

CHAPTER VII.

THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

INTRODUCTION TO THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

In keeping with the tradition of presenting a unique simulation of a United Nations body or affiliated organization, AMUN 2005 will simulate the Executive Committee of the High Commissioner for Refugees (UNHCR). Participation will be voluntary and open to one Representative from each delegation attending AMUN. The UNHCR will meet for all four days of the Conference. Before delving into the substantive issues, Representatives should understand why this agency is distinctive. In the tradition of AMUN special simulations, the UNHCR will give participants a diverse, more challenging atmosphere in which to use their skills of diplomacy, research and analysis. The topics are detailed and will require careful preparation prior to the Conference. In order to fully participate in the simulation, it will be imperative that Representatives have a working knowledge of the structure and mission of the UNHCR, the relevant policies of the Member State they represent, and an awareness of refugee issues worldwide.

ABOUT UNHCR

The UNHCR was established by the United Nations General Assembly on 14 December 1950. Its mandate is to lead and coordinate international action to protect refugees and resolve refugee problems worldwide. UNHCR strives to ensure that all refugees can exercise the right to seek asylum and find safe refuge in another state, and to return home voluntarily. Its actions are guided by the United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, as well as by other instruments of international refugee law. The Executive committee of the UNHCR meets annually in Geneva to approve the programmes and budget of the UNHCR and to give advice on issues of international protection.

THE SIMULATION

During the 2005 AMUN Conference, the UNHCR will focus on two issues: Implementing the Goals and Objectives of Convention Plus, and Strengthening UNHCR Repatriation Operations. The Committee may create either reports or resolutions to cover these issues. The UNHCR will present a final summary of their work, including reports and/or resolutions, to the Combined General Assembly Plenary session during the last session of the Conference.

Note that each delegation may place one Representative on the UNHCR simulation. AMUN may make exceptions to this policy and allow a second Representative; this is typically allowed when a delegation has filled all other Committee/Council assignments.

PREPARATION

As a foundation for subsequent research, Representatives are strongly encouraged to familiarize themselves with the UNHCR Statute and the 1951 Refugee Convention, as well as the summaries and supporting documents for each topic on the UNHCR website. Careful review of the following topic overviews and bibliographies will provide some assistance in this regard. It should be noted, however, that the topic overviews should not serve as the terminal point for research efforts, but only as the beginning.

BACKGROUND RESEARCH

IMPLEMENTING THE GOALS AND OBJECTIVES OF CONVENTION PLUS

In the aftermath of World War II states began to realize the importance of an international framework for the protection of refugees. The first instrument to this end was the 1951 Refugee Convention, which was limited in scope to protecting European refugees and was expanded on by the 1967 Protocol and several regional agreements. These documents were the first to spell out the basic human rights that a refugee should have and to recognize the international scope of the refugee crisis. They define what a refugee is, what a refugee's rights are, and explicitly lists who is not covered by the agreement.

New issues have arisen in the past decades that are beyond the original Convention and Protocol. As a result, UNHCR launched the "Convention Plus" program. This process is designed to create a number of generic agreements focusing on particular issues in an attempt to create a durable solution to problems facing refugees. There are three initial priority areas: the strategic use of resettlement as a tool of protection; how to more effectively target development assistance to support refugees; and clarification

of the responsibility of states with respect to irregular secondary movements of refugees and asylum-seekers. These generic agreements will provide a basic framework for addressing these problems. When confronted by a refugee situation, these generic frameworks will be incorporated into situation-specific multilateral agreements aimed at resolving that situation. One of the primary goals of Convention Plus is to delineate the burden-sharing responsibilities of states, while increasing the level of state involvement by focusing on agreements between states involved in a specific refugee situation. To this end, the Convention Plus process is currently implemented on the state level, with facilitated discussions between interested states and NGOs. Twice a year the High Commissioner convenes a Forum, which is open to all member states, of the Executive Committee and observers of the Standing Committee.

In June 2004, a "Multilateral Framework of Understandings on Resettlement" (MFU) was reached. The October 2004 Forum gave this agreement broad support, and the Executive Committee gave the MFU its support and encouraged nations to make full use of it. The MFU sets out guidelines for states to register and document refugee situations in a timely fashion, ensur-



ing the protection of family unity, and expresses the need for transparency while also protecting the privacy rights of individuals. The next step is to put the MFU into practice by organizing and facilitating situation-specific agreements that follow its guidelines.

A series of meetings have been held with regard to targeting development assistance. It was agreed that efforts should be focused initially on two refugee situations: Somali refugees/returnees in Ethiopia, and Somali and Sudanese refugees in Uganda. Focus groups consisting of donors, UN agencies and NGOs have met several times to discuss the targeting of aid and developments in these refugee situations. In November 2004, UNHCR, in coordination with the government of Uganda, launched its Self-Reliance/Development Assistance for Refugees program. UNHCR has also prepared a draft "Issues Paper on Targeting of Development Assistance," which lays out the main issues facing a generic agreement on targeting development assistance in the context of Convention Plus. This paper has been presented to the World Bank, major aid donors, and NGOs, and it has been discussed with the African Group. Further modifications to the Issues Paper and beginning the process of drafting a multilateral framework are the next steps in the area of targeting development assistance.

