

# Protection

## UNHCR's Protection Mandate

UNHCR's international protection function, as derived from its Statutes and the 1951 Convention relating to the Status of Refugees, 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. In addition, there are a number of other international instruments of relevance to the protection of refugees, such as the 1989 Convention on the Rights of the Child. At the regional level, there are also important instruments and declarations, like the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, the 1984 Cartagena Declaration on Refugees applicable in Central America, Mexico and Panama and the 1994 San José Declaration on Refugees and Displaced Persons.

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 RSD 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 partici-

pating 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.

UNHCR will strengthen its relationship with the UN Emergency Relief Co-ordinator (ERC) through the specialised **Internally Displaced Persons (IDPs)** Unit, in order to better co-ordinate the Office's interventions in IDP operations within a collaborative inter-agency framework. To this end, UNHCR will, as a standard practice, seek EXCOM's endorsement of the IDP operations in which the Office will intervene.

In an effort to spell out more clearly where and how UNHCR would work with internally displaced persons (IDPs) within the collaborative approach adopted by the Secretary-General, the High Commissioner has given other UN agencies (via the Secretary-General and the ERC) a detailed list of IDP operations included in the programme for 2003. This initiative sprang from the High Commissioner's concern to optimise UNHCR's co-ordination with



Angola: All returnees are registered on arrival from the Republic of the Congo. Here, voluntary repatriation from Pointe-Noire. Caongo transit centre in Cabinda province. UNHCR / J. Stewart

other agencies on assistance to IDPs, to preclude any duplication of efforts by UNHCR and other agencies. The High Commissioner has invited suggestions for additional IDP-related activities that UNHCR might consider undertaking, within the criteria that the Office has developed over the years, and subject to funding opportunities.

Advice on **statelessness** issues will continue to be provided, and related activities are planned in partnership with States and international organisations. Efforts to ensure that States avoid and reduce cases of statelessness include the provision of technical and advisory services as well as lobbying and advocacy with States and regional and international bodies, which co-operate with States in the drafting and implementation of citizenship legislation. Initiatives to be launched in 2003 are dependent on resource allocation. Under the Agenda for Protection, a survey is planned on the magnitude and scope of the problem and the steps States have taken to avoid and reduce cases of statelessness (including accession to the 1954 and 1961 Statelessness Conventions). A study on implementation of the Statelessness Conventions in EU member States may also be undertaken (in co-operation with the European Commission). The Department of International Protection will provide a progress report on statelessness to the Standing Committee in June 2003.

## Protection Costs

Protection depends upon the presence of protection staff in locations where refugees or asylum-seekers may be at risk. The cost of protection is therefore largely the cost of deploying protection personnel, along with the logistical, programme and administrative support they require. Costs for protection can be identified in this Appeal in the following places:

- Under the budget items **Protection, Monitoring and Co-ordination** and **Legal Assistance** in country-specific chapters;
- in the chapter on **Global Programmes** (Headquarters' Support for Resettlement Activities, Promotion of Refugee Law and Advocacy, Resettlement Projects and Protection Related Projects);
- in the Chapter on **Headquarters**, (Department of International Protection).

The 18-month process of expert roundtables and multilateral meetings, known as the Global Consultations on International Protection, came to a close in May 2002. This comprehensive series of consultations paved the way for an even more challenging process: the implementation of the Agenda for Protection, which grew out of the recommendations arrived at during those Consultations. As recommended by UNHCR's Standing Committee in June 2002, the Agenda was endorsed by the Executive Committee during its 53rd session in October 2002.

The Agenda for Protection sets out clear goals and objectives combined with specific activities to be implemented over several years with the aim of improving the protection of refugees and asylum-seekers throughout the world. The Agenda is rooted in the realities of today's protection challenges and suggests practical ways to overcome them. While not legally binding, it reflects a broad consensus on the way forward for UNHCR and its partners.

The Agenda is composed of two sections: the Declaration of States Parties, adopted at the conclusion of the December 2001 Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol, and a programme of action, which includes specific objectives and activities, grouped into six main goals:

- Strengthening implementation of the 1951 Refugee Convention and its 1967 Protocol.
- Protecting refugees within broader migration movements.
- Sharing burdens and responsibilities more equitably and building capacity to receive and protect refugees.
- Addressing security-related concerns more effectively.
- Redoubling the search for durable solutions.
- Meeting the protection needs of refugee women and refugee children.

The Agenda will require action not only by UNHCR, but also by States, the UN and other international organisations, as well as NGOs. The High Commissioner has, nevertheless, described the Agenda as

UNHCR's own global action plan in the field of international protection of refugees and the synthesis of UNHCR's protection mandate.

The Annual Programme Budget for 2003, which serves as the basis for this Global Appeal, contains goals largely coloured by the main themes emerging from the Global Consultations, which were ultimately incorporated into the Agenda for Protection. As such, many activities highlighted in country chapters and elsewhere in this Global Appeal in fact implement the Agenda for Protection's Programme of Action.

For example:

- UNHCR's intention to give new momentum to strengthening refugee registration, pursuant to ExCom Conclusion 91 (LII) 2001 and one of the High Commissioner's five commitments to refugee women, through Project Profile.
- UNHCR's launch of a plan of action to implement recommendations made in recent evaluations of UNHCR's policy and activities relating to refugee women and refugee children, with special emphasis on preventing and combating sexual and gender-based violence.
- UNHCR's planned activities to enhance educational opportunities for refugee children.
- UNHCR's policy of focussing more sharply on protracted refugee situations, proposing measures to resolve them.
- Closer co-operation with States and other partners to reduce secondary movements of refugees.

Cognizant of the breadth and complexity of the Agenda for Protection, UNHCR will engage partners actively in follow-up, including consultations with States and other partners.

The text of the Agenda for Protection is available on the Global Consultation page of UNHCR's website at [www.unhcr.org](http://www.unhcr.org).