

UNHCR AND NON-GOVERNMENTAL ORGANIZATIONS ROLE AND THEIR JOINT EFFORTS IN TACKLING THE EUROPEAN REFUGEE CRISIS FROM IT'S INCEPTION UNTIL PRESENT TIMES

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Abstract

In this study we will analyse UNHCR and Non-Governmental Organizations role and their joint efforts in tackling the European refugee crisis from it`s inception until present times. Their work is extremely important because even if the recommendations made by UNHCR together with NGOs are not legally binding they still represent important tools available and at the disposal of member states. Furthermore the field work that they perform is of vital importance for the well-being of refugees. We will conclude this study with a set of recommendations.

Keywords: UNHCR, NGOs, refugees, High Commissioner, European crisis.

1. Introduction

Since 2015 until present times Europe has been confronted with the biggest refugee and migrant crisis after the end of the Second World War. In light of this development this study will cover two different types of institutions, institutions which are tackling together this crisis: on one hand the United Nations High Commissioner for Refugees (UNHCR) and on the other hand the international non governmental organizations (NGOs)

The end of the Second World War symbolizes the beginning of a new era in international relations, an era focused on mapping a new international legislation meant to promote human rights across the globe, the biggest promoter being the United Nations, through the Universal Declaration of Human Rights. After it`s adoption it became one of the most important documents in the world in terms of emphasizing the fundamental rights and liberties of each individual. Nowadays in the international community the Universal Declaration of Human Rights has received a special status, unlike any other document of it`s kind”¹.

The errors of the Second World War have taught the international community that the individual is the most important, even if the individual is not a subject in international law, but the individual benefits directly from all the decisions taken at the highest level, such as those taken by member states of the European Union in tackling the refugee crisis for instance.

In addition many other regional intergovernmental institutions, international tribunals have been created across the globe to monitor and sanction those not following international law or human rights law.

Analysing the work of UNHCR and NGOs is of great importance in trying to understand the magnitude

of the refugee crisis. These two entities work together, while UNHCR has a more broad scope and international exposure NGOs differ, from international NGOs to small local NGOs offering assistance and advice to UNHCR. Their work is extremely important because even if the recommendations made by UNHCR together with NGOs are not legally binding they still represent important tools available and at the disposal of member states. Furthermore the field work that they perform is of vital importance for the well-being of refugees.

The article seeks to ask a number of questions, such as : How did this refugee crisis started? Why now? How come so many people came to Europe instead of going to the neighbouring countries? What institutions should be handling the refugee crisis and how do they collaborate between eachother? Is the current legislation suited to handle accordingly the refugee crisis and if the answer is no, how should this legislation be changed?

This study will underline the fact that the international legislation concerning refugees cannot cope with the aggravating current crisis so a new legislation is needed.

2. Analysis on the refugee crisis and the refugee legislation in force

Regarding the question how did this refugee crisis started, one of the main reasons is the conflict in Syria, which has been going on for the last 6 years. Besides the Syrian situation there are still endless conflicts and internal struggles in countries such as Afghanistan, Somalia, Eritrea, political instability, poverty and persecution, global warming, factors which made many people flee their country and seek for a better life in Europe.

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¹ See Coman, Florin; Jura, Cristian; Necsulescu, Ion; Stolojescu, Grigore, Purda, Nicolae, Instrumente practice de drept international public, Editura ProUniversitaria, 2015, pag 70.

Even if there are many people in need who have arrived to the European shores, not all of them can receive international protection and this study will look at the citizens who obtain the refugee status, thus the protection of that state.

People have the right to seek asylum in other states according to article 14 of the Universal Declaration of Human Rights, article which recognizes the right of people to seek asylum from persecution in any other countries².

In order to offer refugees a proper legal framework the international community drafted the Convention related to the Statute of Refugees from 1951 and its Protocol in 1967 and in this document the concept of refugee is defined. A refugee is a person who has a well founded fear of being persecuted for reasons such as: race, religion, nationality, membership of a particular social group or due to a political opinion and he is outside the country of his nationality and he cannot or due to this fear does not want to avail himself of the protection of that country³.