The group addressing the third priority area, irregular secondary movements, is in the beginning stages of analyzing the reasons for secondary movements and how they can best be addressed in a future multilateral framework. The group commissioned a survey of the movements of Somali refugees to inform their discussions. During the September, 2004 meeting, several components of a multilateral framework began to emerge, and it was decided that the key principle for this framework should be the sharing of burdens and responsibilities. Further discussion occurred on issues important to secondary movements, such as registration and fair asylum procedures. The group met in March, 2005 to begin readings of a draft multilateral framework for understandings. Meanwhile, work on the Somali refugee survey is continuing, with preliminary results in several countries already presented in February and March of 2005.

Questions to consider from your government's perspective on this issue include:

- How should the emerging multilateral frameworks be incorporated into a process to facilitate situation-specific agreements?
- What form should these frameworks take? Should the scope be more generic, more widespread, or some combination of the two? Is this dependent on the specific framework in question?
- How can UNHCR try to get more nations to ratify the Convention and Protocol? How can more nations be encouraged to become involved in the Convention Plus process?

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"High Commissioner's Forum Meeting 2004," Collection of Documents, May, 2005, www.unhcr.ch.

Multilateral Framework on Understandings for Resettlement, FORUM/2004/6, Sep 2004.

UNHCR Standing Committee and Convention Plus Report, June 2003, www.crr.unsw.edu/au/documents.

Additional Web Resources:

www.migrationpolicy.org

www.reliefweb.int

www.unhcr.ch

STRENGTHENING UNHCR REPATRIATION OPERATIONS

Under existing international agreements, refugees are entitled to the protection and assistance of the international community. Most refugees, however, would eventually like to return to their home country rather than permanently settling elsewhere. UNHCR views voluntary repatriation as the most durable solution to refugee crises, and to that end works with both host countries and countries of origin to ensure safe and dignified repatriation. The goal of repatriation is to provide refugees with the ability to maintain sustainable livelihoods, access basic services and fully reintegrate into their communities.

The role and responsibilities of UNHCR with regard to voluntary repatriation have expanded from the initial belief that UNHCR's responsibility ended when repatriates crossed the border back into their home country. Now, UNHCR remains involved with refugees after they have returned home, providing transportation, financial incentives and practical help such as seeds, farming equipment and building materials. In an effort to obviate the need for international protection, UNHCR also began using Quick Impact Projects (QIPs) in the 1990s as tools to link international relief with long-term development. The aim



of QiPs is to create a conducive environment inside the countries of origin, not only preventing mass outflows, but also facilitating sustainable repatriation.

In May 2003, as part of the High Commissioner's Framework for Durable Solutions, the Repatriation, Reintegration, Rehabilitation and Reconstruction (the 4 Rs) approach was adopted. This was translated into practice in the Handbook for Repatriation and Reintegration Activities. The 4Rs approach was first used in Afghanistan, Eritrea, Sri Lanka, and Sierra Leone and is now being used as well in Angola, Liberia, the Democratic Republic of the Congo, and the Republic of the Congo.

In 2004, the UNHCR Executive Committee underlined the need for cooperation among host countries, countries of origin, UNHCR, and the international community to ensure that repatriation is sustainable. It highlighted the need for fair and effective restitution mechanisms, recognizing that in cases of illegal or discriminatory property seizure, all returning refugees should have the right to have property restored to them or be compensated for any property that they were deprived of during exile. In addition, the Executive Committee stressed concerns about family unity, along with the need to develop skills that will allow repatriates to reintegrate into the local economy.

Repatriation is often hampered in post-conflict areas by security concerns, lack of basic services, the slow pace of reconstruction, and insufficient possibilities for income generation. Often, concerns of recurring violence hamper repatriation efforts. The UNHCR has increasingly become involved with partnerships, including with the Department of Peace Keeping Operations (DPKO) on rule of law issues. Successful reintegration of returnees is closely linked to the re-establishment and proper functioning of national protection mechanisms. Fair judicial systems and effective law enforcement are not only necessary for preventing the recurrence of past abuses, but also to address various legal issues that can seriously complicate the repatriation and reintegration process.

Questions to consider from your government's perspective on this issue include:

- What can be done to increase the efficiency of the UNHCR repatriation system?
- Are there special concerns for women and children refugees? How can they be addressed?
- When conditions change in a home country such that repatriation is not a feasible option, what can and should be done for refugees?
- What risks are involved in voluntary repatriation and what can be done to alleviate these risks?

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Additional Web Resources:

- www.unhcr.ch
www.reliefweb.int

