



United Nations High Commissioner for Refugees (UNHCR)

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BRITAIN IN THE WORLD

Introduction

The UN Refugee Agency (UNHCR) welcomes this opportunity to input into the future direction of the Labour Party's policies on "Britain in the World".

UNHCR's mandate is to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide.

This responsibility includes supervising, in co-operation with States, the application of the 1951 Convention relating to the Status of Refugees (the Refugee Convention).

Refugees are persons who are outside their countries of origin because of a well founded fear of persecution based on their race, religion, nationality, political opinion or membership in a particular social group, and who cannot or do not want to return home.

UNHCR currently cares for over 33 million people worldwide, these are mainly refugees but also other populations of concern such as asylum seekers, stateless people, internally displaced people and returnees.

UNHCR is almost entirely funded by voluntary contributions. In 2008, UNHCR is seeking more than £700 million. Almost one-third is spent via UNHCR's implementing partners, such as Non-Governmental Organisations. UNHCR strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to repatriate voluntarily, integrate locally or to resettle in a third country.

The number of asylum seekers arriving in industrialised countries, such as the UK, has plummeted in recent years. However, this does not mean that refugee problems have decreased but that the majority of people flee to countries adjacent to their country of origin.

In the UK, asylum applications are the lowest they have been for 14 years. This is due to

several factors, including that tightened border controls and severe immigration restrictions have caused some persons of concern to not seek asylum in industrialised states.

The immediate causes of refugee flows are readily identifiable: serious human rights violations, persecution, violent political, ethnic or religious conflict, or international armed conflict. However, these causes often overlap with, or may themselves be provoked or aggravated by, such factors as economic marginalisation and poverty, massive unemployment, environmental degradation, population pressure and poor governance. Conflation of issues of voluntary economic migration with issues surrounding forced migration by the sections of the media and some political figures is irresponsible.

UNHCR recommends that the Labour Party should pay special attention to the following areas in relation to refugees and asylum seekers:

1. Millennium Development Goals

The Millennium Development Goals (MDGs) present a crucial opportunity for the international community to show their dedication to ending world poverty. Refugees and other displaced persons must not be excluded from this process.

Development aid is of significant value for securing the safety and well-being of refugees and recent returns. In these cases it is important to distinguish between emergency assistance and development aid, which is typically aimed at projects designed to reduce poverty and improve education and health facilities over the long term.

In many situations there is a gap between emergency humanitarian assistance and development aid.

Some refugee situations become protracted and require development aid as opposed to humanitarian assistance to satisfactorily meet the long-term needs of the displaced and their host communities. UNHCR has initiated Development Assistance for Refugees (DAR) programmes in some protracted refugee situations in an attempt to bridge the gap between humanitarian assistance and development aid. DAR programmes “move beyond the vital, but static, relief phase of an operation and towards improving the quality of life in asylum, building productive capacities of refugees (and preparing them for durable solutions) and contributing to poverty eradication in refugee hosting areas”.

In addition many refugees and internally displaced people (those helped by emergency humanitarian assistance) returning home are not being reintegrated into development aid projects effectively, missing out on the opportunities provided by such programmes.

The UN High Commissioner for Refugees, António Guterres, has called for an effective transition from emergency humanitarian assistance to development aid so that long lasting solutions for problems associated with forced displacement can be achieved. It is important to stress the significance of ensuring the effective reintegration of returning refugees and internally displaced persons.

With regard to returning refugees, a failure to link human needs with development represents a major challenge for the UNHCR. Most poverty reduction programmes do not include returning refugees. UNHCR is principally a protection and not a development agency, as such UNHCR would like to see linkages where we can hand-over to development agencies much earlier than

at present. UNHCR is in discussion with UNDP to improve coordination on addressing returnees' needs.

UNHCR recommends that the UK government recognise the gap between emergency humanitarian assistance and development aid and seeks to bridge this gap with development programmes that acknowledge the specific needs of returning refugees.

2. Promoting human rights (and good governance)

UNHCR believes that all human beings deserve a life free from persecution and discrimination in accordance with the fundamental principles of the UN Charter and the Universal Declaration of Human Rights.

UNHCR believes that the most effective way to address displacement issues is through preventative measures, including the promotion of international human rights norms.

