

**UNHCR**United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

**OSCE Special Thematic Event on Internally Displaced Persons and Refugees  
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**“Current Challenges and Commitments in the OSCE Region Relating to IDPs, Refugees  
and Stateless Persons”**

Excellencies, Ladies and Gentlemen,

At the outset let me thank the Swiss Chairmanship of the Human Dimension Committee, Ambassador Greminger, the Lithuanian Chairmanship of the OSCE, Ambassador Norkus, and the Office for Democratic Institutions and Human Rights for convening this important event today.

The plight of those who have been displaced, either outside or within their State's borders, as well as the plight of those who are not even recognised as belonging to any particular State and are thereby condemned to living in legal limbo, remain matters of deep international concern. Since UNHCR is commemorating the anniversaries of both the 1951 Convention relating to the Status of Refugees and the 1961 Convention on the Reduction of Statelessness this year, it is especially timely to reflect upon today's challenges and the way forward in a sphere which touches both State and human security. This is a topic for which the OSCE has particular expertise.

The situation in North Africa

A stark reminder of the magnitude of today's challenges can be found in the situation in North Africa and the Middle East, in particular the displacement scenarios developing as a result of the conflict in Libya. This also affects the OSCE region in some ways. However, Tunisia and Egypt bear the brunt of the displacement challenges, having to cope with over 850,000 people departing Libya. The vast majority of them are migrant workers returning to their countries of origin. But there are also well over 100,000 Libyan refugees seeking safety in both neighbouring countries, as well as a few thousand refugees, primarily from Eritrea and Somalia, stranded at the borders in Tunisia and Egypt. Only about one per cent of those leaving Libya have arrived in the OSCE region, with even a lower number of refugees surviving the hazardous and terrifying journeys

across the Mediterranean. It is our estimate that some 1,200 people perished at sea over the last couple of weeks.

IOM and UNHCR launched a massive humanitarian evacuation programme for third country nationals back to their respective countries of origin. We have also appealed to States in Europe and beyond to protect refugees fleeing Libya by supporting UNHCR's Global Resettlement Initiative and demonstrating solidarity with Tunisia and Egypt. Burden sharing is essential in this context. I am convinced that the OSCE with its own particular experience can also assist in this regard.

#### Figures for Persons of Concern in OSCE Participating States

Before approaching the actual topic of discussion on protection gaps, let me briefly mention some facts and figures, including with regard to long-standing OSCE and UNHCR partnership.

By the end of 2010, there were 43.7 million forcibly displaced people worldwide, the highest number in 15 years. Of the world's displaced, more than 25.2 million people -- 10.5 million refugees and 14.7 million internally displaced -- were receiving protection or assistance from UNHCR. There are also an estimated 12 million stateless people in the world.

Of this global number, almost five million are of concern to UNHCR in OSCE participating States. This includes over two million refugees, some one and a half million internally displaced and around one million returnees, stateless and others. Such high numbers are reason enough to explore what best we can do to meet their needs and to work collectively on addressing their plight. But in so doing we must recall that they are among the most vulnerable and marginalized people in societies.

#### OSCE

The OSCE -- as an institution and a regional cooperation framework -- has injected into the global debate various security and human rights dimensions that are highly relevant in the forced displacement context. The linkages between security and forced displacement are multifaceted. The concept of security permeates the entire refugee protection framework and two aspects of security -- that of the displaced and that of the State -- are intrinsically interlinked. This has been reflected in many OSCE commitments concerning displaced persons, returnees and the stateless.

In their work at field level, many OSCE missions have actively collaborated with UNHCR on displacement, return and other related issues. I have personally experienced excellent cooperation during my field assignments in Bosnia and Herzegovina and in Kosovo (Serbia).

