengthy negotiations. So far, one substantive asylum instrument has been adopted – the Directive on temporary protection. UNHCR hopes that there will be some acceleration in the negotiations of the remaining instruments; it is a concern that with the approaching 2004 Amsterdam Treaty deadline for adoption of all harmonization instruments, time pressure may lead Member States to settle for the lowest common denominator.

15. UNHCR will continue to develop position papers and work actively with the EC and the EU Member States in support of the development of harmonized asylum policies. UNHCR very much appreciates the cooperation with the EC over the last two years and the openness of the Member States to listen to UNHCR's concerns, even though they are not always taken fully on board.

C. The challenges of humanitarian assistance in conflict and post-conflict situations

16. Recent events in The former Yugoslav Republic of Macedonia have accelerated UNHCR's regional contingency planning and emergency response mechanisms throughout the eastern Balkans. With displacement figures now approaching 80,000, UNHCR is working with its partners in all asylum countries to ensure that the refugees' immediate needs are met. As observed in earlier emergencies in the region, the majority of the newly-displaced are joining relatives and host families. This absorption capacity is likely to be exhausted if the numbers continue to increase. Nonetheless, UNHCR has brought forward many non-food-items from regional contingency stocks, has planned for reception centres and immediate material needs, established emergency funding mechanisms and identified staff for temporary redeployment to the region should that become necessary. Naturally, it is hoped that further displacements may be avoided and that organized, safe returns can begin at the earliest possible moment.

17. The completion of the peaceful handover to the authorities of the Federal Republic of Yugoslavia of the Ground Security Zone around Kosovo has laid the foundation for delivery of much needed material and economic assistance to the Preshevo Valley area. We look forward to early efforts to further stabilise this important area. In Kosovo, our transition strategy continues with the successful handover of the buslines to UNMIK, while our offices will remain focused, in collaboration with the Special Representative of the Secretary General, UNMIK and KFOR, on the protection of minorities in Kosovo and preparations for the return of displaced

persons currently in other parts of the Federal Republic of Yugoslavia.

18. Elsewhere in the Balkans, the reconstruction of shelter for the increasingly high numbers of returnees to Bosnia and Herzegovina this year remains a critical need. In Croatia, the implementation of the Government's commitment to accelerate the return process is awaited. In the Federal Republic of Yugoslavia, the completed registration exercise has identified some 17,000 priority cases for early return to Bosnia and Herzegovina and Croatia, which UNHCR's offices in the region will be actively pursuing with the authorities over the coming months. Early indications of refugee intentions also show that many of the estimated 518,000 refugees in the Federal Republic of Yugoslavia may wish to stay, and will be in need of integration assistance.

19. Lack of access and insecurity stand in the way of refugee protection. In Georgia, the security situation continues to deteriorate alarmingly, hindering both the safe return of refugees and internally displaced persons and UNHCR's access to them. In this difficult environment, UNHCR will continue to support the peace-process through participation in the Joint Control Commission on the Ossetia conflict and assist the return of refugees and displaced persons to their places of origin in South Ossetia and Georgia proper. In the Abkhazia conflict, UNHCR is mandated by the special request of the Secretary-General to facilitate the return of internally displaced to their places of origin and their rights as citizens while displaced. Limited humanitarian assistance is being provided to an estimated 40,000 recent spontaneous returnees to the Gali region of Abkhazia, who live in precarious security conditions.

20. The situation of refugees and internally displaced from and in Chechnya (Russian Federation) remains a humanitarian and political challenge for the international community. Security concerns continue to severely hinder access and monitoring inside Chechnya. While not promoting return under the present circumstances, those choosing to return voluntarily will receive limited humanitarian assistance from UNHCR and its partners. Pending conflict resolution and conditions conducive to return, UNHCR will promote temporary local integration in Ingushetia or elsewhere in the Russian Federation. The experience from Southern Caucasus - where the displaced have lived in difficult conditions for decades in the absence of durable solutions - shows that protracted UNHCR involvement must be avoided and that a comprehensive and solution-oriented approach must be found.