Based on the definition given, refugees actually represent a different category of foreigners who at a specific time live on the territory of a state. The main feature of refugees is the fact that they cannot benefit from protection of their own country of origin or sometimes that they do not want that protection.

After analyzing this provision the following conclusion can be drawn, this provision is applicable under two circumstances generally speaking, the first one due to a fear of being persecuted and the second one due to a reasonable belief that the person is persecuted⁴.

Even if citizens have a right to asylum this does not mean that it has to be recognized by the international community. There is no general treaty which asserts the right to asylum, even if this right was proclaimed in the Universal Declaration of Human Rights, in article 14⁵.

Even if states have a wide margin of appreciation in terms of asylum requests, still since 2015 the European continent has been flooded with such requests. In trying to respond to the question why are asylum seekers coming to Europe and not the neighbouring countries there are several responses to this question: Europe is rich, is stable, some countries have a diverse job employment offer, also in some cases the neighbouring countries are not safe so asylum seekers do not go there. Globalization, internet access are also factors which lead many people to come to Europe. It was probably more difficult from a logistic point of view 20 years ago to leave Congo than it is

now. Unfortunately also the smugglers are playing an important role in this situation. UNHCR and their NGO partners together with the European Union have taken numerous actions in order to respond to the refugee crisis.

Before starting to elaborate on the key activities performed by UNHCR together with NGOs the paper will first present the birth, structure and evolution of UNHCR.

3. UNHCR

3.1 UNHCR's birth, structure and evolution

The Office of the High Commissioner for Refugees (UNHCR) was created in 1950 during the aftermath of the Second World War, in order to help millions of Europeans who had fled or lost their homes.

According to its Statute, UNHCR has two principal functions: the first one is to provide international protection to refugees within its competence and the second one is to seek lasting solutions for refugees in co-operation with the governments⁶.

The Statute calls upon Governments to co-operate with the United Nations High Commissioner for Refugees in the performance of his functions concerning refugees falling under the competence of his Office, especially by:

- Becoming parties to international conventions and taking all the steps needed in order to implement such conventions;
- Entering into agreements with the High Commissioner for the execution of measures calculated to improve the situation of refugees;
- Admitting refugees to their territories;
- Assisting the High Commissioner in his work to promote the voluntary repatriation of refugees;
- Promoting the assimilation of refugees;
- Providing refugees with travel and other documents;
- Permitting refugees to transfer their assets and mostly the assets necessary for their resettlement;
- Providing the High Commissioner with information related to the laws and regulations in different parts of the world⁷.

In 1954 UNHCR won a Nobel Prize for Peace for its work in Europe. Some of the major events where UNHCR took a leading role were: the Hungarian revolution, the decolonization of Africa, they also assisted the uprooted people in Asia, Latin America,

² See United Nations General Assembly resolution 429 (V) of 14 December 1950, available at: <http://www.unhcr/refworld/docid/3b00f08a27.html>.

³ See the Convention related to the Statute of Refugees, <http://www.unhcr.org/3b66c2aa10>.

⁴ Constantin, Valentin, *Drept International Public*, Editura Universitatii de Vest, Timisoara, 2004.

⁵ Bolintineanu, Alexandru, Nastase, Adrian, Aurescu, Bogdan, *Drept International Contemporan*, Curs Universitar, Editura AllBeck, Bucuresti, editia a 2-a, revazuta si adaugita, 2000, pag 328.

⁶ <http://www.refworld.org/pdfid/4950f39f2.pdf>.

⁷ See (Statute of the Office of the High Commissioner for Refugees, General Assembly Resolution 428 (V) of 14 December 1950), <http://www.unhcr.org/4d944e589.pdf>.

actions which helped them gain a second Nobel Prize for Peace.

Furthermore UNHCR got involved in the major refugee crisis in Africa, the Middle East and Asia, being also invited to offer their expertise in order to help many displaced people and statelessness people. A living proof of their development is represented by their projects and number of employees. UNHCR now has more than 10, 800 members representing staff and their employees work in 128 countries”⁸.

In order to get a clear picture of the specific activities conducted by UNHCR in the next part of the article there will be a presentation of the role played by the High Commissioner.

