

Summary of the Strategic Presentation on UNHCR's Operations in Europe

23rd meeting of
Standing Committee

5-7 March 2002

I. BACKGROUND

UNHCR in Europe

- Since merging with the South-Eastern Europe Operation (SEO) in June 2001, the Europe Bureau has offices in 35 countries.
- Number of staff as of 1.1.2002: 1138 (of which 278 international staff).
- The Europe Bureau's 2002 ExCom approved budget stands at USD 146.6 million (or 17.7 % of total UNHCR budget). Of this, the budget for Western, Central and Eastern Europe is set at USD 58.5 million, while the SEO budget has been approved at USD 88.1 million - (representing a budgetary reduction of 36.5% for the SEO-region compared to the 2001 ExCom approved budget). In addition, there is a Special Programme for a regional response to the situation in The former Yugoslav Republic of Macedonia, totalling USD14.6 million.

Major populations of concern

South-Eastern Europe

- Balkans general: considerable progress has been made in finding solutions for those displaced by the wars - nearly two million people having returned to their countries and homes - but still more than a million people displaced in region
- The Federal Republic of Yugoslavia: 230,000 internally displaced, 390,000 refugees - the largest single refugee community in Europe
- Bosnia and Herzegovina: 450,00 internally displaced, 30,000 refugees
- Croatia: some 40,000 displaced
- Kosovo: some 40,000 displaced
- The former Yugoslav Republic of Macedonia: more than 20,000 displaced

Eastern Europe

- Russian Federation: some 22,300 refugees (including 19,000 Georgian refugees of Osset origin in North Ossetia)
150,000 Chechens internally displaced in Ingushetia (part of some 350,000 displaced in Northern Caucasus)
- Georgia: 7,900 refugees (99.8% Chechen)
264,200 internally displaced and returnees from Abkhazia
41,000 internally displaced and returnees from Ossetia
- Armenia: 264,300 ethnic Armenian refugees from Azerbaijan; 40,300 naturalised refugees from Azerbaijan
- Azerbaijan: 573,000 internally displaced; 188,000 naturalised former refugees from Armenia; 5,400 Russian (Chechen) asylum-seekers

Central Europe and the Baltic States

- Some 46,600 asylum applications lodged in 2001 - a 30% increase from 2000.

Western Europe

- Some 326,200 asylum applications lodged in 2001 in 16 countries (data from the United Kingdom and Greece have still not been received) - a 3% increase from 2000. Main countries of origin: Afghanistan, Iraq, Turkey, The former Yugoslav Republic of Macedonia and the Russian Federation.

Main protection challenges in Europe

In Europe, asylum issues have increasingly become politicized, with political parties and the media sensationalising the numbers of “bogus” asylum seekers “flooding” into their countries. The events of 11 September 2001 have further exacerbated the situation of asylum-seekers arriving in Europe, with security concerns taking dominance over humanitarian considerations, leading to heightened intolerance and suspicion. This has fuelled xenophobic tendencies in public opinion and sought to legitimise the formulation of increasingly restrictive asylum policies. Against this background, facts and realism must be brought back to the asylum debate and the quality of asylum in a uniting Europe must be preserved.

Almost all European States are now party to the 1951 Refugee Convention and its 1967 Protocol. This is a major milestone, but challenges remain in the implementation of these instruments. Everywhere in Europe, asylum systems are undergoing major changes. In *Western Europe*, the main challenge this decade is the harmonisation of asylum and migration policies within the framework of the Amsterdam Treaty of the European Union, which must be managed in such a way that high protection standards are preserved and strengthened. In *Central Europe and the Baltic States*, despite some real achievements, asylum systems are still in the development phase. In the run-up to EU-accession, institution- and capacity-building drives must go hand in hand with the development of integration policies. In a positive move, Malta lifted its geographical limitation and several reservations to the 1951 Convention relating to the Status of Refugees in December 2001. In *Eastern and South-Eastern* Europe asylum systems are only in a nascent stage, and considerable support is needed for States to fully assume their responsibilities for the management of refugee movements and to cope with the phenomenon of transit migration. Positive recent developments are the accessions to the 1951 Convention relating to the status of Refugees by Belarus (May 2001), Republic of Moldova (November 2001) and Ukraine (January 2002).