The OSCE's increased focus on refugees and displaced persons is an important development and has led to expanded cooperation between our organizations, exemplified not least at the Corfu Process and subsequent meetings. A particularly welcome aspect of this cooperation has been the work of the OSCE on addressing the many challenges facing post-conflict communities. This directly impacts on the realization of durable solutions for those who have been displaced. Another good example of effective collaboration is the regional process currently under way in South Eastern Europe, whereby the OSCE, the EU and UNHCR are working closely together to support governments in their endeavour to bring an end to the displacement chapter.

It is in testament to the significant inter-linkages between the work of both organizations that a Memorandum of Understanding was signed in 1998. UNHCR also has a very active liaison office in Vienna dedicated to working with the OSCE.

### Anniversary Commemorations

Against the background of these facts and figures, this year's anniversaries provide an opportunity to affirm the enduring relevance of the core refugee and statelessness instruments, to re-examine the current state of global displacement and at the same time chart a way forward to ensure that protection gaps are minimized and protection needs more fully met.

To mark these anniversaries, UNHCR is convening a series of expert meetings and consultations, leading up to a ministerial meeting on 7-8 December in Geneva, where States will have the opportunity to make voluntary pledges to reinforce the international protection regime. I consider today's event, with its focus on addressing gaps, as part of the preparatory process at the regional level.

Anniversaries provide an opportunity to step back and reflect upon progress we have made over the years, but also to identify areas that require our attention and devise a vision for the future. I will focus on existing and emerging protection gaps.

Gaps in international protection generally arise in three areas. The first is inadequate implementation of existing instruments by countries which have ratified them, combined with lack of respect for peremptory norms such as *non-refoulement*. Lack of accessions and buy-in to relevant conventions create a second kind of gap. But there are also normative gaps in the international protection framework. Compounding all three are broader cross-cutting challenges, five of which I would like to highlight today.

### Emerging Protection Gaps

Displacement is generated often as a result of complex and dangerous environments, in which civilians are increasingly targeted and where insecurity, violence and persecution trigger it. At the same time, new forms of displacement are emerging in a world where

population growth and enhanced mobility, combined with a diversity of social, economic, political, environmental and human-rights factors, drive population movements. During a recent mission to Darfur I was, for instance, struck by how climate change issues, such as desertification and dwindling natural resources, are part of a complex web of inter-related causes of displacement.

These emerging challenges are resulting in new protection gaps. The international community needs to develop appropriate responses. Forced displacement across international borders due to climate change and environmental factors is one such normative gap, which falls largely outside the scope of existing global protection instruments.

The *Guiding Principles on Internal Displacement* provide a sound framework to protect those who are displaced within their own borders owing to environmental reasons. Inspired by the Guiding Principles, the African Union has devised the first binding international treaty regarding protection and assistance for internally displaced persons. Natural disasters prompting displacement, including those resulting from environmental factors, are covered by the AU's 2009 Kampala Convention for the Protection and Assistance of Internally Displaced Persons (IDPs) in Africa, which is a welcome development.

National legislation, policies and institutions are central to developing appropriate responses to both the internal and external dimensions of climate-related displacement. Pre-existing regional and sub-regional governance forums and arrangements, including mechanisms promoting free movement, should be explored further to determine the extent to which they can or should apply to climate-related migration and displacement. It would be interesting to learn more how the OSCE is dealing with these new challenges at the regional level.

When it comes to the global level, however, we do not yet have a set of guiding principles or instrument that would deal more specifically with climate-related external displacement. UNHCR would be very interested to explore further with you and others how to develop such a global guiding framework.

#### Atmospherics Gap: Racism, Racial Discrimination, Xenophobia and Hate Crimes

Another important challenge relates more to what I will call the "atmospherics" of protection. Internal conflict, rooted in notions of identity -- in which communities are mobilized along ethnic, religious, language or racial lines -- has emerged as an increasing threat to stability and peace at both the local and international level. This is not only an important driver of displacement, but also a phenomenon that accompanies those fleeing when they seek safety but are then faced with a climate of intolerance, xenophobia and racism. In fact, it is such climates that disrupt solidarity, social fabrics

and generate populist politics, with a negative impact on key aspects of protection such as admission to safety or local integration.