3.2. The Role of the High Commissioner of UNHCR

The position of High Commissioner of the United Nations Refugee Agency is a position held for a period of 5 years and the High Commissioner is elected by the UN General Assembly. Article 8 of the Statute of the High Commissioner describes his functions:

- Advocating for the conclusion and ratification of international conventions for the protection of refugees;
- Lobbying for the execution of any measures required to improve the situation of refugees and to reduce the number requiring protection;
- Assisting governmental efforts to promote voluntary repatriation or assimilation;
- Promoting the admission of refugees;
- Struggling to obtain permission for refugees to transfer their assets and especially those necessary for their resettlement;
- Obtaining information concerning their number, conditions of refugees in their territories and the laws applicable to them;
- Maintaining a good cooperation with the Governments and intergovernmental organizations concerned;
- Establishing contact in a suitable manner with private organizations dealing with refugee questions;
- Aiding the coordination of the efforts of private organizations concerned with the well-being of refugees⁹.

This description of the High Commissioner’s tasks has a complex nature rather than a systematic one, but three general areas can be identified”¹⁰. First of all UNHCR’s High Commissioner has to facilitate the admission of refugees to the territories of the States where they can be protected, second of all it has to ensure that the rights of refugees are respected; third of all the High Commissioner has to work on finding a solution to the problem.

Because it is a subsidiary organ of the United Nations General Assembly, UNHCR does not only report to the General Assembly but it also may have its mandate modified through General Assembly resolutions. UNHCR’s Statute also provides for UNHCR to receive advice from the General Assembly in the form of resolutions and from the Executive Committee of the High Commissioner’s Programme, an advisory body created by the United Nations Economic and Social Council.

In order to respect its mandate, statute and mission the UNHCR drafted many important legal documents across its history, important legal documents, intitled by some the “UNHCR doctrine”.

3.3. UNHCR’s doctrine and its importance in framing a better response to the crisis around the world

We introduced the UNCHR’s doctrine in this research because the legal work conducted by UNHCR since its beginnings has been highly valuable. But it was not taken into consideration to the greatest extent possible concerning the possible responses to the European refugee crisis. Furthermore there are still many debates pending on its status, if it represents a subsidiary source of international law or not. Our opinion is that the “UNHCR doctrine” represents a subsidiary source of international law and we will now present our arguments on this matter.

UNHCR developed through out the years a technique intitled the “UNHCR doctrine”, which has significantly contributed to the evolution of UNHCR’s role in the development and evolution of international refugee law. “*They are often formulated as a result of questions posed by States, differing positions taken by States, or positions adopted by States and opposed by UNHCR. The formulation of doctrine by UNHCR is neither simple nor done in isolation. UNHCR doctrinal positions can be influenced by numerous factors including: the views of non-governmental organisations, academics, and government officials; political considerations; State practice, and even different views within UNHCR, to name a few*”¹¹.

The doctrinal positions of UNHCR are not legally binding on states. Due to the fact that these doctrinal positions are not created by States, they do not represent traditional sources of international law, as for example international customary law, treaties, conventions, or general principles of law. Article 38 of the International Court of Justice explains the international law sources:

- international conventions, whether general or particular;
- international custom;

⁸ <http://www.unhcr.org/history-of-unhcr.html>.

⁹ See The Statute of the Office of the High Commissioner for Refugees, General Assembly Resolution 428 (V) of 14 December 1950), <http://www.unhcr.org/4d944e589.pdf>

¹⁰ See Lewis, Corrine UNHCR and International Law from Treaties to Innovation, ProQuest LLC, June 2010 (<http://etheses.lse.ac.uk/2200/1/U613432.pdf>) pag 59.

¹¹ See Lewis, Corrine UNHCR and International Law from Treaties to Innovation, ProQuest LLC, June 2010 , pag 119 (<http://etheses.lse.ac.uk/2200/1/U613432.pdf>).

– the general principles of law recognized by civilized nations;
 – judicial decisions and the teachings of the most highly qualified publicists of the various nations which represent means for the determination of rules of law”¹².

