



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

OSCE Human Dimension Implementation Meeting

Refugees and Internally Displaced Person

Warsaw, 4 October 2006

UNHCR's priorities in the OSCE area can be summarized under four main themes: i) preserving asylum, and access to asylum, in an age when population flows are increasingly complex; ii) combating rising intolerance; iii) finding solutions to internal displacement; and iv) expanding strategic partnerships in the elaboration of durable solutions.

Asylum and Migration

Migration has become one of the more pressing issues in Europe today, featuring prominently in political discourse and regularly sensationalized by the media. We are presented with pictures of a tidal wave of migrants confronting Europe's shores determined to enter. And in the Mediterranean basin – in Malta, the Spanish enclaves, the Spanish and Italian islands and the islands of Greece, where the capacity to cope with large-scale arrivals is severely limited – the challenge of migration is undoubtedly daunting.

But no discussion on asylum and migration can realistically begin without first considering the scope of the problem. There are hundreds of millions of people on the move today, of which only small numbers are in need of international protection.

However, tighter migration controls aimed at managing large-scale irregular movements have made it harder for persons in need of international protection to be identified and to have their claims for asylum heard.

With fewer legal channels available, more and more asylum-seekers are compelled to use irregular means to access Europe, resorting to smugglers and traffickers. Consequently, asylum-seekers are increasingly mixed into the broader migration flows. For legitimate reasons, European States are tightening their borders, and resisting illegal entry. These restrictive measures, however, do not only penalize those turning to Europe for economic opportunities, but also those seeking refuge from persecution, conflict and violence in their home countries.

While States are entitled to screen people arriving at their borders, this screening needs to be transparent, fair and effective. The treatment of people in transit and border zones has to

respect their human rights and dignity. Detention of asylum-seekers should be the exception, not the rule.

Addressing the challenges that States face in managing irregular and mixed flows demands a closer alliance between governments, as well as agencies and institutions dealing with migration and asylum. In Italy, for example, UNHCR, the International Organization for Migration (IOM) and the Italian Red Cross have negotiated with the Italian Ministry of Interior a monitoring presence and screening mechanism on the remote island of Lampedusa, where 22,000 spontaneous arrivals were recorded in 2005. It is our hope that such joint initiatives can be replicated elsewhere in Europe.

UNHCR is aware that abuse of the asylum system does occur, and is becoming more frequent in some locations. But such a phenomenon cannot be remedied through tighter controls. Rather, what is called for are more effective, rapid and fair procedures – in other words through a further strengthening, rather than a weakening of the asylum system. Here, the United Kingdom's Quality Initiative offers a valuable example, with its focus on improving the quality and effectiveness of first instance decisions. Again, this is a significant joint initiative that UNHCR would like to see other European States undertake as well.

Capacity-Building and Burden-Sharing

Equally important is the scope for further capacity-building in the regions bordering the EU, where asylum systems are still maturing. Throughout the Western Balkans as well as in Belarus, Moldova and Ukraine, a strong emphasis should remain on enhancing the capacities of the governments and judiciaries concerned, strengthening the role of civil society partners, building regional synergies and fostering cross-border linkages.

Europe must continue to be a continent of asylum, adhering to and promoting the international obligations it has taken such care to establish and to defend. Others incl. developing States will be more inclined to improve their performance on asylum and migration management if they see Europe make the same investment.

Efforts to promote/advance refugee protection capacities in countries of origin and transit must be accompanied by a real investment in burden-sharing. There are positive signs that Europe is enhancing its commitment to solidarity – not only through financial and technical support to third countries but also through, inter alia, expanded resettlement programmes. Recognizing the current strain on their North African neighbour Morocco, Portugal and Spain resettled refugees recognized by UNHCR early this year. The Czech Republic, Germany and Switzerland also undertook resettlement for the first time at the end of 2005 by accepting Uzbek refugees temporarily hosted in Romania. UNHCR is prepared to assist these countries and other European States to develop more regular resettlement programmes with yearly quotas, like it is already the case for the USA and Canada, followed by Sweden, Norway, Denmark, Finland, Iceland, Ireland and The Netherlands.

Burden-sharing within the EU is also a necessity, as some Member States such as those making up the Union's southern and eastern borders, bear the brunt of Europe's asylum-migration challenge, but may have a limited capacity to cope with it. Again, if procedures in these countries are pushed to the point of collapse, the result is likely to be more – instead of fewer – irregular movements between European States. UNHCR therefore supports efforts underway to develop mechanisms designed to alleviate the burden on Member States more vulnerable to migration pressures.

