

## **CHAPTER III**

### **UNITED NATIONS HIGH COMMISSIONER FOR REFUGEE (UNHCR): UTILIZING AUTHORITY AND ESTABLISHING STRATEGIC OBJECTIVES**

This chapter analyzed and described the role of UNHCR as an actor based on the concept of international organization according to Cliver Ancher. He argues that there are three main roles of international organization, as an arena, instrument, and actor. In this content, the UNHCR plays as an actor who has role to determine the action taken to react to the refugee crisis in Europe and ensure the implementation of the provision of UNHCR's instruments in regional and national level. As their role, UNHCR cooperated with European countries in developing the national legislation relating to asylum and refugee protection in accordance with the Convention, and established the strategic objectives.

#### **A. United Nations High Commissioner for Refugee (UNHCR)**

United Nation High Commissioner for Refugee (UNHCR) is a special unit of the United Nation (UN) which directly carried on the refugee problem and protection. UNHCR is one of the international organization that has an important role and position in international world because they have a special mandate. This special mandate is giving protection and assistance along with the implementation of durable solutions for the refugee ("About UNHCR", n.d).

UNHCR was established on 4 December 1950 by General Assembly of the UN, but just began their work on 1 January 1951. UNHCR was created to resettle the European refugee or displaced people in the aftermath of World War II. They are also only given three years mandate to complete its work. About 2 years after its break, the UNHCR actively works again because the case of the Hungarian Revolution in 1956 who also produced a huge number of refugees and displaced people. That case became the starting point of how a humanitarian organization should deal or concern more toward refugee crisis in the future (“History of UNHCR”, n.d).

UNHCR is a humanitarian and non-political organization which its work based on the three main human goals. Those are saving live, restoring hope, and finding home (“About UNHCR”, n.d). Its existence is devoted to protecting and assisting refugees, with two main functions to protect refugees and to promote a durable solution to their problem. Overall, its function is also becoming the general goals of the UNHCR, which is to provide well facilitation of protection and durable solution to the refugee. For its function and goal, UNHCR is dependent on financial resources from voluntary contribution and UN budget (“Funding and Budget”, n.d).

Although at first UNHCR is only concerned on resettlement of refugees in the aftermath of WW II, but now they are also coordinating assistance for stateless, returness and displaced persons besides refugee (“History of UNHCR”, n.d). It became the UNHCR’s principal function until today.

In the 21<sup>st</sup> century, UNHCR help major refugee crises in Africa, The Middle East, Europe, and Asia as its role also been expanded. The UNHCR already helped more than 50 million refugees around the world (“History of UNHCR”, n.d). Besides that, UNHCR also establishes the agenda for protection to provoke and to equip the partners state on refugee resettlement (“UNHCR Mandate”, 2003). The agenda focuses on activity suggestion to strengthen the international protection of asylum seekers and refugees and improve the implementation of the 1951 Convention and its 1967 Protocol relating to the status of refugee as their main instrument.

1. The instrument of UNHCR

On playing its role, UNHCR works based on two main instruments, the 1951 Convention relating to the status of refugee and its 1967 Protocol. There are 147 states parties who ratified to one or both of these instruments (“States Parties”, n.d). Since 2013, UNHCR strongly encourages the other country, especially European countries to ratify both the Convention and its Protocol perceiving the situation in which the flow of refugees keep increasing. UNHCR keeps hoping that more states will accede to these instruments and work together with UNCHR on responding the refugee crisis that happened.

- a. The 1951 Convention Relating to the Status of Refugee

The 1951 Convention relating to the status of refugee is the main instrument of UNHCR on playing its role. It is also the centerpiece of

international refugee protection. The Convention contains of the general term of a refugee in which stated in Article 1 (A.2):

*“As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”*(“Convention and Protocol”, 2010)

From that statement, people consider as a refugee is not based on the specific national group, but more about the reason or causes of fleeing. Besides that, it is also limited to people who became refugees as a result event took place before 1 January 1951 and geographically limited within Europe.