We consider that UNHCR can have the same valuation as some academics. Actually looking at the international UNHCR personnel, the organization reflects a complex and diverse perspective unlike a publicist for example who has a national approach. Even so, UNHCR doctrine is most of the times considered to be *lege ferenda* that is what the law should be rather than *lex lata* what the law actually is”¹³.

„UNHCR doctrine” is influenced by so many factors. Most importantly UNHCR employees are doing a lot of ground work in terms of handling the European refugee crisis, this is why, we think that the doctrine, hence the doctrinal suggestions should be more valued by the international community. These recommendations made by UNHCR employees could be better put to use by the member states and maybe states could even consider making some of their suggestions mandatory through a legally binding document. Otherwise many recommendations made by UNHCR will remain as recommendations, never applicable due to the lack of the binding force on member states.

As previously mentioned the „UNHCR doctrine” has been developed also due to the ground work conducted by UNHCR employees, activities which we will now present.

3.4. UNHCR` s actions across the globe

The main actions taken by UNHCR across the globe are the following:

1. *Advocacy*: has as its aim to change policies and services that affect displaced and stateless people on a national, regional and also international level.
2. *Cash based interventions*: refer to the fact that most refugees live in places where they have the same rights, including to markets and services as the local communities living there. For this reason refugees are provided with cash in order for them to live in a decent way and also to contribute as well to the local economy.
3. *Education* represents an important part of UNHCR` s mission because UNHCR reports show that “*refugees are five times more likely to be out of school than the global average. Only 50 per cent of the refugee children have access to primary education, compared with a global average of more than 90 per cent*”¹⁴

4. *Environment, disasters and climate change*: represent one of the most debated topics across the globe in present times. For this reason both climate change and the environment have a big impact on the work conducted by UNHCR.
5. *Livelihoods*: it is highly important for people to be given the opportunity to work and earn a living after fleeing war or persecution.
6. *Public health*: an example is given on the official website of UNHCR. The case of a family which fled conflict in the Democratic Republic of Congo and who now lives in a refugee settlement in Uganda.
7. *Shelter*: is vital in times of crisis and displacement and is also necessary in order to preserve personal security and dignity.
8. *Asylum and migration*: there is an expert staff team based in Geneva, intitled the Asylum Unit and Migration Unit. Their work entails addressing the many challenges encountered by refugees. In addition they offer support to regional teams in order to implement protection measures and also offer legal support and advice to UNHCR operations across the globe.
9. *Coordinating assistance*: is a necessary step in order to have a quick and effective intervention. This is why AID agencies can truly have a big impact when they collaborate between each other.
10. *Ending statelessness*: is a problem the world is confronted with. According to official numbers :“*today, at least 10 million people around the world are denied a nationality. As a result they often aren` t allowed to go to school, see a doctor, get a job, open a bank account, buy a house or even get married*”¹⁵
11. *Innovation*: UNHCR is trying to connect the refugees because most of the times these people live without being in contact with their families, access basic services and obtain relevant information for them.
12. *Protection* is given to refugees by UNHCR because even if governments normally offer basic human rights to their citizens this does not necessarily apply to refugees as well.
13. *Safeguarding individuals* refers to the fact that every human being deserves a life without the fear of discrimination and persecution.
14. *Solutions* are offered as well because it is not only relevant to protect and assist all the refugees but also to help them rebuild their lives.

In order for the UNHCR to perform all these activities the organization has various partners: governments, donors, private sectors supporters, UN sister organizations and last but not least international

¹² <http://www.icj-cij.org/documents/?p1=4&p2=2>.

¹³ Lewis, Corrine UNHCR and International Law from Treaties to Innovation, ProQuest LLC, June 2010, pag 119 (<http://etheses.lse.ac.uk/2200/1/U613432.pdf>).

¹⁴ See <http://www.unhcr.org/education.html>.

¹⁵ <http://www.unhcr.org/stateless-people.html>.

non governmental organizations, organizations that we will analyse at this stage of the article.

4. International Non Governmental Organizations and their role

The term „non-governmental organization” or NGO was born in 1945 due to a need for the UN to make a difference in its Charter between the participation rights for intergovernmental specialized agencies and those for private entities.

