

**Bullet point summary of the Strategic Presentation on
UNHCR's Operations in Europe**

**26th meeting of the Standing Committee
4-6 March 2003**

I. INTRODUCTION

Recent developments

- Harmonization of European asylum policy in **Western Europe** under the Amsterdam Treaty has entered its final stages.
- Countries in **Central Europe** have reached the final stages of accession to the European Union. This implies further consolidation of asylum policies and heightened responsibilities for controlling the new borders of the European Union.
- In **Eastern Europe**, UNHCR is facing operational challenges posed by conflicts - latent or declared - and also by the evolving situation in countries soon to find themselves on the external border of an expanded European Union.
- In the **Balkans**, UNHCR is preparing to phase down from its post-Dayton activities by the end of the year and is intensifying its focus on core protection obligations, mainly asylum system building.
- Concerns over how the situation in the Middle East may evolve and the impact this may have, particularly on Turkey, but also on the rest of Europe.

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

Support Governments in the provision of protection and assistance (Strategic Goal 1)

- A sense of crisis currently prevails in many European countries with respect to asylum and illegal migration. In parts of Europe, asylum has emerged as a major political issue. Given that numbers are relatively stable, they are not the sole reason for this crisis. It is fuelled by a perception of lost control over illegal migration in the new security environment prevailing in the post 11 September world. This has undoubtedly created a climate that is more hostile to asylum-seekers, and has led to increasingly restrictive measures, an apparent presumption of abuse and, in some cases, a sharp drop in recognition rates.
- As we approach the end of the process of asylum policy harmonisation under the Amsterdam Treaty within the **European Union**, UNHCR will therefore continue to advocate the development of a principled and coherent asylum policy in Europe, that provides a consistent standard of protection to refugees throughout the European Union. In so doing, UNHCR will seek to avoid the danger that harmonisation proceeding from a migration control perspective would concentrate largely on reinforcing restrictive measures, at the expense of refugees' need for protection (*Agenda for Protection Goal 2*).
- UNHCR understands the serious dilemmas that mixed flows of illegal immigrants and refugees create for governments and shares their concern at the growth in human smuggling and trafficking. In order to ensure that protection remains accessible to those who need it, UNHCR is committed to an active partnership with governments in an effort to improve management of mixed flows and to promote solutions. In this spirit, UNHCR contributed to a solution to the

problem posed by the centre at Sangatte in northern France. It has also developed tripartite arrangements with the Governments of the United Kingdom and of France for voluntary repatriation to Afghanistan, in an effort to place repatriation within a framework of principles and assist the host

governments and the government of the country of origin to manage repatriation in a phased and protection-sensitive manner. UNHCR stands ready to engage in similar initiatives and to further its proactive involvement in solutions to problems in Europe.

- Linked to the upcoming deadline for the Amsterdam Treaty harmonization process, but also wider budgetary considerations, the question of UNHCR's presence in Western Europe has been a subject of growing discussion in recent years. In the coming months the Europe Bureau will undertake a review of key activities in Western Europe, assess their impact and determine the extent to which UNHCR brings 'added value' to these functions. The review will examine what kind of UNHCR presence will best enable the Office to discharge its mandate in Western European countries in a coherent, cost efficient and cost effective manner.
- **Central Europe** is also in transition, as ten more countries will, on condition of referenda, have joined the European Union by mid-2004. The transfer of European Union *acquis* on asylum has been an item in its own right on the agenda of accession negotiations, and UNHCR was able to influence and assist the development of asylum systems in candidate countries (*Agenda for Protection Goals 1 and 3*). As the European Union expands as a "space of asylum" and many of the entry points of asylum seekers into the Union fall under the control of new member states, the access to European Union territory and to asylum procedures will be key enlargement issues. Responsibilities falling on countries with less mature asylum systems will pose challenges of burden-sharing that the European Union has thus far had difficulty in addressing effectively.
- Transition is also taking place in the **Balkans**. The Humanitarian Issues Working Group of June 2002 endorsed the plan for UNHCR to conclude its Dayton obligations by end 2003, as well as its obligations under the Ohrid agreement of providing assistance to returnees in the Former Yugoslav Republic of Macedonia by end of 2002. While phasing out from large-scale assistance operations, UNHCR is boosting its efforts to assist governments in South-Eastern Europe to build effective asylum systems. This region is experiencing significant migratory and asylum-seeker flows, largely in transit towards the European Union. Legal and institutional reforms and regional cooperation are thus becoming increasingly urgent in order to strengthen the capacity in the Balkans region for refugee protection and migration control.
- Now that all states in **Eastern Europe** have become parties to the 1951 Convention, UNHCR has shifted its focus from the elaboration of legislation towards the effective implementation of asylum laws and the establishment of national institutions and mechanisms dealing with refugee status determination. Advocacy work and the provision of legal expertise and material assistance for proper implementation of legislation is still a necessity, demanding significant time and expertise on the part of UNHCR staff. Strengthening the NGO sector will remain a priority in Eastern Europe.