Further to this, UNHCR is concerned with the rights and dignity of stateless persons, internally displaced persons (IDPs) and failed asylum seekers who face the possibility of being returned to a place where they might face torture.

Refugees themselves have specific human rights needs. They deserve protection against forced return to their countries of origin; security against armed attacks and other forms of violence; protection from unjustified and unduly prolonged detention; a legal status that accords adequate social and economic rights; and access to such basic items as food, shelter, clothing and medical care.

Although the 1951 Refugee Convention defines a refugee as someone who is persecuted on the basis of their race, religion, nationality, political opinion or membership in a particular social group, UNHCR also works to protect the rights and dignity of individuals who fall outside of these parameters.

UNHCR believes that refugee women and girls may have special protection needs that reflect their gender: They frequently need, for example, protection against sexual and physical abuse, exploitation, and sexual discrimination and harassment in the delivery of goods and services.

UNHCR has consistently expressed the view that women and girls who experience sexual violence or other gender-related persecution should have their claims for refugee status considered under the 1951 Refugee Convention.

3. Preventing conflict

As long as the levels of human security differ so greatly from one part of the world to another the onward movement of refugees and asylum seekers will continue to take place.

UNHCR seeks to reduce situations of forced displacement by encouraging States and other institutions to create conditions, which are conducive to the protection of human rights and the peaceful resolution of disputes.

Economic and social development is also crucial to building peaceful nations free from violent conflict and thereby circumventing the problem of human displacement. UNHCR urges governments to take measures to reduce the North-South economic division and to improve the quality of life of persons in the developed world.

4. Terrorism

UNHCR acknowledges that international terrorism poses a threat to the security of all and fully supports all legitimate efforts by States to safeguard national security and to protect, within their jurisdiction, against human rights violations, including those resulting from terrorist acts. UNHCR also recognizes the need for appropriate measures and mechanisms to counter terrorism and secure national safety. Evidently, preventing terrorist mobility and implementing effective border control mechanisms are key parts of this strategy.

UNHCR appreciates the importance attached within this framework to the preservation of the institution of asylum and the international refugee protection regime by States.

In the context of the war against terrorism, UNHCR is increasingly concerned by the perception in some quarters that the institution of asylum is itself inherently a facility to hide or provide safe havens for those intent on criminality. Asylum seekers and refugees are often themselves stigmatized, vilified, criminalized and even stereotyped as a threat and may be denied admission to territories and access to protection.

Under international refugee law, States have the primary duty to preserve and nourish the institution of asylum and ensure that core principles of refugee protection are not eroded, undermined or ignored. These principles provide important parameters for States undertaking measures to prevent terrorist mobility and ensure effective border security.

It should be emphasised that the 1951 Refugee Convention provides the appropriate tools to ensure that refuge is not provided to terrorists.

UNHCR provides training to asylum and border staff, assists in establishing proper refugee status determination systems, and developing national asylum legislation and structures, case management systems and identification documents for refugees and asylum-seekers. UNHCR also participates in international and regional fora where it promotes and advocates for the inclusion of relevant principles of international refugee law in various international and regional instruments such as those adopted to combat international terrorism.

In the context of refugee protection, UNHCR sees international collaboration, solidarity and partnership as essential platforms to assist States in addressing their national security imperatives while ensuring the preservation of the institution of asylum. This can be disaggregated in several ways including the delivery of material, technical and financial assistance and support, particularly to developing countries.

UNHCR also recognises the delicate relationship between counter-terrorism measures and human security. In conflict zones, such as Iraq and Somalia, where human displacement and insecurity are so closely linked with violent insurgencies, it is vital that the sovereign state or occupying forces exercise judicious care in upholding the principles of international humanitarian law when engaging in counter-insurgency operations.

5. Climate Change

More than 40 million people worldwide have been uprooted and forced to flee violence and persecution. Climate change is further complicating the process of human displacement.

Sudan's Darfur crisis is a good example of the complexities. The conflict has political roots, but is also fuelled by increasing competition between traditional herders and farmers for scarce resources, especially water. When this is linked with political tensions, the results are explosive.

It is important that environmental factors, as well as socio-economic and political ones, are taken into consideration when facilitating resolutions for conflict situations and the associated human displacement.

