

60 YEARS OF REFUGEE PROTECTION AND ASSISTANCE

PRESENTATION BY:

VINCENT COCHETEL

REGIONAL REPRESENTATIVE, UN HIGH COMMISSONER FOR REFUGEES (UNHCR)

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

WEDNESDAY, OCTOBER 26, 2011

10:00 A.M.

WASHINGTON, DC

INTRODUCTION

Chairman Wolf, Chairman McGovern, and members of the Commission, thank you for inviting me to reflect on UNHCR's 60 years of working to protect and assist refugees and other victims of conflict and persecution worldwide. It is an honor to speak on behalf of my colleagues at UNHCR and the millions of uprooted people about the current state of refugee protection and the challenges that remain.

This year marks 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. When UNHCR was created in 1951 we were charged with helping the estimated one million people still uprooted after World War II to return home. Since then, we have helped find durable solutions for tens of millions of refugees. While refugees remain our core constituency, our populations of concern also include internally displaced persons, asylum seekers, and stateless persons. We also have helped provide protection assistance to some victims of natural disasters.

The vast numbers of uprooted individuals and growing complexity of the causes of displacement make our work and that of our partners both more challenging and more needed than ever before. We recognize and greatly appreciate your ongoing support of our work and your concern for vulnerable people worldwide.

BACKGROUND

Numerical overview

As was indicated in our 2010 Global Trends report, UNHCR continues to face complex displacement and humanitarian situations around the globe.

At the end of 2010, nearly 44 million people worldwide were forcibly displaced due to conflict and persecution, the highest number in more than 15 years. This included more than 15 million refugees, 27 million IDPs, and 837, 000 asylum seekers.

Of these, UNHCR provided protection or assistance to more than 25 million people worldwide, including 10.5 million refugees and almost 15 million internally displaced persons (IDPs).

While the most developed countries like the United States have been critical to providing funding and resettlement opportunities for the world's refugees, forcible displacement has disproportionately affected developing countries. Last year, developing countries hosted four-fifths of the world's refugees, and the 49 least developed countries provided asylum to almost 2 million refugees.

Refugee flows are often a regional issue, placing economic and political strain on neighboring countries. Three-quarters of the world's refugees resided in countries that neighbor their country of origin.

Having produced over 3 million refugees, Afghanistan is the largest source country of refugees, followed by Iraq (over 1.6 million) and Somalia (almost 1 million).

In 2010, more than one-third (38%) of all refugees lived in UNHCR's Asia and Pacific region. Sub-Saharan Africa was host to one-fifth of all refugees, while the Middle East and North Africa region hosted 18 per cent of the world's refugees.

Refugees are living in highly unstable countries. In 2010, Pakistan was host to the largest number of refugees worldwide (1.9 million), followed by Iran (1.1 million) and Syria (1 million).

Displaced women and children are particularly vulnerable to abuse, violence, and exploitation. Women and girls represented nearly half of persons of concern to UNHCR. In 2010, 44% of refugees and 31% of asylum-seekers were children below 18 years of age. In addition, the prevalence of unaccompanied children creates added challenges. More than 15,000 asylum applications were lodged by unaccompanied or separated children in 69 countries in 2010. The applications came mostly from Afghan and Somali children.

Statelessness is estimated to have affected up to 12 million people at the end of last year, but the difficulty in quantifying the problem means that data from governments captured just 3.5 million stateless individuals in 65 countries.

Major refugee crises since 1951

UNHCR was faced with its first major emergency in 1956- the outpouring of refugees when Soviet forces crushed the Hungarian Revolution. In the 1960s, the decolonization of Africa produced the first of that continent's numerous refugee crises needing UNHCR intervention. Over the following two decades, UNHCR had to help with displacement crises in Asia and Latin America. By the end of the century there were fresh refugee problems in Africa and, turning full circle, new waves of refugees in Europe fleeing the wars in the Balkans.

The 21st century has thus far seen UNHCR helping with major refugee crises in Africa, such as the Democratic Republic of the Congo and Somalia, and in Asia, especially the 30-year-old Afghan refugee

situation. In some parts of the world, such as Africa and Latin America, the original 1951 mandate has been strengthened through regional legal instruments.

