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## Special Thematic Event on Internally Displaced Persons and Refugees

27 May 2011

Neuer Saal, Hofburg, Vienna

### Draft Annotated Agenda

#### Background

Since the adoption of the Helsinki Final Act in 1975, conflicts, violence and forced displacement have been frequent occurrences within the OSCE area. Political instability, armed conflicts and violations of human rights have brought about large-scale cross-border and internal displacement in a number of OSCE participating States. While some conflict and displacement situations have been successfully addressed, others have become protracted, resulting in endless hardship for those affected, particularly women, children, the elderly and the disabled. In the future, volatile political and socio-economic conditions coupled with inter-ethnic tensions and weak State institutions may trigger further forced displacement in the OSCE region, exacerbating instability and raising comprehensive security concerns.

The goals enshrined in the relevant OSCE commitments of preventing forced displacement and of finding durable solutions to existing displacement situations are part and parcel of the three dimensions of the OSCE's concept of comprehensive security. In this context and in this particular year, marked as it is by the 60th anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness, the **Special Thematic Event on Internally Displaced Persons and Refugees** seeks to:

- Raise awareness and deepen understanding of the relevant international frameworks, including OSCE commitments;
- Identify current and emerging challenges and gaps relating to IDPs, refugees and stateless persons in the OSCE area at the normative and operational level; and
- Explore ways to integrate the issue of IDPs and refugees into all three dimensions of the OSCE's work.

**10.00 – 10.30**

#### **Opening Session**

10.00 – 10.05

Welcoming remarks, Ambassador Thomas Greminger, Chairperson of the OSCE Human Dimension Committee

10.05 – 10.15

Welcoming remarks, Ambassador Renatas Norkus, Chairperson of the OSCE Permanent Council, Permanent Representative of Lithuania to the OSCE

10.15 – 10.30

Introductory remarks, Nathalie Tagwerker, Deputy Head of the Democratization Department, OSCE Office for Democratic Institutions and Human Rights

**Current challenges in the OSCE area  
relating to IDPs, refugees and stateless persons**

Panellists: Mr. Volker Türk, Director of International Protection, Office of the United Nations High Commissioner for Refugees  
Ms. Ilze Brands Kehris, Director, Office of the OSCE High Commissioner on National Minorities

*Discussion*

The OSCE area currently hosts some 2.4 million refugees and asylum-seekers, some 1.5 million internally displaced persons, and around 1 million returnees, stateless and other persons of concern. While all affected persons face difficult circumstances, women, children, the elderly and disabled persons are particularly exposed to additional safety risks and multiple hardships during their displacement. Past years have seen considerable changes both in the nature of conflict and violence and also in the patterns of displacement and forced population movements. The complexities of providing protection and assistance and of facilitating durable solutions are exacerbated by intra-State conflicts that often involve multiple State and non-State actors, and also by intractable politico-economic factors.

With respect to international standards, the participating States are bound to take into account “the UN Guiding Principles on Internal Displacement as a useful framework for the work of the OSCE”<sup>1</sup>. While most of the OSCE participating States have acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, less than a third of the participating States have ratified the 1961 Convention on the Reduction of Statelessness. The participating States have repeatedly stated their concern at the problems of refugees and displaced persons and of mass migratory movements in the CSCE/OSCE area.<sup>2</sup> They have emphasized “the importance of preventing situations that may result in mass flows of refugees and displaced persons”<sup>3</sup>, recognizing that displacement “is often a result of violations of CSCE commitments”<sup>4</sup>, have stressed “the need to identify and address the root causes of displacement and involuntary migration”<sup>5</sup>, and have made the following assertion on the issue of statelessness: “We reaffirm our recognition that everyone has the right to nationality and that no one should be deprived of his or her nationality arbitrarily. We commit ourselves to continue our efforts to ensure that everyone can exercise this right.”<sup>6</sup> Furthermore, OSCE participating States have recognized that gender-based violence is exacerbated in situations of conflict and consequent displacement, and have committed themselves to preventing and addressing this systematic violation of women’s rights.<sup>7</sup>

**Aim: To examine the existing normative framework in order to identify gaps resulting from changing trends and patterns**

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<sup>1</sup> Ministerial Council Decision No. 4/03 on tolerance and non-discrimination (Maastricht, 2003).

<sup>2</sup> See, for instance, the CSCE Helsinki Document 1992, VI: The Human Dimension, 39, and the CSCE Budapest Document 1994, VIII: The Human Dimension, 32.

<sup>3</sup> CSCE Helsinki Document 1992, VI: The Human Dimension, 40.

<sup>4</sup> CSCE Helsinki Document 1992, VI: The Human Dimension, 42.

<sup>5</sup> CSCE Helsinki Document 1992, VI: The Human Dimension, 40.

<sup>6</sup> Charter for European Security (Istanbul 1999), 19.

<sup>7</sup> Ministerial Council Decision No. 15/05 on preventing and combating violence against women (Ljubljana, 2005).

## Experience with regard to protection of and assistance to IDPs and refugees and durable solutions

### Protection and assistance

Panellists: Mr. Andreas Wigger, Head of Protection, International Committee of the Red Cross  
Ms. Nina Birkeland, Head of Monitoring and Advocacy, Internal Displacement Monitoring Centre

#### *Discussion*

It is, first and foremost, the duty of States to protect their citizens and other habitual residents within their jurisdiction. In cases of internal displacement, the displaced remain legally entitled to all the rights and guarantees of a particular State, whereas refugees, as a result of being outside their former country of residence or origin and without its protection, qualify for a special legal status and consequent international protection. It is, however, necessary to ensure that existing treaties are properly implemented, that accession to relevant instruments is promoted and that the international protection framework meets the current challenges.