The 1951 Convention has set standards for refugees treatment such as for legal status, refugees travel documents, employment, and welfare. Besides that, they also provide both a status and right of the person with non-discrimination, non-penalization, and non-refoulement (“States Parties”, n.d). As the establishment of the term non-refoulement means that UNHCR could not or should not move people to a territory where risking and persecution happen. The state also may not return a refugee to their state where freedom is being threatened and without his or her will (“1951 Convention”, 2011, p. 4).

The term of refugees and some points in this convention became the basic analysis on finding the role of UNHCR in responding to Syrian refugee crisis in Europe. It has become the main determinant of the term of Syrian refugee in this research. It's called Syrian refugees because Syrian people fled their country forcedly and full of fear of being persecuted in which the Syrian country is still in the ongoing conflict situation. The conflict is included particular social group, religion, and political reason, so there is no freedom and peace situation to live in.

b. The 1967 Protocol Relating to the Status of Refugee

The 1967 Protocol relating to the status of refugee is the amendment of the 1951 Convention. It is related, but also independent instrument. The Protocol makes no limitation of date and geography toward the term of a refugee. It removes the geographic and temporal limits of the 1951 Convention, which is a person fleeing event occurring before 1 January 1951 and within Europe in Article 1.2 and Article 1.3 ("Convention and Protocol", 2010, p. 4). This removal made the Convention became more universal.

The 1967 Protocol gives a more general term toward refugee because there are no longer date and geographic limitation, so it gives more protection to a person from political or other forms of persecution. So as refugee flow keeps increasing, they still be

able to get international protection, especially from UNHCR and state partners. The Syrian refugees should properly get international protection, according to the giving status of the 1951 Convention and its 1967 Protocol.

## 2. UNHCR goal and mission

UNHCR is mandated by the United Nations to lead and coordinate international action for protection of refugee and the resolution of the refugee problem in the world (“UNHCR Mission”, n.d). It guided by Filippo Grandi as the High Commissioner of UNHCR and Angelina Jolie as the Goodwill Ambassador. There are missions and goals that should be achieved by the UNHCR.

As one of the world’s principal humanitarian agencies and the most respected humanitarian organization, UNHCR mission is to ensure the right of the refugee to seek asylum and find safe place to live in (“UNHCR Mission”, n.d). Moreover, to protect refugees and to promote solution for the refugee crisis and its problem. That became the basic action and decision taken by UNHCR and its state partner.

Besides that mission, UNHCR also has another goal to achieve. Its goal is to safeguard the rights and well being of refugee around the world. The ultimate goal of UNHCR is to help find durable solutions that will help all refugees rebuild their lives in dignity and peace (“Solutions”, n.d).

## **B. Utilization of UNHCR's Authority**

Based on the Cliver Ancher concept about the roles of international organization, the United Nations High Commissioner for Refugee (UNHCR) can be considered has role as an actor. The role as an actor means that international organization has their own right to determine the decision process on recommendation, order, and action based on the its instrument or basic law (Ancher, 2001, p. 79). The international organization can also involve in the state national legislation relating to specific issues through its utilization of authorities. The UNHCR with its instrument, the 1951 Convention and its 1967 Protocol became the main actor in demonstrated the basic regulation relating to asylum and refugee protection in accordance with the Convention. The UNHCR is also responsible to ensure the implementation of the Convention provision by the contracting states.

The United Nations High Commissioner for Refugee (UNHCR) is the principal body of the UN system with responsibility for refugee matters and as a subsidiary organ of the UN General Assembly. It means that the UNHCR is a representative of the UN system to supervise its member states for refugee protection under the UN Charter, UNHCR Statute, and its instruments. It also could be understood that the authority of the UNHCR to supervise and influence the member states legislation relating to the refugee protection came from the UN's system which based on those three legal bases of the UNHCR's supervisory responsibility.