II. MAIN OBJECTIVES

Protection and assistance

Three main objectives are pursued in parallel for asylum standards to be preserved or established in Europe:

- 1) Persons in need of international protection have access to the territories of European states, which requires that
 - Measures to combat irregular migration and smuggling include adequate safeguards against direct or indirect refoulement;
 - Comprehensive migration policies are developed and implemented;
 - Organised refugee movements into Western Europe are promoted; and
 - Burden-sharing measures are adopted by Western European countries to assist countries on the periphery of Europe in managing migration flows.
- 2) Asylum-seekers have access to fair, efficient and effective asylum procedures and are treated in accordance with international protection standards. This requires that:
 - Asylum-seekers have access to procedures in which their claims are heard fairly and promptly;

- States adopt fair burden-sharing (not burden-shifting) agreements which clearly allocate responsibility for determining refugee claims;
- Legal frameworks for asylum are established in line with international standards and practice;
- Asylum-relevant institutions develop to become effective and eventually independent of external support;
- Complementary systems of protection meet the needs of persons in need of protection; and
- Asylum-seekers receive treatment in line with international standards.

3) Public opinion is receptive and supportive of the protection and solutions needs of refugees. This requires that:

- Xenophobic trends diminish in favour of increased tolerance, and the public at large understands the relevance of refugee protection, and the difference between economic migrants and refugees; and
- UNHCR's standing as the international authority on refugee protection is understood and acknowledged.

In addition to its work to build asylum systems in South-Eastern and Eastern Europe, UNHCR also continues to ensure that the direct protection and assistance needs of more than 2.5 million people (1 million in SEO and 1.5 million in Eastern Europe) displaced by conflicts in the regions are met. The assistance contributes to cementing durable solutions. In Eastern and South-Eastern Europe, assistance measures are being reduced to support the most vulnerable populations among the displaced and are being provided in partnership with other organisations, to prepare for exit strategies. (Assistance activities are further described under Durable Solutions and Prevention).

Durable solutions

There are three aspects to UNHCR's activities in Europe to achieve durable solutions for refugees:

- to identify durable solutions for refugees displaced by conflicts within Europe;
- to encourage Europe to offer lasting solutions for refugees coming from other parts of the world; and
- to encourage Europe's indispensable support to UNHCR's efforts of finding durable solutions to refugees hosted by countries in the less developed world. (This aspect is further developed under Partnerships).

In Eastern and South-Eastern European countries affected by conflict and mass displacement, UNHCR seeks to ensure that durable solutions for the displaced are actively sought and included in peace-building processes, and implemented by parties to the conflict and with international and local partners. As part of these processes, UNHCR is engaged in confidence-building and protection measures, preparing or supporting returns.

For those displaced as a result of conflict in Chechnya, UNHCR will adopt a two-track approach in the period of 2002-4. When the conditions are right and the displaced return to their homes, UNHCR will strengthen its involvement in the return process, mainly focusing on longer-term protection goals but including, in the initial stages, some material assistance to those returning, in support of their basic human rights. For displaced populations in the North Caucasus or other areas of the Russian Federation who feel unable to return, at least in the medium-term, UNHCR will endeavour to support their integration in areas of settlement, or at least to strengthen their self-reliance and participation in the social and economic structures of their host societies.

