

**Bullet point summary of the strategic presentation on
UNHCR's CASWANAME operations**

**29th meeting of the Standing Committee
9-11 March 2004**

I. INTRODUCTION

- More refugees originate from the CASWANAME region than from any other. The vast majority have sought asylum within the region.
- Eleven of the 27 countries covered by CASWANAME are signatories to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. In addition, all six countries in North Africa have signed the OAU Refugee Convention of 1969. Nevertheless, the legal framework for refugee protection in this region is often weak. UNHCR has devoted considerable attention to promoting accession to the Convention and, where countries are signatories, to supporting governments in the creation and maintenance of an international protection regime (*Strategic Goal 1*).
- From an operational point of view, the work of CASWANAME has been dominated by events in Iraq and Afghanistan.
- During the first part of 2003, UNHCR and its partners worked towards maintaining and improving UNHCR's levels of emergency preparedness and response to assist States to respond to refugee influxes (*Strategic Goal 2*).
- In the case of Afghanistan, UNHCR continues to focus on the pursuit of durable solutions (*Strategic Goal 5*), especially through voluntary repatriation.
- Programmes in Iraq and Afghanistan are both founded on partnerships, and progress has been made towards the achievement of effective partnerships to better protect people of concern and ensure delivery of quality programs (*Strategic Goal 7*).

**II. PROGRESS ON GLOBAL OBJECTIVES AND IMPLEMENTATION
OF THE AGENDA FOR PROTECTION**

Strengthening implementation of the 1951 Convention and 1967 Protocol (*Agenda for Protection Goal 1*),
Support governments in the creation and maintenance of an international protection regime (*Strategic
Goal 1*)

- Four of the five Central Asian Republics are signatories to the Convention (only Uzbekistan has still to accede). UNHCR works with all these countries to strengthen implementation of the Convention.
- There has been progress in establishing national asylum systems and providing refugee protection in Central Asia - particularly in Kyrgyzstan, where the Government is integrating Tajik refugees of Kyrgyz origin and giving them citizenship, thereby facilitating full local integration. UNHCR is negotiating with the Government of Turkmenistan for the integration and naturalization of Tajik citizens of Turkmen origin. It has also approached the Government of Tajikistan with a proposal for the integration and naturalization of Afghan refugees; meanwhile, agreement has been reached on the registration of Afghan refugees in Tajikistan.
- The Office works with governments throughout Central Asia more generally to develop and strengthen refugee protection and to establish effective national structures to deal with asylum-seekers, refugees and stateless persons. In Tajikistan, for example, it is advocating for the amendment of current refugee legislation to conform to the Convention. Discussions are being held regarding the registration of Chechens in Kazakhstan.

- Over the next three years, UNHCR will focus on building the capacity of states in North Africa and the Middle East to deal with refugee issues, taking into consideration the socio-economic conditions and financial constraints of individual countries. The aim will be to enhance self-sufficiency and to help find solutions within the region. The Government of Yemen has agreed to resume discussions with UNHCR about the new Refugee Law, and UNHCR is revising the draft constitution of a national refugee body for Yemen. Somali refugees in Yemen have been registered, and the Government will now move ahead with registration of Ethiopians.
- In countries that are party to international refugee instruments, UNHCR will aim to reduce its involvement in refugee status determination procedures and to increase States' capacity to provide improved individual asylum procedures (*Agenda for Protection Goal 1, Objective 2*). In countries that are not yet party to these instruments, but where an interim framework for UNHCR's presence and refugee protection exists, such as through a Memorandum of Understanding, the organization will continue to remain involved in refugee status determination procedures, assistance to the most vulnerable refugees, protection interventions and the quest for durable solutions, while continuing to advocate for accession to the Convention (*Agenda for Protection Goal 1, Objective 1*).
- The Office will work to create a dialogue and partnerships with European Union member States and non-EU members south of the Mediterranean to establish mechanisms and to build capacities to manage the nexus between migration and asylum, and to address refugee challenges in a spirit of burden sharing. UNHCR proposes supporting the establishment of a dialogue in which legitimate security concerns of countries north of the Mediterranean are properly addressed while ensuring that people fleeing persecution receive protection (*Agenda for Protection Goal 2, Objective 1*).
- The protection strategy for Sudanese asylum-seekers in Egypt has been reviewed, and the situation is being monitored in light of developments in the country of origin.
- In early December 2003, UNHCR created a free telephone link to enhance communication between Sahrawi refugees in camps in Algeria and their communities of origin, as part of the United Nations Confidence Building Measures designed to support the political process. A UNHCR plan for an exchange of family visits has been accepted and the first movement is scheduled to take place in March 2004.
- In Afghanistan and Iraq UNHCR works closely with (respectively) the Ministry for Refugees and Repatriation and the Ministry for Migration and Displacement, providing technical advice and expertise and training on refugee law, to enhance respect for refugees (*Agenda for Protection Goal 1, Objective 8*). In Iraq, the Organization is providing comments on draft laws relating to issues of concern to returning refugees, notably property restitution and nationality.

Sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees (*Agenda for Protection Goal 3*), Maintain and improve UNHCR's levels of emergency preparedness and response to assist States to respond to refugee influxes (*Strategic Goal 2*).

- As part of the drive to more effective and predictable responses to mass influx situations (*Agenda for Protection Goal 1, Objective 10*), in the early part of 2003, UNHCR and its partners began to prepare for a possible outflow of 600,000 people from Iraq to the six neighboring countries. Under a regional and flexible approach, the Office pre-positioned non-food items and equipment in four strategically selected locations, two in Jordan, one in Turkey and one in the Islamic Republic of Iran. The aim was to minimize transport costs within the region and cover as many eventualities as possible.
- UNHCR assembled seven emergency preparedness and response teams. Forty professional staff members and seconded staff were deployed to support UNHCR offices in neighboring countries, negotiating and liaising with governments and partners within the assistance community, and making practical preparations for a potential influx. Another twenty people stood on standby. Sites were prepared, protection training workshops carried out, and border monitoring mechanisms set in place.

- Ultimately, very few people left Iraq. Small numbers approached the border with Jordan, the majority of them Palestinians and Iranian Kurds. Palestinians were allowed to enter Jordan, while Iranian Kurds were accommodated in a camp in no man's land.
- Throughout the operation there was close coordination with partner agencies and cooperation with governments.
- Following consultations with donors, stocks procured for the emergency phase were redirected into Iraq to support activities on behalf of returning Iraqi refugees, internally displaced persons and non-Iraqi refugees.

Strengthening implementation of the 1951 Convention and 1967 Protocol (Agenda for Protection Goal 1), Redoubling the search for durable solutions (Agenda for Protection Goal 5), Seek durable solutions (through voluntary repatriation and sustainable reintegration, local integration and resettlement) to the situation of refugees (Strategic Goal 5)