Resolve refugee situations through voluntary repatriation and sustainable reintegration
(Strategic goal 4)

- In the **Northern Caucasus**, working as part of the United Nations country team, UNHCR's strategy aims to provide protection and assistance for those displaced in Ingushetia by the Chechnya conflict, and to provide limited assistance to those returning voluntarily to Chechnya, when feasible. UNHCR's assistance efforts are increasingly focused on the provision of shelter, with other actors assuming lead responsibility in other sectors. In the **Southern Caucasus**, UNHCR focuses on international protection of refugees and is seeking to give impetus to durable solutions. It is also involved in a number of IDP situations which are dependent for their resolution on progress in various stalled peace processes. In the meantime, it is continuing to phase down its assistance as levels of self-reliance and the degree of integration into alternative programmes increases.
- In the **Balkans**, sustainability of achieved durable solutions (*Agenda for Protection Goal 5*) is now a key concern. Return figures were promising in 2002 – Bosnia and Herzegovina saw record returns of over a 100,000 persons and this momentum must be kept through reinforced efforts by all parties. UNHCR will continue its advocacy role and maintain regular contacts with development agencies and financial institutions, in view of the need for integration assistance and economic revitalisation

programmes in the areas of returns, bearing in mind the phase-down of UNHCR's humanitarian assistance programmes in late 2003/early 2004. The aim is to prevent secondary or renewed migration flows. In the case of Kosovo, UNHCR is encouraged by the increased support and attention given to minority returns by UNMIK, but more needs to be done by the Provisional Government in meeting standards and benchmarks established. Despite local improvements and increased opportunities for the safe return of certain minorities - UNHCR is not promoting large-scale extra-regional minority returns under current security conditions.

Gender equality and participation (Strategic goal 7)

- UNHCR is pursuing its efforts to improve the overall situation of women and children asylum-seekers and refugees through concerted efforts in the fields of protection, assistance, public information and awareness and private sector fund raising. Particular attention is given to promoting gender-based persecution as an eligibility criterion in the asylum procedure and gender sensitive asylum policies and practices. Regional capacity-building initiatives have a distinct focus on gender equality and refugee-participation. Gender/age analysis and refugee participation are standard features of programmes aimed at enhancing competencies and services, whether in the legal or social areas (*Agenda for Protection Goal 6*).
- To help ensure that refugee women's voices are heard at different political levels, and included in decision-making processes, UNHCR informs national women's associations of the concerns of refugee women and advises on how refugee women issues may be mainstreamed into the promotion of women rights more generally. UNHCR advocates for the inclusion of refugee women's issues in national women groups' work programmes. UNHCR also lobbies to ensure that national refugee associations include women in their leadership and include gender-related issues in their action plans.

Advocacy and partnerships (Strategic goals 9 and 10)

- UNHCR is seeking to increase political, moral and financial support from European governments, inter-governmental and non-governmental organisations and individuals – both for asylum-seekers and refugees in Europe and for the work of UNHCR worldwide - through partnerships. Such strategic alliances with actors having different, but supporting and mutually reinforcing roles, mandates and capacities is essential to the pursuit of UNHCR's asylum and durable solutions objectives.
- In **Western Europe**, UNHCR and the European Union have a range of common interests: the European asylum agenda, the asylum dimension of European enlargement, the interface between asylum and migration, the prevention and management of humanitarian crises, and the provision of humanitarian aid, as well as the active search for durable solutions.
- In **Eastern Europe**, integrated approaches are promoted through partnerships with regional bodies (OSCE and Council of Europe), and development and financial institutions. Their aims are

to hand over support activities, to advocate for the rights of IDPs as citizens, to assist governments to ensure these rights, and to advocate for local integration when possible.

- In relation to issues covered by the **CIS Conference**, UNHCR has also developed partnerships with IOM and with the OSCE, in particular its Office of Democratic Institutions and Human Rights (ODHIR) and the High Commissioner on National Minorities. With the support of the Swedish Migration Board and the European Union, UNHCR hopes to expand the Soederkoping Process (border co-operation enhancement initiative), as well as other regional or sub-regional efforts focusing on asylum and migration issues. It is envisaged that the European Commission will support this process through a coordination secretariat for the Western CIS and the Europeaid Cooperation Office (EC TACIS) as a major partner for UNHCR in this sub-region.
- In the **Balkans**, UNHCR works in close co-ordination with governmental agencies, the Stability Pact, international and national NGOs, and development actors such as UNDP, the World Bank and bi-lateral development agencies, to promote the integration of refugees into their programmes.