Today, UNHCR is a part of efforts to address refugee situations caused by the continued violence in Colombia, the crisis in Somalia, the post-referendum conflict in the Republic of Sudan and South Sudan; the ongoing human rights abuses in Myanmar; the lack of security in Afghanistan, the recent upheaval in Syria, and the continued instability in Iraq. We and our partners provide life-saving assistance and help achieve durable solutions, whether through voluntary repatriation, local integration, or resettlement to a third country.

The Growth of Internal Displacement

People displaced within their own country due to conflict, violence, and human rights violations, as well as by natural disasters, are referred to as internally displaced persons, or IDPs. According to the Internal Displacement Monitoring Center's 2010 global report, about 27.5 million persons are internally displaced in their own countries.

Internally displaced persons face a wide variety of hardships, including discrimination and lack of physical security. They furthermore suffer a continued lack of access to housing, land, and property. In fact, loss of homes and land is often times the root cause of their displacement.

The issue of state sovereignty makes UNHCR's role in monitoring their protection and providing assistance within borders difficult. Nevertheless, our efforts to improving the situation for internally displaced persons have resulted in some success, with protection process becoming progressively more systematic and predictable, particularly in complex emergencies. In fact, in 2010, nearly three million internally displaced persons were able to return to their homes - the highest number in almost 15 years.

The effort must be maintained, however, and internal displacement must remain an important issue for the international community. An effective response to internal displacement is built on the contributions of many partners—governments, national and international NGOs, including many U.S. NGOs, civil society, and UN agencies. Enhancing coordination among all concerned is a priority on which we continue to work.

The Challenge of Statelessness

Measuring the magnitude of statelessness is complicated by the very nature of the phenomenon. Stateless people often live in a precarious situation on the margins of society, frequently lacking identity documentation and often subject to discrimination. UNHCR estimates that the total number of stateless persons in the world has reached 12 million, but this number is far from certain.

UNHCR's overarching statelessness objective for 2011 is to raise awareness of the ongoing plight of the world's stateless persons, while strengthening international commitment to address this phenomenon. This is an especially critical objective considering that this year marks the 50th anniversary of the 1961 Convention on the Reduction of Statelessness. In 2011, UNHCR is spending nearly \$63 million to cover activities aimed at reducing the number of stateless persons in the world, protecting those who remain stateless, and preventing new cases of statelessness from occurring. Fifty-seven UNHCR operations worldwide are undertaking activities under UNHCR statelessness mandate in 2011.

UNHCR is undertaking a major effort to meet reform objectives relating to stateless persons during this commemorations year. These efforts include encouraging more States to accede to the 1961 Convention as well as to the 1954 Convention Relating to the Status of Stateless Persons. To date, only 66 States and 37 States are party to the 1954 and 1961 Conventions, respectively. The statelessness conventions have widespread impact, even in States that are not parties to the conventions. For example, many countries have undertaken law reform to bring nationality legislation into closer compliance with international standards, demonstrating a growing international awareness of statelessness and a commitment to addressing it. UNHCR is committed to encouraging more States to accede to the Conventions and is, to that end, collaborating with NGOs and standing ready to provide technical assistance to States at every step.

Additionally, during this commemorations period, UNHCR is instituting an expert-meeting series to clarify doctrinal issues relating to the statelessness conventions with the objective of publishing guidelines with practical recommendations for States to prevent statelessness and protect stateless persons. We are also hosting regional meetings and have launched a media campaign to raise awareness of statelessness. Finally, we are undertaking efforts to train protection staff and partners on survey methodologies to improve the identification and data-gathering on stateless populations.

The main event commemorating the 50th anniversary of the 1961 Statelessness Convention, alongside the 60th anniversary of the Refugee Convention, will be a ministerial-level meeting in Geneva on December 7 and 8 of this year. At this meeting, protection gaps will be reviewed and measures to address them will be undertaken. States will be provided with the opportunity to submit voluntary pledges to undertake concrete reform measures at the national level to uphold international protection standards.