For those displaced as a result of the conflicts in Bosnia and Herzegovina and Croatia, UNHCR will also adopt a two-track approach in 2002-2004. It is expected that the gathering pace of return of the displaced, particularly minorities, in the last two years will accelerate throughout 2002 and 2004. UNHCR aims to capitalise on this momentum to make a final push to remove the last obstacles to return, and to make the return process self-sustaining. UNHCR will simultaneously support local integration in areas of settlement. For those displaced as a result of the conflicts in The former Yugoslav Republic of Macedonia (fYROM) and Kosovo, UNHCR will undertake confidence-building measures to create the conditions conducive to return, particularly of minorities. Given the volatility of the situation in fYROM, UNHCR will maintain a stand-by emergency capacity to respond to any new displacement that may occur. As part of its overall sub-regional strategy to phase-down its presence as South-Eastern Europe shifts from an emergency relief to a development phase, UNHCR plans to significantly reduce humanitarian relief activities by the end of 2003. UNHCR will also act as a catalyst for promoting bilateral reconstruction and development assistance through mechanisms such as the Stability Pact, to help ensure the sustainability of return and local integration.

Europe, and in particular Eastern Europe, is hosting large numbers of Afghan refugees, and UNHCR will facilitate voluntary repatriation from Europe, not the least where this can contribute positively to peace and stability in Afghanistan. In Central Europe, UNHCR is working with governments to ensure that the refugees they recognise are offered a real opportunity to integrate so that they do not feel compelled to move westwards. In Western Europe, integration of refugees deserves increased attention as it is often hampered by lengthy asylum procedures and xenophobic attitudes.

UNHCR advocates that States should offer flexible resettlement opportunities to refugees in countries of first asylum that are least able to provide proper protection and durable local integration, while assisting these countries to absorb refugees into their social and economic fabric.

Prevention

Wherever possible, UNHCR offices undertake activities aimed at averting potential displacement, such as initiating dialogue with political and community leaders, and alerting interested governments and other external actors such as NATO to engage in conflict prevention measures. As an example, UNHCR played a very active role in conflict prevention activities in southern Serbia last year.

In post-conflict environments, UNHCR is undertaking confidence-building activities in sensitive areas to cement sustainable solutions and prevent further displacement. In The former Yugoslav Republic of Macedonia and Bosnia and Herzegovina, for example, UNHCR is operating humanitarian bus lines to promote freedom of movement across ethnic lines, while in Kosovo, UNHCR is promoting inter-ethnic dialogue among women's community groups, within the framework of the Kosovo Women's Initiative. In Abkhazia, Georgia, UNHCR is addressing education needs across ethnic lines to support vulnerable and returning populations. In Chechnya, UNHCR supports the reestablishment of civilian protection through the training of the judiciary.

III. STRATEGIC DIRECTIONS

Advocacy

With all European States being party to the 1951 Convention and its 1967 Protocol, UNHCR's protection activities are mainly related to its supervisory function under these instruments as well as, in the European Union context, under Declaration no. 17 to the Amsterdam Treaty. Advocacy for refugee rights is thus situated within a solid legal framework, and takes the shape of expert advice, position papers/guidelines, country-of-origin information, consultations, interventions in precedent-setting cases, participation in the wider migration debate, etc. To be effective, however, this advocacy work must be carried out in a supportive political and social environment. In other words, legal advice and supervision must be supplemented by systematic advocacy efforts that:

- i) highlight the specificity of the refugee problem in the face of dangerous amalgamations between economic and protection-motivated migration; asylum-seeking, smuggling and trafficking; and, more recently, migration and terrorist threats; and, at the same time,

ii) confront rising xenophobic trends which feed in part on the above misperceptions but also have deeper and more complex roots. European public opinion, and not only its politicians, must be supportive of the protection and solutions needs of refugees. This involves reinforcing UNHCR's corporate image as the United Nations agency with a unique mandate for refugee protection, underscoring the linkage between refugee rights and fundamental human rights, distinguishing between refugees and other migrants, and focusing on the positive contributions refugees can make.