In terms of its actual role, UNHCR was founded with a mandate to provide international protection and find a permanent solution for refugee in cooperation with national governments, NGOs, and other international organization. The UNHCR began to expand following the increasing support of the US to UN body. The Cold War era was an intense time of UNHCR's organization and policies expansion. The UNHCR's profile was raised when the UN Secretary General asked the agency to coordinate humanitarian action during the Yugoslavia crisis in 1990s. It also became the significant broadening of UNHCR's scope and responsibility (Barnett L. , 2002, p. 8).

An international organization's ability to act autonomously is perhaps becoming the most important factor on how it can influence the state behavior. The intergovernmental organizations, specifically those within the UN system have a certain authority with which to act as independent agents and make decisions of moral value (McKittrick, 2008, p. 9). As a principal body Of the UN system, UNHCR has its authority to act and influence the state behavior relating to refugee protection along side with the implementation of its supervisory role.

Barnett and Finnemore argues that there are three types of International organization authority: first, "delegated authority" which is conferred upon establishment by member states, second, "moral authority" which comes from the fact that international organization are often created as a representative of a basic principle on the action, and third, "expert authority" which international organization have a reputation based on its specialized, knowledge, and experiences (Barnett & Finnemore, 2004, pp. 21-29). From these types, it could



be understand how a humanitarian agency like UNHCR has an influential position or be able to influence state, it because UNHCR was created by its member through General Assembly of the UN and play as a representative of the UN itself relating to humanitarian action. Besides that, UNHCR with its instrument is also provided the basic principle to set the same standard on the refugee protection.

The behavior of an organization is shaped by the role of leadership, the division of sub-units, intra-coordination mechanism, financial arrangement, and the implementation of its principle. The role of leadership is important in UNHCR, it included diplomatic, programmatic, and public relations function. In general UNHCR began as an organization that based in Geneva, but now the department and the divisions within the organization has changed. The operation is not only based on the headquarter but also located in “the field” around the world. The operation in “the field” are directed by regional and country offices which are in charge of implementing protection and assistance directives from headquarters. On the field operation, the UNHCR’s staff work to implement the global policy in a state by negotiating with state authorities, interacting with a variety of actors, and recommending various programs (McKittrick, 2008, pp. 14-15). In addition, the UNHCR has 262 field offices in 116 countries consisting almost 6300 employees with 5400 being located in the field (Sweden, 2008).

UNHCR is now governed by an Executive Committee (ExCom) under the Economic and Social Council of United Nations (ECOSOC). The ExCom is to approve the UNHCR program and budget, advice on international protection matters, and play a consultative role in policy issues. It consist of 76 member

states which meets annually in Geneva, and the second “working group” or standing committee meets several times a year (Barnett L. , 2002, p. 7). The role of the UNHCR was expanded following a result of being delegated new task from the General Assembly of the UN. The success of the UNHCR operation in the Balkans in the early 1990s, UNHCR has expanded from an organization focused strictly on refugee to the UN’s leading humanitarian agency. Through this expansion and global presence, the UNHCR gained a higher profile in International politics and be able to collect funds for its operations (McKittrick, 2008, p. 21). Different with other international organization, UNHCR was in a unique position. Moreover, there is a relationship between the local leader of UNHCR and the local authorities.

Through its higher profile in international politics and directly mandated by General Assembly as leading humanitarian agency, the UNHCR involve in the state behavior relating to the refugee matters by utilizing its authority. The lead agency is also one way for UNHCR to increase the coordination on the ground through its field office. As Barnett and Finnemore argues about three types of international organizational authority, that’s become the basic utilization of authority by UNHCR (Barnett & Finnemore, 2004). First, the UNHCR as an organization which created by the member state has delegated authority of its member states relating to refugee matters. It means that the member states are given their authority or allowed the UNHCR involvement on state behavior relating to the refugee protection. Second, the UNHCR as an organization based on its instrument, the 1951 Convention, was created by its member states to set

the same standard for refugee protection, and the cooperation duties between the member states and the UNHCR itself. Third, based on its specialized and experiences in giving assistance to refugee, UNHCR has expert authority and being trusted to handle the refugee matters and directly mandated by the General Assembly became the humanitarian leading Agency. So through delegation, moral claim, and expertise the UNHCR have the authority to act, which provides the basis for its involvement and influence on refugee matters in regional or national level (McKittrick, 2008, p. 32).