Combating these atmospherics requires resolute action, political determination and good governance. This is a key protection challenge, where the work of our respective organizations intersects and where we have enjoyed fruitful cooperation. The OSCE's work to combat discrimination and xenophobia and to promote minority rights, multiculturalism and integration is pivotal. We welcome in particular the OSCE's launch earlier this month of the new hate crimes training programme for law enforcement officers and offer our support to ensure the implementation and success of the programme. We are looking forward to signing a Memorandum of Understanding with ODIHR next month to further bolster existing cooperation in monitoring, reporting and capacity-building related to hate crimes.

### Mixed Movements and Protection-Sensitive Border Management

A third huge challenge we are jointly facing is that of mixed migratory movements, where people with different reasons for moving travel alongside each other. This is not only challenging for States but also puts the individuals concerned at risk. States obviously have a legitimate interest in controlling unauthorized entry and in combating international crime, including the smuggling of persons and human trafficking. At the same time, such measures need to be sensitive to legitimate needs for protection, notably towards refugees, asylum-seekers and others.

UNHCR recently issued *"Refugee Protection and Mixed Migration: The 10-Point Plan in Action"*. This is a compilation of nearly 200 practical examples to address mixed movements. It also provides guidance on operationalizing protection-sensitive entry systems, and includes practical examples that have involved the OSCE such as the "CARDS Project" for pre-screening and identification of various categories of persons arriving as part of mixed movements in Albania.

We also continue to engage with States and regional organizations to ensure that mechanisms are in place at borders to identify persons seeking international protection and ensure that they have access to territory and asylum procedures. We are, for example, active Advisory Board Members and trainers in the OSCE-led Border Management Staff College located in Dushanbe.

Also linked to the 10-Point Plan, UNHCR organized jointly with the OSCE, IOM and UNRCCA (United Nations Centre for Preventive Diplomacy for Central Asia), a regional conference on refugee protection and international migration, which was held in Almaty earlier this year. The conference explored the main protection challenges in Central Asia's complex mixed migratory context and responses needed to address them. The "Almaty Declaration" adopted by States participating in the conference recognizes the

need for more emphasis on the integration or re-integration of displaced and stateless persons, to prevent larger irregular movements.

A key issue confronting States is human trafficking, one of the most lucrative and fastest growing criminal industries in the world. Inter-agency collaboration is critical to address gaps in identifying, assisting and protecting victims. For this purpose, UNHCR is working closely with the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, with a special focus on child protection and in particular the movement of unaccompanied minors, many of whom originate from Afghanistan.

### Statelessness

A fourth and vital challenge relates to statelessness; an often forgotten and neglected phenomenon. The United Nations General Assembly has given UNHCR a global mandate for the prevention and reduction of statelessness and protection of stateless persons. We are currently working to address statelessness in all OSCE participating states.

Noteworthy progress has been achieved to reduce statelessness over the past two decades, with major reductions in a broad range of countries. Despite this, over 500,000 people remain stateless in the OSCE region but the full scale of statelessness in many countries in the region is still unknown. There are countries where many long-term habitual residents remain with undetermined nationality, for instance as a result of State succession or migration. Other existing gaps that UNHCR has identified relate to provisions in some nationality laws that could render individuals stateless when they seek to change their nationality or when they reside abroad without consular registration. Incomplete safeguards against statelessness at birth are in place in a number of States. Continued reform of nationality laws and related procedures are therefore necessary to bring them into line with international standards to prevent statelessness.

Against this backdrop, it is clear that we need to work further on creative measures to resolve actual and potential statelessness situations, including through additional measures to facilitate acquisition of nationality by stateless persons. UNHCR commends OSCE States such as Kyrgyzstan, Georgia and Lithuania which have introduced important legal safeguards against statelessness in recent years.

