

UNHCR's Protection Mandate

Ensuring International Protection

UNHCR's international protection function, as derived from its Statutes and the 1951 Convention, has evolved steadily over the past five decades. It began almost as a surrogate for consular and diplomatic protection and has now expanded to include ensuring the basic rights of refugees and their physical safety and security. The Office assists host governments to safeguard the basic rights of refugees and to take the necessary measures to guarantee protection throughout the displacement cycle, from preventing refoulement and securing asylum to the realisation of durable solutions (voluntary repatriation, local integration and resettlement). Various protection-related activities are undertaken both in the field and at Headquarters, including:

- Ensuring the granting of asylum, and admission to asylum countries, and intervening, where necessary, to avoid *refoulement* and to ensure access to refugee status determination procedures;
- Assessing needs and monitoring the treatment of refugees and asylum-seekers;
- Ensuring, together with host governments, the physical security of refugees and other persons of concern;
- Identifying vulnerable groups, ensuring their particular protection needs and prioritising assistance to ensure their well-being;
- Supporting a number of States to establish registration and documentation systems and participating in national refugee status determination procedures or directly undertaking determination of refugee status;
- Promoting the avoidance and/or reduction of statelessness;
- Actively pursuing the revitalisation of protection regimes as well as co-operating with civil society, non-governmental organisations (NGOs) and international organisations to ensure wide support for these regimes;

- Promoting refugee law, including the advocacy of accession to the Conventions and Protocols and assisting in the development of national institutions and legislation;
- Protecting internally displaced persons (IDPs) whenever conditions for involvement according to policy guidelines on the subject are met;
- Further developing UNHCR's own protection capacity;
- Promoting and implementing durable solutions through the facilitation of voluntary repatriation, reintegration and resettlement; and
- Identifying resettlement needs and processing submissions on behalf of refugees applying for resettlement in third countries.

The Global Consultations on International Protection

The Global Consultations on International Protection, launched in late 2000, are UNHCR's contribution to revitalize the framework for refugee protection established by the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and re-equip States to address current humanitarian challenges in a spirit of dialogue and cooperation. The Global Consultations proceeded along three parallel tracks in 2001.

The **first track** consisted of the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol. While commemorating the 50th Anniversary of the 1951 Convention, it aimed to strengthen State Party commitment to implement the Convention and Protocol fully and effectively, elicit recognition of their enduring importance as the primary refugee protection instruments and encourage additional accessions or the withdrawal of reservations. Co-convened by the High Commissioner and the Government of Switzerland, in December 2001, the Ministerial Meeting adopted a landmark Declaration of States Parties committing to strengthen asylum and render protection more effective, as to explore ways to strengthen UNHCR's supervisory role.

The **second track** of the Global Consultations provided a forum to take stock of developments in refugee law and to examine a number of emerging issues. During 2001, four expert roundtable discussions were held on specific interpretative issues pertaining to the 1951 Convention and its 1967 Protocol. Following informal consultations with a wide range of States, NGOs and other interested parties, meetings were held on:

- Cessation (Article 1C) and Exclusion (Article 1F).
- The principle of *non-refoulement* (Article 33) and UNHCR's supervisory responsibility (Article 35).
- Membership of a particular social group (Article 1A (2)), gender-related persecution (Article 1A (2)) and internal protection/relocation/flight alternative.
- Illegal entry (Article 31) and family unity.

The conclusions of the roundtables and respective background papers will be published by UNHCR as a contribution to the 50th Anniversary of the

1951 Convention during 2002. They will also assist UNHCR in updating and refining its own guidelines on these issues, to complement the *Handbook on Procedures and Criteria for Determining Refugee Status*.

The **third track** is structured around a number of protection policy matters, including issues not adequately covered by the Convention. The aim is to foster a common understanding of protection challenges and promote co-operation to address them; identify and devise practical responses to protection problems; and develop new approaches, tools and standards to strengthen refugee protection. In the framework of UNHCR's Executive Committee, the third track discussions centred on four broad themes, two of which were covered in three meetings in 2001:

- *Theme one* – "Protection of civilians in mass influx situations" (encompassing a number of sub-themes including overall protection framework, the civilian character of asylum, registration, and mechanisms of international co-

Eritrea: UNHCR contributes to meeting the material needs of IDPs residing in camps and other settlements. *UNHCR / P. Joyanson-Hicks*



operation to share responsibilities in mass influx situations): March 2001.

- *Theme two* – “Protection of refugees in the context of individual asylum systems” (focusing on a number of sub-themes, including refugee protection and migration control, and asylum processes; there were also discussions on reception of asylum-seekers/standards of treatment and complementary forms of protection, as well as on strengthening protection capacity in host countries): June & September 2001.
- *Theme three* – “The search for protection-based solutions” (focusing on voluntary repatriation, local integration and resettlement): May 2002.
- *Theme four* – Protection of refugee women and refugee children: May 2002.