In formulating their commitments, States should consider undertaking revising the processes of identifying stateless persons. To this end, States should incorporate into national law the international legal definition of a “stateless person” from article 1 of the 1954 Convention. States and other stakeholders, such as UN agencies and non-governmental organizations, should, furthermore, commit to compiling data on the number of stateless persons within the country, such as through surveys, population census, or other appropriate means. Finally, States should establish statelessness determination procedures that result in the granting of a national status to individuals who qualify as stateless persons under the 1954 Convention definition.

States should also consider reforming laws and procedures in order to prevent statelessness. To this end, States should review and amend nationality laws to include safeguards against statelessness among children, by granting citizenship at birth to those either born on a State’s territory or to nationals abroad who would otherwise be stateless. States should, furthermore, seek to achieve gender equality in their nationality laws by reviewing and amending discriminatory provisions that cause statelessness among women and/or their children. In particular, women must enjoy equal rights as men with respect to their ability to acquire, change, or retain their citizenship upon marriage to foreigners as well as equal rights as men with respect to conferring their citizenship on their children. As for particular procedural reforms, States should streamline administrative procedures and reduce relevant fees in order to facilitate the acquisition of nationality of eligible stateless persons. States should also improve the provision of birth registration and other civil registration documentation to reduce the risk of statelessness.

It is our hope that States will consider pledging to adopt a comprehensive strategy or action plan for the reduction and prevention of statelessness and its causes, in line with the statelessness conventions and the UNHCR protection framework. Where it is known that certain population groups are stateless within a particular State, for example, the relevant government should undertake measures to grant citizenship to them.

Finally, in formulating their pledges, States must undertake to grant stateless persons the standards of treatment provided for in the 1954 Convention. This includes the provision of identity and travel documents to stateless persons.

ONGOING CHALLENGES

Protection to Victims of Natural Disasters

Worldwide, the number of natural disasters has doubled over the last two decades, from approximately 200 to 400 per year. In 2010, an estimated 2 million people benefited from UNHCR's interventions in natural disasters including in Benin, the Dominican Republic, Haiti, Pakistan, the Philippines, and Uganda.

While displacement from natural disasters may resemble some aspects of refugee movements, such people are unlikely to be recognized as refugees under the 1951 Refugee Convention or under national law, as these people are not leaving owing to a well founded fear of persecution and normally not leaving their country of origin. In addition, the vast majority of forced movement prompted by natural disasters or by climate change occurs within national borders.

While UNHCR takes the lead in providing protection during internal displacement caused by conflict, UNHCR takes the lead in responding to humanitarian crises caused by natural disasters on a case by case basis (i.e. when requested by the UN Emergency Relief Coordinator). States have the responsibility to protect their citizens and those in their territory with regards to natural disasters, including disaster preparedness, response, recovery, and reconstruction. Protection analysis, though, is important during times of national responses to natural disasters, to address issues such as unequal access to humanitarian assistance, discrimination in the provision of assistance, sexual and gender based violence, lost documentation, trafficking, family separation, exploitation of children, unsafe relocations, etc.

UNHCR's High Commissioner, Antonio Guterres, has expressed a willingness to take a more systematic lead in providing protection immediately following natural disasters, particularly when we already have a presence in that country assisting refugees. However, some of our Member States have expressed hesitation about this out of a concern that greater involvement in natural disaster response will come at the expense of our core mandate. We continue to explore the issue with governments and other partners, so that an appropriate response can be formulated.

The Shrinking of Humanitarian Space

The "shrinking of humanitarian space," or the decline in space in which forcibly displaced people can find shelter and in which aid workers can operate, continues to be of great concern to UNHCR. High Commissioner Guterres has identified three main factors behind this problem: the changing nature of

conflict, particularly the multiplicity of parties involved; a hardening of attitudes on state sovereignty, and the increasingly difficult situation where humanitarian aid workers are present in conflict areas.