Besides its utilization of authority that came from its member states and the General Assembly of the UN, the reason of its influential position of UNHCR is because the existence of the UN Convention relating to the status of refugee 1951 and its 1967 Protocol which also became the cornerstone of the international refugee protection system. The key element of the Convention is, it defines who is a refugee and their right, it requires the contracting states to act with principle of non-refoulement, and it sets out the obligation and cooperation duties of state parties with UNHCR. It has also contained the supervisory role of UNHCR to monitor and review the state behavior as one of the actor capacity of UNHCR (Turk, 2013). By supervisory role, the UNHCR can strengthen the protection of refugee and maintain its cooperation with the state of concerned.

The UNHCR's supervisory responsibility is laid down explicitly in paragraph 8 of the UNHCR's Statute:

*“The High Commissioner shall provide for the protection of refugees falling under the competence of his Office by: (a)*

*promoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto;”* (underlining added)(Turk, 2002).

The cooperation duties between the UNHCR and the state parties was also formulated in the Article 35(1) of the 1951 Convention:

*“The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.”* (Kalin, 2001, p. 2).

The Article 35 of the 1951 Convention and Article II of its 1967 Protocol contains the corresponding treaty obligations of state in refugee matters. The state parties should cooperate with the UNHCR in the exercise of its function and facilitate its duty of supervising the application of the provision of these instruments. One of the provisions is that the state parties must give their information on national legislation regarding the refugee matters. This is specified further in Article 35(2) of the Convention:

*“In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:*  
*(a) the condition of refugees,*  
*(b) the implementation of this Convention, and*  
*(c) laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.”*(Kalin, 2001, p. 3)

The influential position of UNHCR and its high profile in the international politic also could be seen in Article 36 of the Convention that stated:

*“The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention.”* (“Convention relating”, n.d)

While the Article 36 requires states parties to communicate to the UN Secretary General to ensure its laws and regulation which they may adopt, in practice the communications are directed to the UNHCR as the principal body and subsidiary organ of the UN General Assembly (Turk, 2013, p. 44). That’s why the UNHCR can involve in regional and national level relating to refugee matters, including in Europe while all of the EU member states are signatories of the Convention.

#### 1. Regional (EU) level

The UNHCR has been present in Europe since 1951, exactly in Brussels in which back in history the UNHCR first establishment was for assisting the European refugee in World War II (WWII). But now, Brussels is the base for UNHCR’s Bureau for Europe when in early 1990s the UNHCR established a liaison function in its Brussels office. It was to monitor the developments and provide inputs into the EU harmonization process in the asylum and migration (UNHCR and the EU, n.d). The influential position of the UNHCR in Europe was the result of the EU member states to cooperate with UNHCR on implementing the 1951 Convention and its 1967 Protocol. The EU law extends the UNHCR’s supervisory role demonstrated in Article 28 of the 1990 Schengen Implementation Convention (Turk, 2013, p. 44), which stated:

*“The Contracting Parties reaffirm their obligations under the Geneva Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967, with no geographic restriction on the scope of those instruments, and their commitment to cooperating with the United Nations High Commissioner for Refugees in the implementation of those instruments.”* (“Convention implementing”, 1990)

Besides that, it is also in the Article 78(1) of the Treaty on the Functions of the European Union, it demonstrated that a common policy on asylum subsidiary protection, and temporary protection should be in accordance with the 1951 Convention. Moreover, in Declaration no.17 to the Final Act of the 1997 Treaty of Amsterdam, which provides that the UNHCR shall be consulted on all matters relating to asylum. The UNHCR is the only institution with the consultative role under the Treaty framework on asylum (Turk, 2013, p. 44).