We also cooperate closely with the OSCE in the area of nationality and statelessness, in particular in South Eastern Europe and the successor States to the Soviet Union. Examples of this cooperation include joint advocacy over several years in connection with the repatriation and integration of Crimean Tatars in Ukraine and Meskhetian Turks in Georgia. We have also jointly organized conferences, such as the Regional Conference on Statelessness in Central Asia held in Turkmenistan in 2009. In September of this year, UNHCR will be co-hosting a regional event on statelessness and civil

registration in the Western Balkans with the OSCE's High Commissioner on National Minorities.

In this anniversary year we have also intensified contacts with States that have not yet acceded to the two statelessness conventions. At the moment, 36 OSCE States are party to the 1954 Convention, and 20 OSCE States are party to the 1961 Convention. We would be very grateful if you would seriously consider accession during this anniversary year. Accession to these instruments not only makes a difference for the State in question, but also reinforces the global standards set out in both conventions and buttresses UNHCR's efforts to address statelessness in the OSCE and other regions.

### Internal displacement

I would also like to comment briefly on a fifth protection challenge in the internal displacement context. According to the Internal Displacement Monitoring Centre (IDMC) that reports comprehensively on all internally displaced, irrespective of UNHCR assistance, OSCE participating States are today host to between 2.4 and 2.6 million internally displaced persons, the vast majority of whom were obliged to leave their homes between 15 to over 30 years ago.

The main feature of internal displacement in the OSCE region is its protracted character, linked mostly to failure to find solutions to complex conflicts which often have an ethnic or community dimension or involve disputes around the status of particular territories. Coupled with problems of economic development, this has left hundreds of thousands of internally displaced persons in a limbo of marginalization and poverty, in some instances with little or difficult access to housing and basic services and scant opportunities for self-reliance. This particularly affects the most vulnerable of the displaced, including older persons, women heads of household and ethnic minorities. Internal displacement also augments the risk of human rights violations, including sexual- and gender-based violence. Without solutions to the root causes of displacement, fresh conflict and displacement cannot be ruled out.

The *Guiding Principles on Internal Displacement* have been recognized by the OSCE as "a useful framework for the work of the OSCE and the endeavours of participating States in dealing with internal displacement". They are widely regarded today as the standard to which States should seek to adhere. The *Framework for Durable Solutions for Internally Displaced Persons*, which details the principles, processes and criteria that underpin durable solutions for the internally displaced, is also a very useful reference.

There is today an interesting debate around regional legal standards for internally displaced persons, and the recent Kampala Convention in Africa is perhaps an example to follow. At the same time, it is crucial that States adapt their internal legislation and policies to meet the protection needs of the internally displaced and in particular their need for a durable solution, in a way that is consistent with the standards listed above.

Freedom of movement and non-discrimination underpin durable solutions in such contexts. While in some instances States may regard the return of the internally displaced as part of recovering the *status quo ante*, the people themselves cannot be held hostage to lack of progress in peace processes or conflict resolution. It is therefore essential that these processes and agreements address adequately the problems of the internally displaced and their need for durable solutions, and give them a voice in order to guarantee that their rights and legitimate interests are well represented.

Opportunities for long-term local integration or settlement elsewhere need to be pursued, taking into account the particular needs of the most vulnerable and without precluding the right to return in the future. This is a right that peace processes need to underscore. In this sense, the recent cases of Georgia and Azerbaijan set the example of how to provide opportunities for local integration, while efforts are ongoing to resolve the causes of displacement that may open the possibility of return for those willing to do so.

### Conclusion

Despite the best efforts of our organizations, despite the many programmes and the thousands of staff working in OSCE countries, there is still a long way to go to ensure that the protection needs of displaced persons and the stateless are adequately met.

I recently returned to South Eastern Europe, having worked there as a senior protection officer in the mid-nineties. I was saddened to learn that a family that I had regularly visited was still living in a collective centre. My life had moved on significantly in the past fifteen years. Theirs had remained stagnant.

Such stories remind us that the scope for collaboration to improve international protection remains vast. I leave you on this sobering note, in the hope that it will encourage all of us to step up our efforts to find solutions for the many displaced and stateless people.