As you know, even having access to deliver aid is blocked by some governments. We saw it in 2008 when Myanmar (Burma) blocked international assistance following cyclone Nargis and we see it now in Sudan and Somalia. Even if no authority is systematically blocking aid, insecure environments and the targeting of impartial aid workers makes delivering aid difficult.

The Targeting of Aid Workers

I'm sure you are aware of the recent kidnapping of two staff of Doctors Without Borders from the refugee camp in Dadaab, Kenya and three aid workers in Southern Algeria last weekend. In an effort to derail assistance efforts and, ultimately, to diminish humanitarian space, parties to armed conflicts have increasingly been targeting aid workers. Last year, 73 aid workers in countries around the world were abducted or killed.

Attacks against aid workers have been steadily increasing over the last decade, with a jump in recent years. According to a report published by the Humanitarian Policy Group in 2009, violent security incidents affected more than 1,100 humanitarian workers from 2003-2008 alone. The average number of major incidents affecting humanitarian workers from 2003-2005 increased by 89% from 2006-2008. In fact, more aid workers were killed in 2008 than were UN peacekeeping troops. The report also found that Afghanistan, Somalia, and Sudan are the most violent locations for humanitarian workers, comprising 60% of violent incidents affecting them.

UNHCR is highly committed to both providing assistance in precarious places and making every effort to ensure the safety of our staff—the two are not mutually exclusive. Nonetheless, security concerns in areas such as Somalia and Afghanistan make humanitarian activities difficult and can put our committed staff in danger. Hiring private security and/or using military escorts provided by governments can be important measures for our staff's security but can also undermine the perception of humanitarian impartiality.

Mixed Migration

In a study done by the International Organization for Migration (IOM), the organization notes that “the notion that migration flows are ‘mixed’” is not an altogether new one” and that “migration has always been a multidimensional phenomenon, involving a variety of people who are on the move for a diversity of reasons.” The study goes on to note that “whether moving in a regular or an irregular fashion, all migration flows contain a variety of individuals possessing human rights.” Put otherwise, regardless of the impetus for their migration, it must be recognized that all individuals are owed the rights and protections set forth by the various relevant international instruments.

IOM also notes that “irregular flows...represent particular challenges,” as “on the one hand, they impede the rule of law and the legitimate functioning of government authority to regulate the entry and stay of non-nationals on its territory...[but] on the other hand, irregular migrants face, to a disproportionate extent, all manner of dangers, hardships and infringements of their human rights.” Any efforts undertaken to combat the issues presented by mixed migration must strike a balance between these two poles.

In his closing remarks to the 62nd session of UNHCR's Executive Committee last month, the High Commissioner addressed the growing problem of mixed flows, noting that there is a growing link between the movements of people forced to flee because of conflict and persecution—people who are refugees according to the 1951 Convention and other instruments—and those who are forced to move for other reasons or even move just because they want a better life. The High Commissioner has called on the international community to recognize the growing complexity of mixed migration, which can be attributed to the “compound[ing] [of] existing gaps in the protection regime” by such issues as climate change, food insecurity, and links between poverty and conflict. The High Commissioner concludes that “it is very important to recognize that the world is changing with new trends of displacement, to recognize that gaps do exist, and to open the way for the international community to design innovative approaches to face these challenges.”

To help States address mixed migration movements in a protection-sensitive way, UNHCR in 2006 launched a 10-Point Plan of Action on Refugee Protection and Mixed Migration. The plan sets out key areas where protection interventions are called for. Mixed migration movements are of concern mainly in the Mediterranean basin, the Gulf of Aden, Central America and the Caribbean, South-east Asia and the Balkans. UNHCR published an updated action plan on Mixed Migration in February of this year.

UNHCR POLICY PRIORITIES FOR 2012

The High Commissioner identified three main policy priorities for UNHCR at the end of our Executive Committee meeting last month. They include addressing protracted situations, urban refugees, and protection gaps.

