



## **Contribution to Working Session 5 on Humanitarian Issues and Other Commitments**

### **OSCE Human Dimension Implementation Meeting**

#### **Refugees and Internally Displaced Person**

*Warsaw, 26 September 2007*

UNHCR's priorities in the OSCE area can be summarized under the following themes: protection of refugees within broader migration movements and combating intolerance, solutions to internal displacement, prevention and reduction of statelessness, as well as fostering strategic partnerships for durable solutions and strengthened protection capacities;

#### **Protection of Refugees within Broader Migration Movements and Combating Intolerance**

The 21<sup>st</sup> Century has been described as the century of people on the move. Millions of people around the world are on the move in search of a better life. There are three main causes: poverty; climate changes and environmental degradation; and conflict and persecution.

Widespread poverty is clearly the main reason for migration. In the 1990's there was broad hope that globalization would bring steady growth and would narrow the gap between rich and poor. The gap between the worlds' rich and poor may, however, be widening and driving migration. Yet the labor market is increasingly global. The supply of labor will meet the demand for labor – legally if possible, illegally if necessary.

Thus, we see increasing migratory flows, and the greatest increase is in irregular migration. Irregular migration not only means that the rights of the migrants are in jeopardy, but it also offers fertile terrain for people-smugglers and –traffickers, and makes it harder to detect persons who are refugees and are therefore entitled to protection under international law.

A second important cause of displacement is climate change and environmental degradation. Natural disasters occur ever more frequently and are of greater magnitude, with dramatic humanitarian consequences. When we look at the different models for the impact of climate change, the picture is worrying indeed. One need only look at East Africa and the Sahel region. All predictions are that desertification will expand steadily. For the population, this means decreasing livelihood prospects and increased migration. And all of this is happening in the absence of international capacity and political will to respond.

People are also on the move because of a third reason: war and persecution. When the international community fails to prevent conflicts - even with plenty of early warning mechanisms - we only respond to the aftermath. Yet, prevention is not only possible but also more effective and much cheaper. But prevention requires wisdom, political effort and an investment in eliminating the root causes, which invariably include socio-economic causes.

In recent years, with the end of a number of long-running conflicts, the number of refugees worldwide as well as the number of people asking for asylum has declined to its lowest levels in decades. This is welcome news. It should help us to de-politicize the issue of refugee protection and to combat intolerance.

But if we look closer to the numbers, for the first time in 2000 the number of refugees increased, rising from 8.7 million at the end of 2005 to 9.9 million at the end of 2006, primarily because of the inclusion of 1,220,000 new Iraqi refugees in Jordan, the Syrian Arab Republic and Lebanon. The global number of asylum-seekers fell, however, to 738,000 at the end of 2006: 35,000 fewer than the year before.

Enhancing tolerance and respect for refugees and asylum-seekers in an often hostile political and media climate forms an integral part of initiatives to secure their protection and demands from States to tackle key problems related to the integration of refugees. Integration must be tackled on two levels. First, the general public has to be sensitized to the difference between refugees and migrants, and the positive role refugees can play in their communities. This requires a determined public information campaign, which UNHCR is ready to continue to facilitate with its partners.

At the same time, governments need to adopt policies and practices that offer refugees the opportunity to develop the skills required to become self-sufficient. Preference should be given to “positive” measures, rather than sanctions or penalties, designed to empower refugees and to motivate them to make valuable contributions to their own lives. This in turn can influence the perceptions held by most communities, who will come to view refugees as their neighbors – as one of us. In other words, enhanced integration policies, combined with a proactive public advocacy campaign in support of refugees, can contribute to social harmony and cohesion.

Faced with increasingly complex patterns of human mobility in recent years, UNHCR has engaged at international, regional and national levels with broader migration issues with direct implications for its mandate. UNHCR’s position with regard to the relationship between refugee protection and international migration is founded on two basic precepts.

First, the Office considers refugees to be a distinct category of people, by virtue of the fact that they are, as specified in the 1951 Refugee Convention, outside of their country of origin and are unable or unwilling to return there because of a well-founded fear of persecution for reasons of their race, religion, nationality, membership in a particular social group or political opinion.

Second, UNHCR’s mandate is to provide protection and solutions for refugees and other forcibly displaced people. UNHCR does not consider itself to be a migration organization, nor does it consider its activities to fall within the function that is commonly described as ‘migration management’. The Office also has no interest in seeing migration situations turned into or managed as if they were refugee situations.

At the same time, it is evident that patterns of human mobility have become increasingly complex in recent years, and that refugee and migratory movements now intersect in a number of different ways. It is because of this intersection that UNHCR has found it both necessary and desirable to engage with migration issues that impact upon the Office’s mandated functions of refugee protection and solutions.