5. The Middle East - Iraq

The Iraqi displacement crisis remains at the forefront of UNHCR's operations in the Middle East. With some 4.5 million displaced persons it constitutes the region's largest forced migration since 1948. UNHCR estimates that some 2.2 million remain inside Iraq and up to 2 million who have fled to safety in neighbouring countries, mainly Syria and Jordan, which continue to bear an unprecedented load on their economies and social infrastructures. The number of Iraqis uprooted by sectarian violence and human rights abuses is surpassed globally only by Sudan's 6.4 million displaced persons and refugees.

Such is the enormity of Iraq's displacement crisis that at the start of 2008 UNHCR launched a special appeal to raise more than £133 million (\$261 million) for its Middle East region operations, the international body's largest single relief programme worldwide.

Without this crucial aid, UNHCR will experience serious gaps in its provision of financial assistance, health care, education, food and shelter to hundreds of thousands of these vulnerable individuals. Many of the Iraqi refugees in Syria, Jordan, Lebanon and Egypt are exhausting their means of support, leading to increased destitution, criminality and prostitution or sexual exploitation.

While the level of attacks and bombings in Iraq has decreased over the last quarter of 2007, the country still remains unstable. According to recent surveys, destitution has played a role in the recent return of refugees back to Baghdad: recent returnees said they were mainly going back due to the depletion of their resources, the inability to legally work in host countries, the introduction of stricter visa requirements in Jordan and Syria. UNHCR is not promoting or facilitating any large scale returns to Iraq at this time.

UNHCR advocates for the resettlement of some of the most vulnerable Iraqi refugees to third countries, including the UK. This year, UNHCR has the capacity to submit another 25,000 Iraqi cases for resettlement, but this depends on firm commitments from resettlement countries to accept such numbers.

UNHCR is pleased to work with the United Kingdom to resettle up to 500 Iraqis to Britain under the Gateway Programme, including many former interpreters and their dependents, in close coordination with the Home Office. However, the success of the Gateway resettlement programme is dependent on a sufficient number of local authorities coming forwards to participate.

UNHCR would like to see greater commitment from the international community to resettle the vulnerable Palestinian's caught up in the Iraq conflict; thus far only Brazil has accepted some 100 Palestinians who had been stranded for over four years in Jordan's Ruweished camp. Another 2,000 are still unable to leave two desert camps near Iraq's border with Syria.

6. Britain and the EU

UNHCR encourages the EU to focus on two main objectives: to ensure access to asylum in the Union and to maintain the EU's leading role in setting international protection standards.

UNHCR is concerned that measures introduced to curb irregular migration, or to fight against smuggling and trafficking, may prevent refugees from gaining access to EU territory and asylum procedures. Therefore, UNHCR strongly encourages EU member states to ensure that discussions on border and migration management do not undermine the fundamental right to seek asylum or international protection. This may apply to measures at land, air and sea borders, including interception and rescue at sea within or outside Member States' territorial waters.

Another concern is the gap between legislation and practice regarding the way in which asylum claims are dealt with by EU Member States. UNHCR hopes that efforts will be made to focus on how to reduce these discrepancies - which UNHCR has observed for groups such as Iraqis, Chechens, Sri Lankans and Somalis - and help ensure a high standard of protection across the Union.

UNHCR expects that EU members will endeavour:

To ensure that the asylum space in the European Union remains accessible: the EU and EU asylum procedures should remain accessible for persons seeking international protection.

To maintain the Union's leadership role in standard-setting on international protection: a major UNHCR concern is the gap between legislation and practice in how EU Member States deal with asylum claims. UNHCR hopes that efforts will be made to reduce these discrepancies - which UNHCR has observed for groups as Sri Lankans, Chechens, Iraqis, and Somalis and others - and help ensure a high standard of protection across the Union.

7. Human Trafficking

Trafficking in persons, the primary objective of which is to gain profit through the exploitation of human beings, is prohibited by international law and criminalized in the national legislation of a growing number of States. Although the range of acts falling within the definition of trafficking varies among national jurisdictions, States have a responsibility to combat trafficking and to protect and assist victims of trafficking.

UNHCR's involvement with the issue of trafficking is essentially twofold. Firstly, the Office has a responsibility to ensure that refugees, asylum seekers, internally displaced persons (IDPs), stateless persons and other persons of concern do not fall victim to trafficking. Secondly, the Office has a responsibility to ensure that trafficked individuals who fear being subjected to persecution upon a return to their country of origin, or individuals who fear being trafficked and whose claim to international protection falls within the refugee definition are recognized as refugees and afforded the corresponding international protection.

