

# Providing international protection

UNHCR's mandate of ensuring international protection to refugees and to work with States to find solutions to their problems is executed in an ever-changing and complex environment in which a host of political, security-related, economic and social factors influence and undermine the institution of asylum. As the Secretary-General stressed in his report *In Larger Freedom*, security, development and human rights are inextricably linked and must be addressed together. In today's world of interconnected threats and challenges, it is vital that UNHCR profile itself as the protection agency it is mandated to be. Protection must be strengthened as the cross-cutting culture that impacts on all UNHCR's activities of both programme delivery and policy development. Protection cannot be regarded as a separate activity, but rather as the guiding principle for all UNHCR staff.

New conflicts continue to produce outflows of refugees, particularly in Africa, and solutions to many large-scale and long-standing refugee situations have remained elusive. Problems such as illegal migration, smuggling and trafficking of people, as well as the security dimensions of refugee situations in some regions have, in addition, increasingly led to a politicization of the institution of asylum. There is a growing perception that burdens are disproportionately spread and a sense among many States that they lack adequate tools, or that the existing instruments are insufficient, to manage their burdens. Consequently, more and more States are reluctant to make asylum available or to offer it on more generous terms.

UNHCR's efforts to improve the quality of asylum, to curtail further reductions in entitlements to asylum-seekers and refugees, and to prevent the spread of unjustified measures to deter them from seeking international protection, take place amid many challenges, some new, and some lingering. First and foremost among these is the challenge of ensuring that the resources at the disposal of protection are adequate to the task, and that

protracted situations do not suffer in comparison to larger operations that have greater public attention. An element of this problem is the practice of considering core protection functions as administrative overhead costs rather than essential protection service costs that must be adequately resourced. The management of protection functions, particularly where resources are limited, is an important area of concern, as is ensuring that the expertise of protection staff is sufficient and commensurate with the responsibilities placed upon them. The risks to staff safety and security inherent in "doing" protection have increased, and this often poses a significant limitation on the ability of the Office to implement its protection mandate.

After 11 September 2001, States have increasingly focused on security measures and migration control. In this environment, UNHCR's focus is to help States to devise a principled approach to managing asylum which respects legitimate national concerns, but allows those who need it access to effective protection and adequate conditions of stay in host countries.

Through the process of the Global Consultations on International Protection launched in 2001, UNHCR has put much effort into reinvigorating the commitment of States to the central tenets of the 1951 Refugee Convention, while promoting the development of new protection approaches to address issues not adequately covered by the Convention. The ensuing *Agenda for Protection* established a six-goal programme of action, which continues to be the pivotal guidance for concrete action by States, UNHCR and its partners, with the aim of giving new impetus to more resolute implementation of the protection framework. The *Agenda for Protection* has proven an important strategic initiative that informs and guides the delivery of protection at the field level.

The Convention Plus initiative, aimed at improving refugee protection and finding solutions through

multilateral agreements, has delivered concrete results in implementation of the *Agenda for Protection* goal to build capacities to receive and protect refugees. The initiative's projects will be mainstreamed into UNHCR country programmes. Within the context of Convention Plus, the Strengthening Protection Capacities Project (SPCP) was initiated in 2005 to develop a comprehensive methodology to strengthen the capacity of States to protect refugees. The methodology consists of a protection gaps assessment, consultations with national partners, and the development of a strategic plan with project interventions. UNHCR will work towards incorporating it into the annual operations planning processes for all its operations, while concrete projects in the pilot countries Kenya, the United Republic of Tanzania, Burkina Faso and Benin will be implemented.

UNHCR's clearly defined responsibilities for refugees and other persons of concern do not extend to migrants generally. It is, at the same time, a fact that refugees often move within broader mixed

migratory flows. UNHCR is pursuing a variety of initiatives aimed at addressing the interface between asylum and migration so that people in need of protection find it.