The UNHCR representation in Brussels is responsible for the UNHCR, the European Union Institutions, and European countries relations. The UNHCR representation work is to ensure the implementation of refugee norms at national and EU level, contributes to the development of EU and national laws and policies on asylum, and mobilize public, political and financial support for refugees. The UNHCR relations with the EU was increased significantly and the office in Brussels is now liaising with the EU Commission’s Directorate General for Justice and Home Affairs, the Council Secretariat, Member States, and the European Parliament (UNBrussels, n.d).

To improve its relations and prove the implementation of Declaration no.17 of the Amsterdam Treaty, in 2000, the Commission’s Directorate General for JHA and the UNHCR signed an exchange of letter agreement. This is to

strengthen the UNHCR which must be consulted by the EU institutions in asylum matters (UNHCR and the EU, n.d). Again in 2005, the UNHCR signed the cooperation agreements with European commission with the aim to strengthen their cooperation on the development of European asylum laws, and on policy and assistance for refugee (Colville & Tan, 2005).

The good relations between the UNHCR and the EU turned out to the good operational of refugee protection in Europe, including responding to the influx refugee from Syria in Europe. It also resulted in the increase of the country which resettled the refugee, such as Germany and Sweden which now became the higher receiver for Syrian refugee. The establishment of the EU regulation in accordance with the 1951 Convention and its 1967 Protocol led to the same basic standard for the refugee treatment and state obligation to protect them. The principle of non-refoulement also help the refugee especially Syrian refugee to get long term resettlement because of the ongoing conflict situation. The non-discrimination also made the Syrian refugee got the same protection and right to rebuild their lives in Europe along with the assistance of UNHCR and EU (UNHCR, 2013).

## 2. National level

As all the EU member states are signatories of the 1951 Convention, the member state have to obey its provision. Moreover, the EU itself also believed on its cooperation with the UNHCR as they invited and mentioned the cooperation duties between contracting states and UNHCR, and the regulation relating

to asylum which should be accorded with the 1951 Convention in some EU's treaties. The number of EU member states committed to resettlement has increased significantly in 2013, about fourteen EU member states became resettlement countries, such as Germany, Sweden, France, UK, and others (Perrin, 2013).

In response to the increased cooperation between the UNHCR and EU in asylum matters, the UNHCR also strengthens its relations with the member states based on the legal framework. The existence of branch office or field office help the networking capacity of the UNHCR. In Europe itself, the UNHCR's office in Brussels established EU focal points in the branch office in charged with monitoring and influencing government negotiations on EU asylum instruments. It is also for the networking process of UNHCR's branch office. Besides that, the UNHCR Brussels's office and the EU established the EU Task Force consisting of people from EU focal points and UNHCR HQ staff to enforce inter-office cooperation. The cooperation included the preparation of lobbying papers, developing strategies, and setting of priorities regarding to the UNHCR's involvement in asylum matters (UNHCR and the EU, n.d).

Through the field office, the representative of UNHCR has more chance to monitor and review the national legislation relating to refugee protection. As it is demonstrated in the Convention that the state parties responsible to provide information to UNHCR, including their national legislation relating to refugee matters and its implementation of the Convention. The state parties also responsible to cooperate with UNHCR and support the UNHCR's supervising



task. It is not only based on the 1951 Convention and its 1967 Protocol but also explicit in the some EU's treaties.

Moreover, the UNHCR's representative in the field office is responsible to implement the global policy at the state of concerned, negotiate with the state authority, interact with a variety of actors, and propose various programs (McKittrick, 2008, p. 15). So the involvement of the UNHCR is represented by its representative in field office through diplomatic roles such as the negotiation and consultative capacity. That's why the leadership role in UNHCR is important in utilizing organization authority. The consultative role given by the EU is also giving more chance for the UNHCR to involve in decision making and national legislation of the state relating to the asylum matters.

The increase number of refugee arrival in Europe urged the improvement of UNHCR relations with its member states especially for the resettlement program. How UNHCR can maintain its communication with member states in responding the situation was through its field office. For example the government of Sweden as the second largest receiver of Syrian refugee keep its good relations with UNHCR in consulting its regulation relating refugee protection and asylum.