Protracted Situations

This is a primary area of concern for UNHCR. Some 7.2 million refugees across 24 countries were stuck in protracted situations at the end of 2010, the highest figure since 2001. Less than 200,000 refugees repatriated voluntarily during 2010, the lowest figure in more than 20 years. While the number of refugees in protracted situations is lower than it was 18 years ago, totaling 7.9 million refugees, it is higher than it was seven years ago, when there were 5.5 million in protracted refugee situations. UNHCR estimates that the average length of time for major refugee situations, protracted or not, has increased from nine years in 1993 to 17 years at the end of 2003.

We have seen progress in some situations. More than 50,000 Bhutanese refugees have left Nepal. While great reintegration challenges remain for reintegrating Afghan refugees, the governments of Pakistan and Iran have made important contributions to increasing the self-reliance of Afghan refugees in their countries. We are holding Stakeholder Conference for solutions for Afghan refugees next year. I also want to recognize the generous decision of the government of Tanzania to grant citizenship to 162,000 Burundian refugees from 1972. In addition, through an agreement established between the government of Sudan and UNHCR, we are working together with the UN Development Program on a Transitional Solutions Initiative to increase self-reliance for refugees in eastern Sudan.

However, many challenges remain. As mentioned, voluntary repatriation is at very low levels. Numbers were much higher for two decades (an average of one million per year), but return rates have stalled due to

the prolonged nature of some conflicts, with fewer returns to Afghanistan, South Sudan, and the DRC. There is no humanitarian solution to these conflicts. Durable solutions for returning refugees will require both political initiative and economic and social development. UNHCR's mandate is non-political, but we can sometimes play a catalytic role by mobilizing other actors of the international community. Also, we can help the displaced return, but if there is nothing for them to do and no services available to them, they will not remain in their communities of origin. As the High Commissioner recently noted, "without economic development, the refugees of the past will become the migrants of the future."

We can also do better at coordinating aid and protection delivery. Within the UN system, in the context of the One UN approach, a much progress has been made in terms of coordination. Coordination between the UN system and international financial institutions is still insufficient and the coordination of multilateral and bilateral forms of cooperation also still has a long way to go.

Education and vocational training for refugees in protracted situations is key, not only for maintaining morale in refugee camps but for preparing refugees for eventual reintegration. We have made an important step forward in health, nutrition and water/sanitation in recent years, although much remains to be done. We now also need to make education a center piece of our strategy for durable solutions.

Urban refugees

Almost half of the world's 10.5 million refugees now reside in cities and towns, compared to the one-third who live in camps. In addition to growing in size, the urban refugee population has also been changing in composition. While in the past a significant proportion of the urban refugees who registered with UNHCR in developing and middle-income countries were young men, a pronounced shift has recently begun and refugee women, children and older people are increasingly found in urban areas.

Urban refugees are a dispersed population that often lacks secure legal status and access to social services. UNHCR believes that work is the key to sustain the livelihoods of urban refugees. By becoming self-reliant and productive, refugees with the legal right to work can benefit their local communities and host countries in addition to improving their own situations.

UNHCR is still in the process of determining how to deal with this growing phenomenon more effectively. What is clear, however, is that the need now is for UNHCR and others to build and test strategies and techniques that will allow them to carry out advocacy on behalf of urban refugees, especially in places where refugees are denied the right to earn a living and are therefore in particular need of advocates. Most important to note is that each host country's situation is unique, requiring a case by case examination of the opportunities and challenges related to refugee livelihoods and self-reliance in urban settings.

INTERNAL REFORM PRIORITIES

UNHCR is in a process of reform to ensure that we manage our financial and human capital resources in the most efficient way, taking advantage of best practices and innovations. Given the current austerity measures that donors are undertaking around the world, it is more important than ever that we manage our budget wisely while not sacrificing assistance quality. We recognize that we must do more with less.

UNHCR's internal reform priorities include sustainability, accountability, and results based management. Operations and project sustainability in particular are key. Partnership with NGOs remains a core priority for UNCHR. UNHCR has completed reviews of our headquarters and field offices; decentralized; and undergone reforms in financial and human resources management. UNHCR's budget structure changed in 2009, and all staff-expansion proposals are rigorously evaluated, often resulting in much fewer hires than originally requested. In addition, UNHCR reduced headquarters costs from 14% to 9% of our overall budget in 2010.