At the United Nations all types of private entities can be recognised as NGOs, the only conditions that they have to fulfil are the following: they have to be independent, non-profit-making and non-criminal.

NGOs are different one from another. Some can be global and have a central authority or they can have a federal system. NGOs can be national, regional, international, international umbrella NGOs, a network of NGOs which can lobby at the UN for example.

This term of non-governmental organization was not in use before the UN was formed. Even if there were agencies alongside the League of Nations (the predecessor of the United Nations) still the concept was introduced at the San Francisco conference, which established the UN in 1945.

The conference which established the UN brought other changes as well. At this conference they enlarged the status of the Economic and Social Council (ECOSOC) and introduced an article related to the relationship between ECOSOC and NGOs, through article 71. The Economic and Social Council can make appropriate arrangements for consultation with non-governmental organizations., where there are common interests. These types of arrangements can be made with international organizations and when it is required also with national organizations after consultation with the member of the United Nations concerned¹⁶.

When referring to the structure of an NGO some elements may be taken into consideration. It starts from an agreement which is formed by its scope, the principles, how it is organized, how does it work, the application procedure if you want to become a member, how is the organization structured and its functions¹⁷.

Due to the importance of NGOs the Council of Europe adopted a Convention in 1986, Convention which recognizes the legal personality of the international non governmental organizations and establishes the conditions in order to receive this

recognition: *“they must be non-profit, have an international utility, they must be created from an national agreement based on the legislation of one of the parties, they must exercise their authority in at least two states and have the headquarters on the territory of one of them and part of the activity on the territory of the other party”*¹⁸.

An interesting fact when analysing NGOs is that there are international NGOs which also perform governmental duties and as a result their influence in the state is increasing. In agreement with the law, all the organizations which are founded by individuals are treated as NGOs even if some of them also perform governmental duties (such as the Red Cross or Interpol). Their increasing role contributes to the decrease of the state as an actor in terms of international relations¹⁹.

As previously mentioned in this article we are highlighting the importance of NGOs in the international sphere, importance which is constantly increasing. NGOs are advocating for the protection of rules and international conventions. In addition they are also asked for their expertise on this matter, they are also called upon by international tribunals as *amicus curiae*²⁰.

How do people start a venture of this kind? A venture of this kind starts from sharing a mutual interest, people get together and feel the need to be part of something, but in order for that organization to obtain a legal personality it can only be founded by respecting the national legislation of that specific state.²¹

In the following part the study will cover the existing partnership between UNHCR and NGOs, focusing on their work in crisis areas across the globe, emphasizing their response to the European refugee crisis.

5. The partnership between UNHCR and NGOs and their work across the globe

As one historian of UNHCR has put it: *“No element has been more vital to the successful conduct of the programmes of the UNHCR than the close partnership between UNHCR and the non-governmental organizations”*²².

This relevant partnership between the UNHCR and different NGOs has been underlined since the 50s, through out the declaration of Dr. Van Heuven

¹⁶ See United Nations Charter, Article 71 at <http://www.un.org/en/sections/un-charter/chapter-x/index.html>.

¹⁷ Coman, Florin, Jura, Cristian; Neculescu, Ion, Stojulescu, Grigore, Purda, Nicolae, *Instrumente practice de drept international public*, Editura ProUniversitaria, 2015, pag 13.

¹⁸ Bolintineanu, Alexandru, Nastase, Adrian, Aurescu, Bogdan, *Drept International Contemporan*, Curs Universitar, Editura AllBeck, Bucuresti, editia a 2-a, revazuta si adaugita, 2000, pag 76.

¹⁹ Bolintineanu, Alexandru, Nastase, Adrian, Aurescu, Bogdan, *Drept International Contemporan*, Curs Universitar, Editura AllBeck, Bucuresti, editia a 2-a, revazuta si adaugita, 2000, pag 142.

²⁰ Bolintineanu, Alexandru, Nastase, Adrian, Aurescu, Bogdan, *Drept International Contemporan*, Curs Universitar, Editura AllBeck, Bucuresti, editia a 2-a, revazuta si adaugita, 2000, pag 331.