The UNHCR is a relevant actor in relation to the central component of Sweden's policy for humanitarian assistance. Not only in humanitarian assistance, but UNHCR also helps the government of Sweden to fulfil its migration policy. As a member of the Executive Committee of UNHCR, Sweden usually participates in the annual meeting, which meets each year in Geneva, and

participates in Standing Committee which meets three times a year. Besides that, annual bilateral consultations are also held between the government of Sweden and the UNHCR, and also between the Swedish Migration Board and the UNHCR on quota refugees (Sweden, 2008).

As the UNHCR involve on the establishment of the EU common asylum policy, it helps to set the same standard of refugee protection in European countries in accordance with the UNHCR Convention. But still in practice, the UNHCR work and involvement dependent on its working environment. In example, in Germany, although Germany considered as the higher reciever of Syrian refugee, but the asylum law was arguably one of the most complex in the world. Germany gives high priority for advisors and counselors of UNHCR to ensure its involvement in the country. Through bilateral negotiation, the UNHCR and the government of Germany created two counselling centers in the East and the Southeast Germany (ExCom, 2003). Overall, the UNHCR's office in Germany is focused on increasing the Germany's contribution to UNHCR, and strengthen the partnership agreement between the government of Germany and the UNHCR. In the early 1990s, the negotiations began between UNHCR and the government of Germany. It led into an exchange of note and agreement signed in 1992 relating to the educations matter for refugee in Germany through the establishment of the Albert Einstein German Academic Refugee Initiative or also called DAFI's project (History of DAFI, 2012). Moreover, in responding to the Syrian crisis in Europe, according to an interior ministry of Germany, the ministry of Germany has worked closely with UNHCR. In 2014, the Germany extended its

humanitarian admission program with UNHCR to an additional 10,000 Syrian refugee.

Another example of the working environment of UNHCR is Turkey, in which Turkey is one country who ratified 1951 Convention but not its 1967 Protocol. So, the geographical and time limitation for people considered as refugee is still valid in Turkey. That's why the UNHCR has a significant role and position in Turkey, such as the UNHCR undertake the status of refugee for non-Europeans in Turkey. However, an agreement was signed in 2005 between the EU and Turkish in which give more authority for UNHCR in its role. By 2012, Turkey's made a positive development to lift the geographic limitation. The government of Turkey is also allowed the UNHCR to gain access in asylum and refugee matters in Turkey. Through its bilateral relation between the Turkish government and the UNHCR, the UNHCR was invited to participate in working groups and contribute in drafting the new asylum law in Turkey. Moreover, the UN designated UNHCR as the lead agency for coordinating activities in Hatay, Turkey, and the field office through liaison with central authorities, local authorities, and other partners aimed to maximize the protection for refugee ("UNHCR Turkey", 2011).

Overall, the involvement of UNHCR in a state level besides directly designed by the UN General Assembly, but also through its field office networking. The leadership role here is very important to negotiate and consult with the country authorities and as the informer for the UNHCR HQ. Moreover, the position and authority of UNHCR is demonstrated not only in the 1951

Convention as its instrument but also in some EU's treaties. The close relations between the UNHCR represented by its representative in field office also led into the establishment of some agreement with the country concerned. The experiences on handling the refugee assistance by UNHCR also made the organization trusted by the country on developing the national legislation relating to asylum and refugee protection.

Through utilization of its authority, the UNHCR can maintain its cooperation with the European countries in responding to the refugee crisis. By its authority based on its Convention and some EU's treaties, the UNHCR can involve in developing national legislation relating to asylum and refugee protection. Beside the good cooperation, the UNHCR and the European countries also created the strategic objective to maintain good resettlement operations, and can improve the protections to refugees in the European region.