In the 1999 Charter for European Security, the OSCE participating States reaffirmed their commitment “to respect the right to seek asylum and to ensure the international protection of refugees as set out in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as to facilitate the voluntary return of refugees and internally displaced persons in dignity and safety.”<sup>8</sup> In the 1992 Helsinki Document they expressed their support for “unilateral, bilateral and multilateral efforts to ensure protection of and assistance to refugees and displaced persons.”<sup>9</sup> They have also recognized the importance of promoting “dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks, international law, in particular human rights, refugee, and humanitarian law, and relevant OSCE commitments.”<sup>10</sup>

NGOs, international organizations and States implement different responses to IDP and refugee situations in the OSCE area. This session will examine the various actors’ experience of carrying out protection and assistance work, also giving consideration to challenges faced and possible solutions.

**Aim: To gain concrete insights into how normative and operational gaps in the assistance and protection framework could be filled**

### Lunch

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<sup>8</sup> Charter for European Security (Istanbul, 1999), 22.

<sup>9</sup> CSCE Helsinki Document 1992, VI: The Human Dimension, 45.

<sup>10</sup> OSCE Border Security and Management Concept (MC.DOC/2/05, Ljubljana, 2005), 4.5.

**Experience with regard to protection of and assistance to IDPs and refugees and durable solutions****Promoting durable solutions**

Panellists: Mr. Mario Nobile, State Secretary of the Republic of Croatia  
Mr. Ken Palmer, Deputy Director, Human Dimension Department, OSCE Mission to Bosnia and Herzegovina  
Ms. Sladjana Prica, Deputy Assistant Minister, Ministry for Foreign Affairs, Republic of Serbia

*Discussion*

Durable solutions include first and foremost the re-establishment of an effective protection link to the State of origin or another State by means of local integration, voluntary repatriation or resettlement to a third country. However, the changing nature of conflict and violence and its consequences (e.g., long-standing and frozen conflicts resulting in protracted displacement and long-term dependencies) have resulted in considerably decreased return numbers and the need to search for a broader mixture of solutions that will also strengthen local integration and resettlement options and facilitate a better sharing of the burden by the States concerned.

In the context of protracted displacement, the participating States have made a commitment to “support efforts to ensure protection of and assistance to refugees and displaced persons with the aim of finding durable solutions”<sup>11</sup> and to refer to the application of relevant international standards<sup>12</sup> such as the UN Guiding Principles on Internal Displacement to achieve this goal.

**Aim: To learn about the tools for promoting durable solutions and to analyse how to better mainstream the work of the OSCE with respect to IDPs and refugees**

**Coffee break****The way forward: Mainstreaming the issue of IDPs and refugees in the work of the OSCE**

Panellists: Mr. Volker Türk, Director of International Protection, Office of the United Nations High Commissioner for Refugees  
Mr. Pascal Heyman, Deputy Director for Policy Support Service, OSCE Conflict Prevention Centre  
Ambassador Renatas Norkus, Chairperson of the OSCE Permanent Council, Permanent Representative of Lithuania to the OSCE  
Ambassador Thomas Greminger, Chairperson of the Human Dimension Committee

<sup>11</sup> CSCE Helsinki Document 1992, VI: The Human Dimension, 45; Bucharest Plan of Action for Combating Terrorism, annex to Bucharest Ministerial Council Decision No. 1 on combating terrorism (December 2001), 15.

<sup>12</sup> CSCE Helsinki Document 1992, VI: The Human Dimension, 43; Lisbon Document 1996, Summit Declaration, 10; Istanbul Document 1999, Summit Declaration, 7.

Conflicts, human rights violations and State fragility are at the root of much of forced displacement in the OSCE area and are at times amongst its consequences. Within the circumscribed humanitarian and asylum spaces, protection responses are further complicated by the prevalence of intra-state conflicts involving multiple State and non-State actors, and by blurred lines between the civilian population and the parties to the conflict. In spite of these and other complexities, however, solutions to displacement and displacement-related concerns are still indispensable to sustainable development, political stability and comprehensive security in the OSCE area. It is thus essential that further forced displacement be prevented, with full respect being ensured for human rights and fundamental freedoms. It is furthermore imperative that durable solutions be found to existing displacement situations in the OSCE area.

The aim of this session is therefore to look at the way forward by summarizing the main challenges and related existing or potential good practices, and to develop concrete recommendations on conceptual and practical steps aimed calculated to better reflect the topic and its relevance in the work of the OSCE.

The following questions could be used as a basis for the discussion:

- In view of the new realities, are there gaps in the OSCE commitments, tools and practices that need to be addressed?
- If so, what are the main gaps to be addressed in order to better respond to current challenges? And how could the normative framework be strengthened?
- How can the protection and assistance mechanisms and durable solutions be better linked to stability, security and effective conflict management?
- How, in the future, can the issue of IDPs and refugees be better integrated into OSCE work at all stages of the conflict cycle?

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*The Moderator for the entire day will be Dr. Walter Kemp of the International Peace Institute*