Tolerance and Integration

Preserving asylum requires States not only to uphold the responsibilities they have with respect to their borders by ensuring access to people in need of protection. It also demands that they address problems related to integration and rising intolerance towards asylum-seekers and refugees.

Integration must be tackled on two levels. First, the general public has to be sensitized to the positive role refugees can play in their communities. This requires a massive and determined public information campaign, which UNHCR is ready to launch with its partners. As the High Commissioner said in a recent press interview: “Tolerance is not the mark of any specific civilization, but of civilization itself.”

A successful example of promoting positive attitudes towards refugees is the interactive computer game *LastExitFlight*, which was even recently awarded the Austrian State Prize in the category for “Knowledge and Learning”.

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. I emphasize the importance of “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 host communities, who will come to view refugees as neighbours – 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.

Durable Solutions for Internal Displacement

Globally, there are an estimated 10 million refugees. But this figure alone does not provide an accurate depiction of the scale of displacement in the world today. Conflicts, some of which remain unresolved and are long forgotten, continue to keep people uprooted and in a situation of uncertainty. It is estimated that there are some 25 million internally displaced persons globally, while in Europe there could be as many as two million.

Although refugees benefit from a legal and institutional framework set up to protect them – the 1951 Convention relating to the Status of Refugees and the UNHCR – there is no similar architecture sheltering the internally displaced.

The UN Guiding Principles on Internal Displacement do provide a comprehensive basis for the protection and assistance of IDPs. However, we must remember that the “main guiding principle” remains a Government’s responsibility and strong commitment towards its own citizens.

The fact stood for too long as one of the international community’s greatest failure: the problem is complex, yes, but the moral imperative to help these people is crystal clear.

The scope and extent of displacement call for concerted and coordinated action among an expanded network of strategic partners. In the Western Balkans, the Southern Caucasus and the Russian Federation, UNHCR has cooperated closely with other agencies and the relevant governments, serving as an active member of the respective International Community’s country teams. It is our experience that these partnerships continue to gain in importance long after the emergencies have given way to protracted situations or recovery schemes.

In an attempt to formalize such partnerships, the United Nations adopted last December a new approach, the so-called “cluster leadership system”. The new inter-agency cluster system is to ensure a more reliable and predictable engagement in situations of internal displacement. Specific UN Agencies will take the lead in making sure that the needs of internally displaced people are met. UNHCR has accepted to take on the lead role in the sectors of protection, camp management and emergency shelter, for persons displaced by man-made causes. This approach is now being tested in three non-OSCE area countries: the Democratic Republic of Congo, Uganda and Liberia.

Strategic Partnerships

Solutions for refugees and displaced people will not be durable unless there are sufficient resources for development, institution building and reintegration, and their needs are adequately reflected in peace and reconciliation efforts. In locations such as Azerbaijan and Armenia, UNHCR has made considerable progress in forging strategic partnerships with the local authorities, and to integrating refugees and internally displaced into the UN development framework.

Durable solutions to displacement likewise require a feeling of confidence among the populations affected, and this is very much the focus of UNHCR’s work in South-Eastern and Eastern Europe. This has demanded of UNHCR a certain ability to “think outside the box”. In Georgia, for example, we are pursuing a bottom-up approach by weaving confidence-building measures that target returnees and their host communities into a larger peace building and conflict resolution mechanism pursued by the UN. In Turkey, UNHCR is part of a UN Special Working Group on IDPs together with the Turkish Government and the EC Delegation. Meanwhile, the High Level Dialogue on Human Security in the North Caucasus and the 3x3 Initiative in the Western Balkans are examples of top-down initiatives aimed at supporting the commitment of the region’s leadership in identifying and investing in longer-term solutions.

Conclusion

Certainly, protection and humanitarian assistance are just the beginning of our work. No intervention can be considered a success until and unless there is a long-term solution in sight. Despite pictures of returns, reconstruction of housing, access to education and employment, the return of refugees and internally displaced persons is not complete unless these people are part of the longer-term peace and development process. Reintegration, whether this be in a third country or in their own country of origin, requires a serious, long-term commitment not only from humanitarian actors but also and especially from the development community.

Unfortunately, the mechanisms of the international community intended to link emergency relief to development are simply not working. If we are to provide lasting solutions, this gap must be bridged. The OSCE’s wide mandate, multi-dimensional approach and flexibility have made it an exceptional partner for UNHCR in its efforts to build democratic institutions and develop the rule of law. These efforts have invariably helped to prevent further displacement as well as address the gap from relief to democratic development.

Ladies and Gentlemen, Ambassadors, Colleagues, Mr. Chairman, the refugees UNHCR protects in 120 countries on all continents count on your continued and valuable support.