²¹ Anghel, Ion, M, *Subiectele de Drept International*, Editia a 2-a, revazuta si adaugita, editura LuminaLex, Bucuresti, 2002, pag 356.

²² <http://www.unhcr.org/partners/partners/41c162d04/ngo-partnerships-refugee-protection-questions-answers-2007-edition.html>.

Groedhard, the first High Commissioner for Refugees in 1954: “*The UNHCR has had the most excellent relations with the voluntary agencies. Their work is in a true sense of the term indispensable and invaluable for refugees*”²³.

UNHCR has been working with NGOs since the early 50s when the forcibly displaced crisis erupted. Due to the fact that other emerging refugee crisis erupted in the 1960s, 1970s and 1980s especially in Africa, Asia and Central America so did the collaboration between UNHCR and a wide range of new humanitarian organizations and NGOs focused on refugees.

In order to uniformise the work conducted by UNHCR and set a standard in terms of work quality, in 2007 it adopted the Global Humanitarian Platform’s “Principles of Partnership” that set out the common standards of transparency, equality and an approach oriented towards results. This “Principles of Partnership” was afterwards added to the “Framework for Implementing with Partners” as an approach to collaborative partnerships.

There is also an Annual Consultation with NGOs and this consultation includes both national and international NGOs from across the globe. Furthermore it provides an important forum for NGOs and states to discuss, network, share opinions and views, from the perspective of equal partners.

Nowadays the UNHCR relies a lot on NGOs to implement a big diversity of projects, which include areas such as logistics, shelter, protection, aid distribution, sanitation and many others.

Due to the diversity of their projects there has been a section created on the website of UNHCR for partners interested to collaborate with them, so they are invited to register on the partner portal, a tool used to improve the communication between UNHCR and its partners.

6. UNHCR’s and NGOs responses to the European refugee crisis

The refugee crisis which erupted in 2015 led over a million people to come to Europe half of them coming from Syria, all of them being forced by the same desire, that of seeking a better life for them and for their families.

The ongoing conflict and violence in Syria, Iraq and other places have caused a serious displacement, driving many refugees to seek safety in the immediate region. In addition a large number of families, women and unaccompanied children undertook dangerous journeys across several countries and were often exploited by smugglers, another problem on the UNHCR agenda.

In order to respond to this crisis UNHCR : “*mobilized over 600 staff and resources in 20 different*

locations to provide live-saving assistance and protection. This include provision of humanitarian assistance, efforts to improve accommodation and shelter during the winter months, establishing 24/7 presence at all countries entry points and in a number of exit points to ensure continuous protection monitoring and intervention, efforts to reunite separated families and identification of persons with specific needs, including separated and unaccompanied children and referral to appropriate services”²⁴.

UNHCR also lobbied at a European level, calling states to act together, in a responsible manner, with solidarity, following their international obligations.

In addition: “*following the closure of borders in countries in the Western Balkans in early March, UNHCR began immediately shifting resources to increase reception capacity and services to the more than 55 000 asylum seekers and refugees now in Greece in support of the efforts of the Greek authorities*”²⁵.

In the following year in 2016 a further 347, 000 refugees and migrants have arrived to Europe, following the one million who came in 2015.

UNHCR and other entities have tried to find solutions to the problem. One of the steps taken in this direction is adding the International Organization on Migration (IOM) to the UN family, initiative launched during the first summit on refugees and migration which took place in New York in 19/20 September 2016. Furthermore UNHCR together with IOM and their partners drafted a new plan to respond to Europe’s Refugee and Migrant situation, plan which we will shortly present in the following paragraphs.

The Regional Refugee and Migrant Response Plan was officially launched on the 19th of January 2017. The Regional Refugee and Migrant Response Plan aims at complementing government efforts in order to ensure safe access to asylum and the protection of refugees and migrants. The plan is also aimed at achieving long-term solutions for an orderly migration.

This plan emphasized the need for long-term solutions and it includes the following: a complex relocation scheme, support for voluntary returns and reinforced alternative legal pathways to perilous journeys, including as well resettlement and family reunification.

Special attention is given to vulnerable groups such as refugee and migrant children , women and girls.