### **C. Strategic Objectives**

One million refugees have made a dangerous journey across the Mediterranean Sea to Europe in 2015. This was considered as one of the largest movements of displaced people since World War II through Europe. The majority of the people have crossed from Turkey to Greece by boat, and 57% of them were Syrian ("Regional Refugee", 2016). The continuous flow of refugees to Europe was increasing the challenge for the European countries and the UNHCR as a special unit of the UN toward refugee cases.

The conflict in Syria will continue causing internal and external displacement, and the refugees will continue to move towards Europe. Europe seems to have a problem to make the influx of refugees more sustainable and manageable. That was also caused by the strong disproportions in some affected state such as Greece, Italy, Germany, Sweden, the countries of the Western Balkans, and the countries of Central and Eastern Europe. Another concern of Europe was also how to manage the full social and cultural integration for refugees, especially for the muslim population. However, some actions were already taken by European countries such as Germany, which provide suitable integration and opportunities for refugees (Koroutchev, 2016, pp. 32-35).

Besides some actions that were taken by each state, the European countries also coordinated with the UNHCR to strengthen the refugee assistance. Giving protection was becoming the core of the UNHCR's work. Some actions such as the effort to promote and extend the international legal framework, develop and strengthen the asylum systems, improve protection standard, and implement the durable solution were becoming the focus of UNHCR and coordinated states ("Protecting Refugees", 2014). In 2013, the ongoing crisis in Syria gave an overwhelming challenge for UNHCR and European countries. To respond to the crisis, the UNHCR was coordinated with the European countries to create strategic objectives which became the basic activities on the refugee assistance.

During 2013 until 2015 there were some strategic objectives in responding the refugee crisis in Europe which created by the UNHCR and European countries. There were 5 strategic objectives in 2013 and 2014 which were not so

different. Then, it changed in 2015 to respond to the Mediterranean tragedy. On April 20, 2015, the boat used by refugees was capsized in the Mediterranean Sea. That tragedy drowned over 600 refugees and gave a shock to the UNHCR and European countries as their destination (Spindler, 2015). The tragedy at Mediterranean Sea since 2013, led to the establishment of the Central Mediterranean Sea Initiative (CMSI) to prevent the loss of lives at sea (“UNHCR Global”, 2014). There were 3 main strategic objectives during 2013-2015 made by the UNHCR in Europe region.

1. Building and maintaining affective asylum and protection system

To build and maintain an affective asylum and protection system in European region, the UNHCR increased their supervisory role through cooperation with the European Asylum Support Office (EASO). Its work was also for facilitating practical cooperation between the European Union (EU) member and the UNHCR (“UNHCR Global”, 2013). The UNHCR also helped the asylum reform in Greece, and involved in the asylum procedure in France, Italy, and Spain, alongside with providing guidance on asylum legislation and policies in all European states (“UNHCR Global”, 2012).

The UNHCR was also assisted the national authorities to improve their protection system and to prevent discrimination based on gender, age, nationality, and ethnicity (“UNHCR Global”, 2012). As the largest sources of refugees in Europe which came from Syria conflict, the Syrian refugees get their equal assistance and protection. Although their majority were muslim, and the European

countries mostly have problems on integrating muslim population (Koroutchev, 2016), in term of giving protection, the involved countries were responsible under the legal policies. They did not discriminate the Syrian refugees in all programs for refugees.

The existence of normative guidance also constituted the UNHCR to contribute to setting the legal standard for the national and regional level of policies and system toward refugees. Overall, the UNHCR encouraged the European countries to improve their protection policies and practices in which protection of refugees has many aspects. These aspects included ensuring safety and dignity live, accessing to the fair and efficient asylum procedures, ensuring the respect of their basic human rights, and helping to find durable or long term solution (“Protecting Refugees”, 2014).

## 2. Preventing and resolving the situation of stateless

The main cause of statelessness in Europe was the dissolution of states and gaps in national legislation. The national legislation included the inadequate birth registration and gaps in migration and the asylum system (“UNHCR Global”, 2012). In 2013, a conference held to discuss the ways to address and reduce statelessness in Baltic (Estonia, Latvia, ad Lithuania) and Nordic states (Denmark, Finland, Iceland, Norway, and Sweden). In South-Eastern Europe, the UNHCR assisted the asylum seeker to get civil status documentation and late birth registration (“UNHCR Global”, 2012).