Not all victims or potential victims of trafficking fall within the scope of the refugee definition. To be recognized as a refugee, all elements of the refugee definition have to be satisfied.

UNHCR calls for a greater focus on the persecution occurring in the country of origin that leads to people fleeing their homes and therefore become vulnerable to people smuggling/trafficking. Armed conflicts, increased poverty, dislocation of the civilian

population are all factors that can lead to increased opportunities for organised crime and exploitation of the vulnerable.

UNHCR recalls that refugee women and children who are on the move and who do not have legal protection, or community/family protection. They are at heightened risk of exploitation.

8. Managing migration

The asylum-migration nexus describes the phenomenon whereby refugees and other migrants move from poorer and less stable parts of the world, usually by irregular or illegal means, so as to take up residence in more prosperous and secure regions. Among these population movements are sometimes also persons with asylum claims.

Given the lack of legal entry possibilities resulting from tighter migration and security-related controls, a growing feature amongst some migrants is to resort to people-smugglers.

Due to the very few restricted routes to the UK in which someone can legally seek asylum, many are forced to seek help from traffickers and smugglers. To ensure that refugees and asylum-seekers continue to enjoy the right to seek asylum set out in the 1951 Refugee Convention and its 1967 Protocol and do not become entangled in the growing web of migratory controls and sanctions to thwart people smuggling, UNHCR has been obliged to focus sharper attention on the relationship between refugee protection, international migration and development.

States have responded with some alarm to the issue of mixed migration, pointing to the relatively low proportion of asylum seekers who qualify for refugee status, the expense of maintaining their asylum procedures and social welfare systems, the difficulty of deporting those asylum claimants whose applications are rejected, and the security risks associated with the growth of irregular migration and human smuggling.

The primary response to this situation has been to introduce measures intended to obstruct or deter the arrival of irregular migrants in general and asylum seekers in particular, amongst whom there may well be those who have a *bona fide* claim to refugee status. This has made it increasingly difficult for people to 'seek and enjoy asylum in another state', a right guaranteed by the Universal Declaration of Human Rights.

The developing countries in which most of the world's refugees reside are all confronted with serious economic, infrastructural and security problems, and frequently do not provide the conditions in which to provide a high standard of refugee protection. UNHCR considers that industrialized countries, like the UK, should maintain equitable and effective asylum systems, to also a refugees by means of resettlement programmes, and to provide tangible support to the notions of burden and responsibility-sharing, as endorsed by UNHCR's Agenda for Protection, a document which builds upon the 1951 Refugee Convention ensuring flexibility in approaches to refugee problems.

It is essential to ensure that the principle of asylum is not undermined by the effort to stem irregular migration. To that end UNHCR makes the following recommendations:

States should establish entry management systems that are able to identify new arrivals with international protection needs and which provide appropriate and differentiated solutions for all the profiles of people involved in mixed movements.

States have an obligation to respect Article 31 of the 1951 Refugee Convention, which states that refugees must not be penalized on account of their illegal entry or presence in a country, 'provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.'

Police officers, border guards, immigration and asylum officials must be trained to uphold the principles of international refugee law.

States should establish fair, thorough and efficient refugee status determination procedures so that asylum seekers are quickly informed of the outcome of their case. In situations of mass influx, the provision of prima facie refugee status to new arrivals has proven to be a particularly valuable means of safeguarding asylum and refugee protection.

In order to preserve the integrity and credibility of asylum systems, UNHCR believe steps must be taken to ensure the departure of those asylum seekers whose applications for refugee status are rejected after a full and fair examination of their case and who do not require other forms of humanitarian protection.

Industrialized countries, many of which are confronted with the prospect of diminishing and ageing populations and whose economies increasingly rely on illegal and casual migrant labour, should establish regular migration programmes.

Unless they are able to access the labour markets of the North by legal means, migrants from the South will continue to submit invalid claims to refugee status, further undermining public confidence in the whole notion of asylum.

Refugee resettlement programmes, like the UK's Gateway Protection Programme, should be expanded. Resettlement is one of the key strategic focuses of UNHCR and is one pillar of the Ten Point Plan. This would allow more people who are in need of international protection to move in an orderly manner to, and gain residence rights in a country which offers them a more promising future.