Another new element is represented by the pilot projects included in the framework of the plan, pilot projects meant to respond to the needs of unaccompanied and separated children in Europe.

²³ <http://www.unhcr.org/non-governmental-organizations.html>.

²⁴ See <http://www.unhcr.org/europe-emergency.html>.

²⁵ <http://www.unhcr.org/europe-emergency.html>.

In addition the plan also has a diverse geographical exposure, since it covers diverse countries and areas, from Turkey to Southern Europe, Western Balkans and Central Europe, including Western and Northern Europe.

This response plan also has a big budget: *“The total financial requirements amount to USD 691 million, with a population planning figure of up to 340, 000 people, based on previous arrivals trends and people present in countries who will receive support through the plan”*²⁶.

Furthermore UNHCR based on its work experience with NGOs and other entities drafted a document with recommendations for the EU, in terms of handling the refugee crisis, document intitled :*“Stabilizing the situation of Refugees and migrants in Europe”*²⁷. This document was released on the 7th of March 2017 to the EU Heads of State and Turkey in Brussels. The main recommendations are the following:

1. UNHCR will implement the hot spot approach and the relocation scheme which refers to:
 - a) carry out proper registration;
 - b) implement the relocation scheme for asylum seekers;
 - c) ensure the effective return of individuals who are no longer in need of international protection;
2. They will support the emergency response in Greece;
3. Improve compliance with the EU asylum acquis;
4. Improve the opportunities for resettlement;
5. Improve the protection safeguards for individuals at risk;
 - d) Enhance the operations for search and rescue;
 - e) Develop systems which better protect unaccompanied and separated children;
 - f) Develop measures meant to prevent and respond to sexual and gender-based violence;
 - g) Develop protection measures in order to address smuggling and trafficking ;
 - h) Develop protection measures against exclusion, racism, xenophobia and islamophobia;
6. Develop proper European systems in order to allocate responsibility for asylum seekers in the mid-term.

7. Conclusion

The refugee crisis has shaken the European continent to a great extent. The continent, the EU particularly does not have a unified voice in terms of

handling the refugee crisis. Even so there are powerful institutions and organizations meant to protect and offer a chance to those seeking for help.

Since the crisis erupted the international community has taken numerous steps. More funding has been allocated by the European Union and by other important actors to tackle this issue, UNHCR has deployed more people in crisis areas together with local, national and international NGOs, without which the work of UNHCR would be almost impossible. Furthermore the International Organization on Migration has been added to the extended UN family, which means more funding, more projects and a joint collaboration. Nowadays it is impossible to analyse the migration crisis apart from the refugee crisis, the difference between the two categories are the reasons which lead these people to flee their country, for migrants it is an option while for refugees it is a necessity.

In the study we have emphasized the fact that the new action plan taken by UNHCR, NGOs together with IOM and the action plan sent to the EU member states have many great recommendations, but the constant problem remains the fact that there are not binding documents. We consider some of the research conducted by UNHCR as pure doctrine and we consider it to be a subsidiary source of international law, more specifically international refugee law.

Given these considerations the Convention and Protocol related to the Status of Refugees should be amended, in terms of “who” qualifies for the refugee status. The definition is too broad, offering thus states a wide margin of appreciation and not only that. Climate change, one of the biggest issues of our days should be included in the general scope as well as female genital mutilation, a practice common in several african countries. We consider both climate change and genital mutilation as solid reasons which force people to flee their country because their life and human dignity are at stake. If the Convention and Protocol related to the Status of Refugees are improved than this will impact the European Union as well which afterwards has to pass new Directives, enlarging thus the scope of refugee protection.

Furthermore the Convention and Protocol related to the Status of Refugees should include a subsidiary protection provision for those asylum seekers who did not receive the refugee status but should receive some sort of international protection.

In order to respond to this crisis the collaboration between UNHCR, NGOs, IOM, the EU and other agencies has to improve. Desperate situations, require desperate measures and the international community should always keep in mind the fact that: refugee rights are human rights.

²⁶ <http://www.iom.int>.

²⁷ <http://www.unhcr.org/56d94f7e9.html>.

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