In 2015, the UNHCR was also introduced the 10 years of campaign to end the statelessness issue (“UNHCR Global”, 2014). It was to advocate the accession and adoption of the Statelessness Conventions. The UNHCR was also encouraging the non-signatory state to adopt the principles of the Conventions and to improve the civil registration practices. The country of Belarus, Cyprus, Estonia, Malta, Poland, and the Russian Federation were countries in Europe region that have not acceded to the Conventions. The cooperation between the UNHCR, civil society organizations, and the European network on statelessness became essential in that effort (“UNHCR Global”, 2014)

### 3. Securing durable solution

The UNHCR was working with European Union (EU) institutions, governments, and civil society to increase the number of resettlement places in the Europe region, such as its cooperation with Germany, Belgium, Spain, and other countries (“UNHCR Global”, 2012). It also included the cooperation with concerned organization such as the International Organization for Migration (IOM) and the International Catholic Migration Commission. The effort in securing the durable solution was to end the extending of the displacement situation along with the development of its implementation.

Although the durable solution still could not be fully implemented for the Syrian refugees because of the ongoing conflict, the UNHCR encouraged the European countries to give special attention and provide more resettlement places and humanitarian admission for Syrian (“UNHCR Global”, 2014). There were



about 22 European countries contributed to the effort to UNHCR's resettlement, but it remains limited. The difficulties in integrating the receiver of international protection in the new societies became the other concerns of European countries and the UNHCR ("UNHCR Global", 2013).

The durable solution is a long term solution for refugees once their status have been determined and immediate protections are addressed ("Solutions for Refugee", n.d). There are three programs in durable solutions. Those are voluntary repatriation, local integration, and resettlement. The concept of durable solution considered as a permanent settlement, whether in the host country, a third country, or the country of origin. In the implementation, the UNHCR was coordinated with the country of origin, host country, humanitarian and development actor, and refugees itself ("Solutions for Refugee", n.d).

a. Voluntary repatriation

The voluntary repatriation to their origin country can be implemented for refugees as long as the circumstances permit ("Protecting Refugees", 2014). However, it cannot be implemented for Syrian refugees because their state is still in ongoing conflict. With the voluntary repatriation, the refugees can return to their origin state, of course also based on their will. The UNHCR encouraged for the involving parties to this solution by providing transportation and start-up package including the cash grants, income generation projects, and practical assistance. Some other organizations are also helping by

providing longer term development assistance (“Protecting Refugees”, 2014).

b. Local integration

The refugees who are unable to return to their home countries are not only because of the ongoing conflict, but also somehow because of the self-sufficiency and integrates locally in to the host countries. By local integration, the UNCHR encouraged states of asylum to improve their naturalized system or the policies for permanent residence and the acquisition of citizenship. This was to provide the basic equal right for the refugees compared to the national’s citizens. The state of asylum is also responsible to provide the statistic of naturalized refugee to UNHCR (“Protecting Refugees”, 2014).

c. Resettlement

The last durable solution is resettlement in the third countries. So, refugees can enjoy the long term protection and integrate into the host societies (“Solutions for Refugee”, n.d). Basically, it was particularly for those who cannot go with voluntary repatriation, and local integration or who cannot get a proper protection in their country of origin. However, to apply this resettlement program needs more available places and the coordination of first asylum countries, resettlement countries, and the UNHCR. In 2013, there were 5 countries as the most countries of resettlement. They were the United States,

Australia, Canada, Sweden, and the United Kingdom (“Protecting Refugees”, 2014).

Table 3.1. Top Countries of Resettlement in 2013

TOP 5 COUNTRIES OF RESETTLEMENT IN 2013	
COUNTRY	REFUGEES
United States	66,200
Australia	13,200
Canada	12,200
Sweden	1,900
United Kingdom	970