- Some 2.5 million Afghans have returned over the past two years, mostly from the Islamic Republics of Iran and Pakistan. For the next two years, UNHCR and its governmental, United Nations and non-governmental partners are concentrating on facilitating the repatriation of those who wish to return, within the legal frameworks provided by tripartite agreements, and on identifying and removing obstacles to return. Throughout the operation, UNHCR has striven to enhance predictable responses to mass influx situations (*Agenda for Protection Goal 1, Objective 10*).
- UNHCR is working on the basis that conditions inside Afghanistan will improve between now and the end of 2005, and that voluntary return will be continuous and substantial.
- The Office is aware, however, that some Afghans will be unable or unwilling to repatriate, and that displacement from Afghanistan is no longer simply a humanitarian and refugee challenge, but a complex social and economic issue for which new policies and interventions will be required. UNHCR is therefore working with the concerned Governments, the International Labour Organization (ILO) and the International Organization for Migration (IOM), as well as representatives from donor governments, on the design of a more comprehensive framework of solutions for Afghans who may remain in neighboring countries following the expiry of the agreements. The aim is to ensure that when the voluntary repatriation agreements expire, Afghans are not left in a situation where they have neither clear status nor options to pursue.
- The Office is carrying out a series of studies. The first examines obstacles to return. A second will investigate transnational networks between people who have left Afghanistan and those who remain. Studies will also look at labor markets, migration frameworks, institution building, and legal and protection aspects.
- Regular consultations on the process will be held in Kabul, Islamabad and Tehran, as well as in Geneva throughout 2004. The principal technical elements of a future policy framework should be concluded by the end of the year.
- The Office has started consultations about the eventual voluntary repatriation of the remaining Mauritanian caseload in Nigeria and in Mali.
- UNHCR is also actively seeking a solution for a group of Palestinians stranded in the Ruwayshed Refugee Camp in Jordan, as well as a mostly Kurdish group from Iran that fled Iraq in 2003 and which is currently living in the no man's land between Jordan and Iraq.

Sharing Burdens and responsibilities more equitably and building capacities to receive and protect refugees (Agenda for Protection Goal 3), Build effective partnerships to better protect people of concern and ensure delivery of quality programmes (Strategic Goal 7)

- The forging of partnerships has been crucial in both the repatriation and reintegration strands of the Afghan operation.
- The tripartite agreements signed between UNHCR and the Governments of Iran, Pakistan and Afghanistan serve as an important legal framework for the repatriation process, and provide for regular tripartite consultations between the parties. Similar agreements have been signed between UNHCR and Afghanistan with the Governments of France, the Netherlands, and the United Kingdom.
- Inside Afghanistan, UNHCR has encouraged a practical division of labor, both strategic and sectoral. Its own direct reintegration interventions were limited to a few essential sectors (shelter, water, and income generation) and protection monitoring.
- Under the current coordinating system, a series of Consultative Groups has been set up - one of which covers refugees and IDPs. The Group is chaired by the Minister for Refugees and Repatriation and is supported by UNHCR. It sets policy and approves programmes that involve multiple actors in dealing with the return movement and initial reintegration phases.
- Close links with the Ministries of Rural Reconstruction and Development and Urban Development and Housing facilitate the meeting of longer-term social and economic reintegration. UNHCR has emphasized the need to mainstream reintegration issues and areas of high IDP and refugee return within national development programmes and partner agencies' planning.
- In 2004, UNHCR will focus increasingly on building capacity in the Ministries, both in Kabul and in the provinces. At the same time, it is reducing its own direct interventions. It will maintain a reduced shelter program (the aim is to provide 20,000 houses) and is holding discussions with other organizations (notably UNOPS) with a view to encouraging others to continue to supply housing assistance to returnees. Interventions in the water sector will be mostly channeled through government programmes.
- In Iraq, all UN operations depend heavily on partnerships with the authorities (national and local), NGOs, and local community leaders. In the northern governorates, where a functioning public administration has evolved over the past decade, this is easier than in the center and south, where a new ministry is striving to get established.
- As Task Manager of the United Nations Refugee and IDP Cluster (one of ten such groups, each designed to cover a specific issue), UNHCR is working both to strengthen the capacity of the authorities (in Baghdad and, crucially, in the provinces) and to coordinate the development of a coherent and cohesive policy and implementation plan that both addresses the most urgent needs and takes account of the operational constraints that prevail inside the country.
- The Office has offered to host consultations with NGOs that are working in the region. These will focus on both current and planned activities and will tackle both strategic and operational aspects. A key element will be to work towards *Agenda for Protection Goal 1, Objective 5* (Closer cooperation in the supervision of implementation of the 1951 Convention and 1967 Protocol).
- A draft Cooperation Agreement has been finalized by UNHCR and the Gulf Cooperation Council. The Council is expected to approve the document by the end of March 2004.

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