More resolute responses to the root causes of refugee movements are another objective of the *Agenda for Protection*. Protracted situations of statelessness are recognized as one such cause. UNHCR's action with regard to statelessness in 2006 will be twofold: on the one hand, it will increase its research capacity, in partnership with relevant academic institutions, so as to better identify and profile stateless populations; on the other hand, it will seek to improve the protection framework through advocacy, direct legal and material assistance, as well as through the promotion of a consistent United Nations inter-agency response to protracted statelessness situations. In particular, UNHCR will collaborate with the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and UNIFEM, and will assist concerned States to integrate or



Colombia: Much of the forced displacement occurs in isolated communities. Conscious that presence is the most important element in ensuring the protection of those at risk of displacement, UNHCR staff try to reach communities in remote areas, using a variety of transport means. *UNHCR / A. Menendez*

reintegrate marginalized communities by developing programmes favouring education, housing and income generation, especially in partnership with UNDP and ILO.

As the protection challenges are many and the available resources inadequate, partnerships are indispensable for UNHCR. Protection partnerships are promoted with a wide variety of actors ranging from States, other United Nations, intergovernmental and non-governmental organizations, judges, parliamentarians and journalists, to the military, peacekeeping forces and the corporate sector. For example, in the area of food assistance to refugees and returnees, the Office pursued its close partnership with WFP, working to tackle the many protection problems which arise as a result of food deficits. UNHCR also works towards empowering refugee communities to meet their own needs. Supporting linkages among NGOs, academics and other concerned actors in the North and the South is also an important feature of partnership arrangements for UNHCR. Efforts are also being made to enhance UNHCR-NGO collaboration in the resettlement process as a means of further increasing resettlement opportunities for refugees.

The situation of the world's roughly 25 million internally displaced persons (IDPs) is one area which requires strong cooperation between United Nations agencies. A Humanitarian Response Review commissioned by the Emergency Relief Coordinator in 2005 to assess gaps in the response to humanitarian emergencies made a series of recommendations to improve on areas such as more predictable funding, strengthened coordination mechanisms, better preparedness measures and common services to alleviate the plight of the internally displaced. With UNHCR's long-standing expertise in issues of forced displacement and in line with its operational experience in selected IDP situations, UNHCR has been fully committed to this process and will assume the cluster lead for protection, camp coordination and management, and emergency shelter (see details under "Working in partnership with others").

This increased responsibility and accountability for internally displaced people poses a challenge

which may have implications on resources and staffing. UNHCR is exploring with its Inter-Agency Standing Committee partners effective and practical ways to deliver on this added responsibility, mindful of the need to ensure that this will in no way undermine its ability to protect and assist refugees.

The achievement of UNHCR's protection goals requires a concerted effort from the organization to enhance the protection capacity in field operations. As a starting point, the Office is reforming its planning and reporting procedures, to ensure that programme activity is not an end in itself, but rather a means to achieve protection objectives; as well as to reduce the sometimes burdensome amount of reporting which detracts from the ability of staff to maintain an adequate protection presence where it is most needed.

Enhancing protection capacity requires the placement of the right staff in the right place at the right time. Protection management goes hand in hand with protection delivery. Training and learning activities are therefore of the essence to support this process. The delivery of protection training to all staff will be intensified, in addition to the development of function-specific training for protection staff and protection managers. The Office will work on clarifying the standards related to the number and profile of protection staff needed in field operations. In addition, protection staff deployment schemes are aimed at a temporary increase in capacity to fill gaps on the ground.

Finally, the creation of the post of Assistant High Commissioner for Protection will not only support UNHCR's overall effort to strengthen the capacity of the organization in protection and durable solutions; it is proposed in the context of structural changes in the Office aimed at bridging the gap between protection and operations, and between Headquarters and the Field. An Assistant High Commissioner for Protection will oversee a re-alignment of units and services with the primary objective of creating a more service-oriented structure, focused on providing effective support to the field, both to UNHCR and its partners, in providing protection to and seeking durable solutions for all persons of concern to the Office.