Migratory movements – involving refugees and asylum-seekers, as well as migrants – pose specific challenges in terms of saving lives and ensuring access to safety. As States redouble efforts to "manage migration", it is important to identify refugees and asylum-seekers within mixed movements, enable them to access protection and meet their needs. It has become imperative for the international community to address this phenomenon in a more coherent and comprehensive manner. States have assumed protection responsibilities for refugees under international instruments which is in their collective interest to honor. In this context, UNHCR has worked out a *Ten Point Plan of Action for Refugee Protection and Mixed Migration for Countries along the Eastern and South Eastern Borders of European Union Member States* covering distinct areas in which action is required. They include cooperation among key partners, data collection and analysis, protection-sensitive entry systems, reception arrangements, mechanisms for profiling and referral, differentiated processes and procedures, solutions for refugees, addressing secondary movements, return arrangements for non-refugees, and alternative migration options as well as targeted information strategies.

(Please refer to <http://www.unhcr.org/protect/PROTECTION/4688b4af2.pdf>)

### **Solutions to Internal Displacement**

While refugees may be the most visible among the forcibly displaced, they are not the only victims. At a time when global refugee numbers have fallen, many more people fleeing conflicts are living in refugee-like conditions within their own countries, not wanting or unable to go into exile. They also deserve international protection and the United Nations High Commissioner for Refugees has expanded its aid to them.

The number of people who have been internally displaced as a result of armed conflict has increased substantially over the past decade. In many situations, the internally displaced are confronted with serious and persistent threats to their well-being. Large proportions of the world's IDPs have been displaced for protracted periods of time and do not have an early prospect of finding a solution.

By the end of 2006 there has been an estimated of 25 million internally displaced around the world. UNHCR currently helps over 12.8 million of those internally displaced, and a lively international debate is underway on how to more effectively help this group. Although internally displaced people now outnumber refugees by roughly two to one, their plight receives far less international attention.

UNHCR's efforts on behalf of the internally displaced are based on the principle that IDPs, like all other citizens, are entitled to protection under national law, international human rights and humanitarian law, at all stages of the displacement process. UNHCR considers it imperative to avert the emergence of protracted IDP situations, especially those in which the internally displaced are deprived of their rights, basic needs and opportunities for self-reliance. Therefore, UNHCR will work closely with States, as well as other national and humanitarian actors, in promoting lasting solutions for IDPs, including voluntary return to their former place of residence, long-term or permanent settlement in areas to which they have been displaced, or voluntary relocation to another part of their own country. In accordance with this principle, UNHCR seeks to work in close cooperation with national and international actors that are engaged in the establishment of laws and mechanisms that safeguard the rights of IDPs and enable them to find lasting solutions to their plight.

### **Prevention and Reduction of Statelessness**

Statelessness is another problem that affects an estimated 15 million people in at least 60 developed and developing countries. Statelessness also has a terrible impact on the lives of individuals. Possession of nationality is essential for full participation in society and a prerequisite for the enjoyment of the full range of human rights.

Millions of persons continue to be denied the right to enjoy an effective nationality. One of the main challenges faced by the international community remains how to bring to an end protracted statelessness situations which prevent millions of people from enjoying an effective citizenship, and how to prioritize situations where stateless persons are absolutely destitute.

Yet the problem can be prevented through adequate nationality legislation and supportive measures. UNHCR has been given a mandate to work with governments to prevent statelessness from occurring, to resolve those cases that do occur and to protect the rights of stateless persons.

While sixty-two States are now parties to the 1954 Convention relating to the Status of Stateless Persons and thirty-three States are parties to the 1961 Convention on the Reduction of Statelessness, UNHCR encourages States that have not done so to give consideration to acceding to these instruments.

### **Strategic Partnerships for Durable Solutions and Strengthened Protection Capacities**

Another area of close cooperation between UNHCR, the OSCE and other key stakeholders refers to capacity and institution building. Strengthening capacity, a core activity in the area of protection, seeks to help States meet their international legal obligations to protect refugees. Capacity building activities are geared towards strengthening national authorities, laws and policies to ensure the proper handling of refugee and asylum issues, the reception and care of refugees, the promotion of self-reliance of refugees and the realization of durable solutions. But the task cannot be accomplished alone. It requires a partnership framework involving host and donor governments, humanitarian assistance and developmental agencies, civil society, including NGOs, together with the refugees themselves.

Along with conflict prevention and early warning, a further common goal to the UNHCR and the OSCE is to ensure that durable solutions for the displaced and other persons of UNHCR concern (asylum seekers and stateless people) are actively sought and included in peace-building processes, and implemented by parties to the conflict and with international and local partners. OSCE's efforts to build democratic institutions and develop the rule of law have helped to prevent movements as well as address the "gap" from relief to democratic development through the establishment of free and open democratic societies.

Examples of close and successful UNHCR-OSCE cooperation and synergies in the above mentioned areas are numerous and can be found *inter alia* in the Southern Caucasus (conflict resolution and durable solutions for IDPs and returnees), in South Eastern Europe (addressing displacement, refugee returns and (re-)integration, prevention of statelessness, protection monitoring and early warning), and in Central Asia (protection training and building border management capacities).

A close and comprehensive UNHCR and OSCE partnership will support both organizations to effectively respond to the growing complexity of protection challenges also in the future.