The 2001 **third track** meetings were marked by a constructive and inter-active dialogue, not least because of the relatively large number of delegates from capitals, many of whom were sponsored by UNHCR.

To ensure that the Consultations have a truly global reach, a total of seven regional meetings were organised on related topics, to capture the different national and regional perspectives of governments, regional organisations, NGOs and other experts, as well as refugees, in Pretoria, Ottawa, Macau, Budapest, San José, Cairo, and Oslo. As key stakeholders, refugees were also actively involved in events that gave them a voice in the Global Consultations process. These included the International Conference on the Reception and Integration of Resettled Refugees (Norrköping, Sweden), the Refugee Parliament sponsored by the French National Assembly in Paris, Respect our Rights: Partnership for Equality – Dialogue with Refugee Women in Geneva and other selected locations; and the Forum on Refugees in Europe in (Rouen), France.

Supplementary Programme Budget for Global Consultations – Financial Report (USD)	
Expenditure Breakdown	Amount
Legal Assistance	415,552
Programme Support	287,736
TOTAL	703,288
Unliquidated Obligations	817,722
Disbursements	703,288
Outstanding 31 December	114,434

The Global Consultations will conclude in June 2002. Deriving from the entire Global Consultations process is a convergence of views on elements which might comprise joint Agenda for Protection activities for States, UNHCR, NGOs and other protection partners for the coming period. UNHCR will pursue consultations within the framework of UNHCR's Executive Committee to finalise the *Agenda for Protection* and launch the follow-up phase, which will essentially consist in operationalising the *Agenda*.

Internally Displaced Persons

Throughout 2001, UNHCR continued to support UN inter-agency efforts to better respond to the needs of internally displaced persons. The Office participated in assessment missions organised by the Network on IDPs to Angola, Burundi, Afghanistan, Colombia, Ethiopia and Eritrea. In addition, a senior staff member was seconded to the Inter-Agency IDP Unit in OCHA.

Although Action 1 identified IDP operations as “non-core” for UNHCR's mandate, the Office provided material assistance and protection to IDPs in several locations, including Angola, Colombia, the Russian Federation, Georgia and Sri Lanka, where there is a clear link between the IDP situation and persons of concern to UNHCR under its mandate.

In September 2001, UNHCR published the *UNHCR Operational Guidelines on IDPs*, which establishes criteria and procedures for UNHCR's involvement, as well as objectives and the nature of the activities to be undertaken in IDP situations.

Statelessness

The 2001 progress report on *UNHCR's Activities in the Field of Statelessness* highlighted some of the challenges the Office faces and the emerging issues to be considered. The success of UNHCR's Accession Campaign to increase the number of accessions to the Conventions on Statelessness was successful. Ten States acceded to the 1954 Convention Relating to the Status of Stateless Persons and six States to the 1961 Convention on the Reduction of

Statelessness, reaching a total of 53 and 25 accessions respectively. Technical advice on how to avoid statelessness and to deal with stateless persons was given by Headquarters in relation to the laws and practice of 141 States, with direct participation in the drafting of laws in 51 countries. More than 40 workshops for staff were held and an increased level of partnerships with interlocutors was noted, including joint activities. Of particular concern is the disproportionate impact statelessness has on women and children. This applies to problems of registration of marriages and births, recognition of traditional marriages, inability of women to pass their legal status to their stateless children or spouses, trafficking of women and issues of documentation.

While the magnitude and scope of the problem of statelessness are difficult to determine for a number of reasons, including inaccurate identification of problems of statelessness as well as a lack of statistical data from States, UNHCR has undertaken a comprehensive mapping exercise based on general information currently available in various regions. This rough assessment places the numbers of stateless persons and those at risk of becoming stateless at some nine million. Efforts are ongoing to obtain more accurate statistical data. In July, UNHCR published an *Evaluation of UNHCR's Role and Activities in Relation to Statelessness*. This report found that the issue of statelessness requires a heightened level of awareness and activities within UNHCR and an increased level of co-operation with States and partners. UNHCR actively followed up these and other recommendations, particularly as regards the need to allocate adequate resources to the task.

Expenditure on Protection

UNHCR's global activities may be considered an integral part of international protection. They range from assistance and logistical support to the deployment of protection staff in the field to activities at Headquarters to urge States to adopt legal instruments of international protection. Expenditure on international protection can also be located throughout this Global Report as follows:

- In individual country chapters: under the budget headings Protection, and Legal Assistance;

- In the chapter on Global Programmes: under the budget headings Promotion of Refugee Law and Advocacy, Resettlement Projects and Protection-Related Activities, including Voluntary Repatriation;
- In the chapter on Headquarters: under the heading Department of International Protection.

Other protection-related expenditure is implicitly included under various budget headings such as staff training, security, refugee women and children, or NGO projects. UNHCR's financial system does not permit the aggregated calculation of protection-related elements in such budget headings.