



Contribution to Working Session 11 on Humanitarian Issues and Other Commitments

OSCE Human Dimension Implementation Meeting

Refugees and Displaced Persons

Warsaw, 6 October 2008

The twenty-first century has been described as the century of people on the move. Millions of people around the world are moving within and beyond their borders triggered by conflict, calamity or opportunity. War and human rights violations have scattered millions across the world in search of safety. Unresolved poverty and enduring insecurity is prompting many people to leave their homes in search of better lives. Climate change and environmental degradation are expected to further exacerbate such trends.

The extent of human mobility today is blurring the traditional distinction between refugees, internally displaced people and international immigrants. New patterns of movements including forms of forced displacement, not envisaged by the Refugee Convention, have emerged. People moving between countries and continents, voluntary or involuntary, especially in the absence of legal permits, face exploitation, detention, harassment, and discrimination. In contravention of the 1951 Refugee Convention, refugees continue to be turned away from the borders of countries where they hope to find safety.

With the Iraq crisis, the number of refugees worldwide has started to climb again after years of decline. It now stands at almost 11.4 million. More than twice the number of people - an estimated 26 million - are displaced within their countries.

People who need international protection must have access to the territory of states and be allowed to make their cases in fair and effective asylum procedures. Border controls should be designed to be sensitive to the rights and safety of refugees. The lives of people in distress on the high seas must be saved by ensuring their safe and timely disembarkation. Crackdowns of human smugglers and traffickers need to be intensified and their victims protected. Governments are encouraged to seek new ways to provide safe and legal immigration to their countries.

Through strategic co-operation on a range of human rights issues, the **OSCE and UNHCR** can achieve maximum synergy in the pursuit of their objectives.

Areas of general co-operation include protection of refugees within broader migration movements, supporting solutions for refugees and internally displaced persons, prevention

and reduction of statelessness, the building of national protection capacities, humanitarian interventions in conflict prevention and crisis management, as well as to prevent *refoulement* in accordance with international refugee law. The needs of refugee women and children and their specific protection is yet another common concern.

Refugee Protection, Migration and Combating Intolerance

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.

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.

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'.

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 honour. 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 2007, there was an estimated of 26 million internally displaced around the world. UNHCR currently helps some 13.7 million of those internally displaced, and a lively international debate is under way 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 12 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 63 States are now parties to the 1954 Convention relating to the Status of Stateless Persons and 35 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.

Partnership for Solutions and 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 to address the "gap" from relief to democratic development through the establishment of free and open democratic societies.

Conflict and its consequences affect women and men, boys and girls differently. To understand and address these gender and age-specific needs and opportunities better, UNHCR regularly engages into direct consultations with all groups and has developed a range of policies, specific management tools and results-based programming to support equality of chances and therefore the effective protection and well-being of all segments of populations under the concern of UNHCR.

Examples of close UNHCR-OSCE co-operation and synergies are numerous. They can be found in the Caucasus (protection-sensitive crisis management and reporting, close co-operation between field missions, confidence building), in South Eastern Europe (addressing protracted displacement issues, return and integration, prevention of statelessness, protection monitoring and early warning), in Central Asia (training and building border management capacities) and providing information, expertise and UNHCR recommendations to Delegations, the Chairmen-in Office and other OSCE structures on issues of common interest as pointed out in this paper.

It is UNHCR's firm belief that a solid partnership with the OSCE will help both organizations' to respond better to the growing complexity and protection challenges now and in the future and to more effectively pursue respective mandates and commitments.

Thank you.