Partnerships

Partnership for asylum and solutions in Europe

UNHCR cooperates closely with a wide range of partners to achieve complementarity of roles and resources - among them local governments, United Nations agencies and missions, other international and regional organizations such as the Council of Europe, European Community institutions, OSCE, the Stability Pact for South-Eastern Europe, IOM, ICRC, IFRC, and a host of local and international NGOs. The people and organizations of Europe are indeed UNHCR's best allies in advocating for refugee rights and key partners in creating an environment conducive to refugee reception and integration.

UNHCR's co-operation with the Council of Europe remains of major importance, notably the development and promotion of legal instruments, minority rights, community relations, programmes to combat intolerance and xenophobia, training of police and immigration officers, etc. UNHCR also needs the political support offered by the OSCE through its political structures and monitoring mechanisms, while the OSCE in turn calls upon UNHCR for its expertise and capabilities.

Cooperation with these pan-European organisations, and with IOM, has also developed within the framework of the follow-up to the CIS Conference in Geneva in 1996. While the formal follow-up process ended in July 2000, the parties (States, NGOs, United Nations and others) remain committed to the objectives of the Programme of Action. The final Steering Group meeting therefore decided on a five year work plan focusing on: the building of functioning national asylum and migration management systems in the CIS in accordance with international standards, including the implementation of national refugee and citizenship legislation; reduction and avoidance of statelessness; and support to NGO and civil society development.

As the need for emergency relief in the region gradually diminishes, UNHCR is phasing down its operations and handing over its assistance-related activities to partners. It is also playing a catalytic role to encourage actors with development and reconstruction mandates to assume their responsibilities, as well as to encourage bilateral financial support, to create an environment where the return of the displaced will be sustainable.

Engaging Europe for UNHCR worldwide

European governments and institutions are key partners in UNHCR's global quest to uphold refugee protection and actively seek solutions to refugee problems worldwide. UNHCR in Europe will thus continue to bring a global perspective to domestic asylum debates. European asylum and refugee management locally, nationally and region-wise is closely linked to the functioning of the international refugee protection regime. UNHCR has to play a vital role in this regard, facilitating burden-sharing arrangements among States that have a common interest in finding solutions for refugees.

To reinforce the partnership with the European Commission, UNHCR has engaged this key regional partner by promoting closer cooperation with UNHCR, through enhancing the dialogue on strategy and funding arrangements.

The public is an indispensable partner and UNHCR will continue to make its identity and reputation better known, bringing refugee issues to the public's attention and drawing support for resolving refugee problems internationally.

Enhancing performance and quality of management

Since 2000, the Europe Bureau has made a systematic effort to achieve a seamless integration of overall policy directions into all planning and evaluation exercises, including country operation plans, project

design, objectives and appraisal of individual performance, partner evaluation, etc. This has allowed not only quality and consistency control, but also the emergence of cross-border and sub-regional activities. Sub-regional support centers are being streamlined for maximum cross-fertilisation, and specific staff expertise is made available to the region as a whole. The Bureau is currently updating its "Strategic Directions 2000-2004", taking account of the merger with South-Eastern Europe Operation and other organisational and European developments. The main features of this updated document will be the backbone of the 5-7 March 2002 Standing Committee meeting presentation.

Impact of funding shortfall

In South-Eastern Europe, the funding shortfall is having a direct impact on UNHCR's ability to provide material support for the integration of refugees, the internally displaced and returnees, particularly in areas such as income-generation and micro-credit activities.

Those refugees who settle in Eastern and Central European countries, the NGOs assisting them and, in many cases, the competent State institutions, are experiencing a serious funding gap, which affects the transformation of these countries into fully-fledged countries of asylum. As a result, the asylum systems themselves are lying idle and not being used, with the risk that investments made in this area will be lost. UNHCR can play a catalytic role in developing solid and consistent refugee integration policies and programmes, but flexible funding mechanisms are lacking to enable it to perform this function effectively.