21. UNHCR follows closely the negotiations between Armenia and Azerbaijan in pursuit of a solution in respect of Nagorno-Karabakh. Pending a break-through, UNHCR will promote the temporary integration of the internally displaced in Azerbaijan. Assistance activities are being phased down and partly handed over to development actors in both Armenia and Azerbaijan, while asylum system development remains a key priority. In this respect, UNHCR welcomes the law on NGOs and presidential decree adopting refugee status determination procedures in Azerbaijan. In Armenia, UNHCR is encouraged by the naturalization programme, which so far has provided citizenship to 25% of the refugee population.

22. In pursuit of lasting solutions, UNHCR, the International Organization for Migration, the Organization for Security and Co-operation in Europe and the Council of Europe have developed a common workplan as a follow-up to the 1996 Geneva Conference to pursue the following priority themes: 1) building of functioning national asylum and migration management systems in the CIS in accordance with international standards; 2) reduction and prevention of statelessness; and 3) institutional and capacity-building support to the NGO community and civil society. Encouraging events under this plan have recently included a regional consultation on citizenship and statelessness, and a sub-regional event on asylum and border management between West, Central and East European neighbours generating practical approaches to the

challenges. Issues of implementation and cooperation will be discussed further when field and headquarters representatives from participating agencies meet in Vienna in July 2001.

D. The Global Perspective

23. Solutions to Europe's refugee generating crises are a test of Europe's ability to offer protection and solutions to refugees. Ultimately, however, the solution to asylum-seekers and refugees, as well as irregular migrants coming to Europe cannot be resolved only by Europe or in Europe. It also involves countries of origin and countries of transit. Open and constructive dialogue is a prerequisite for efforts to ensure asylum to all in need. Unilateral measures, such as 'safe third country' policies, only shift the problem somewhere else. UNHCR therefore encourages comprehensive and cooperative approaches, such as the EU High Level Working Group on Asylum and Migration (HLWG), and appreciates its revival under the Swedish EU Presidency. It is hoped that the upcoming Belgian Presidency will continue to give priority to the work of the HLWG.

24. The Global Consultations on International Protection reflect the heightened recognition that the refugee problem is an international one and that crafting responses to address many of today's issues is best approached on the basis of multilateral cooperation. UNHCR is most grateful for the active participation of the European Governments in this process, particularly that of Hungary, which co-hosted with UNHCR the Regional Conference on Global Consultations in Budapest on 6 and 7 June 2001. This regional conference - with participants from Central, Eastern and South-Eastern Europe, the Baltic States and the EU "Troika" (Sweden, Belgium and the European Commission) held discussions over two days and adopted conclusions on three important subjects: legal and practical aspects of the return of persons not in need of international protection; the application of the "safe third country" notion; and inter-State agreements for the re-admission of third country nationals and for the determination of the State responsible for examining the substance of an asylum claim.

25. Another major contribution to the Global Consultations comes from Switzerland, as host to the Ministerial Meeting of States Parties to the Geneva Convention on 12 December 2001. This meeting, co-convened by the Government of Switzerland and UNHCR, will commemorate the 50th anniversary of the 1951 Convention hopefully by re-affirming that the 1951 Convention and 1967 Protocol remain the foundation of the international regime for the protection of refugees.

26. As an integral part of the Global Consultations, UNHCR in Europe will convene a forum for refugees, named "The Refugee Perspective", from 14 to 16 September in Rouen, France. Some 80 refugee participants will discuss asylum processes, integration of refugees, and voluntary repatriation. The conclusions from the forum will be fed into the Global Consultations' third track meetings.

27. In conclusion, UNHCR would like to see a solid high-standard asylum system put in place throughout Europe. In parallel, there are a number of refugee and displacement situations that still lack a solution and need to be addressed. It will take concerted efforts to build and preserve the quality of asylum in Europe, to address the asylum-migration interface, to find durable solutions for those displaced by Europe's conflicts, and to maintain a global perspective on refugee protection. Forging partnerships with governments, regional organizations, UN agencies, non-governmental organizations therefore remains core to the effective implementation of UNHCR's strategies.

28. UNHCR must, by mandate and necessity, remain at the vanguard of international refugee protection, and continue to play an active, coordinating, mediating and catalytic role. UNHCR can only continue to be relevant to Governments, however, if the organization is backed politically and financially. The quality of asylum globally is ultimately best ensured by a UNHCR that is equipped to do its job.