REFUGEE RESETTLEMENT

The resettlement of refugees to third countries is included among the responsibilities of the High Commissioner within the Statute of UNHCR. Thus, it has been a part of the UNHCR's mandate since our inception. Over the past 60 years, millions of refugees have found protection and durable solutions through resettlement. For example, since 1975 the U.S. alone has resettled nearly 3 million refugees. Beyond those who directly benefit from resettlement, the strategic use of resettlement has enabled wider groups of refugees to find protection and durable solutions. Over 60,000 Iraqi refugees have been resettled since 2007 through a concerted international effort between UNHCR and resettlement countries. This effort has been instrumental in keeping the doors open to refugees and asylum seekers in the Middle East. In Tanzania, resettlement of a relatively small group of 5,000 Burundians who had been refugees since 1972 was catalytic in starting discussions on local integration and repatriation that ultimately will provide durable solutions for more than 200,000 refugees in Tanzania.

Resettlement departures peaked during the 1980's in terms of absolute numbers; however, during that time resettlement's reach was limited to relatively few nationalities and countries of first asylum. In the years since, resettlement has expanded to be inclusive of more nationalities and to be available wherever refugees may be. Within UNHCR there have been significant advances in the development of more standardized criteria and procedures to ensure that resettlement is broadly implemented in a more equitable and secure manner. UNHCR has encouraged resettlement countries to come together so that national resettlement programs can be better coordinated and work together in a more complementary manner to address resettlement needs. Key to this has been the Annual Tripartite Consultations on Resettlement (ATCR). The ATCR process has been ongoing for the past 16 years and brings together resettlement countries, NGOs, and UNHCR to share information so that resettlement practices and policies can be improved.

UNHCR continues to actively promote resettlement, and to seek ways to expand its availability. UNHCR estimates that some 800,000 refugees worldwide are currently in need of resettlement. At the same time, less than 90,000 resettlement places are available globally for these refugees. UNHCR has shown that it is prepared to identify and refer significant numbers of refugees for resettlement (in 2008, 2009, and 2010 UNHCR made more than 100,000 resettlement referrals annually), but this level of referrals requires a comparable level of resettlement departures to avoid the creation of backlogs. A key challenge remains expanding of the number of countries that provide resettlement places, as well as increasing the absolute number of resettlement places, which has grown little over the past 10 years.

Resettlement has become increasingly complex in large part due to additional security measures that have increased significantly over the past decade. This has made the resettlement process both slower and less predictable. Refugees are often waiting months or years for decisions on their cases. There are relatively

few options for refugees who have an urgent need for resettlement, for example due to protection issues that might threaten their life. There is a great need for countries to find ways to streamline procedures and allocate sufficient resources in order that security screenings can be done swiftly and effectively. Failure to do so can—as we have seen this year—result in thousands of resettlement places going unused. This is something that should never occur when there is such an overwhelming humanitarian need.

UNHCR is grateful for the active participation of the United States government in offering resettlement solutions for millions of refugees over the past 60 years. This has allowed millions of refugees to begin rebuilding their lives in dignity and freedom. As the great President George Washington said in 1783, “The bosom of America is open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions; whom we shall welcome to a participation of all our rights and privileges, if by decency and propriety of conduct they appear to merit the enjoyment.” UNHCR is hopeful that this American spirit of welcome, opportunity, and generosity towards refugees will continue in the years to come.

The 2011 Refugee Congress

I cannot conclude this testimony without a word about a historic event that occurred here in Washington, D.C. this past August. UNHCR has long supported the inclusion of the voices and views of refugees in all aspects of our work. This year, with the 60th anniversary of the 1951 Refugee Convention, UNHCR sought to further this approach in the U.S. through the organization of the first-ever Refugee Congress, which was held near Capitol Hill. The Refugee Congress included refugee delegates from all 50 states. They represented diverse nationalities and several generations. They met for two days to share their experiences and ideas. For all involved, it was an enlightening and uplifting experience and demonstrated the necessity to keep refugees at the center of our work. The Refugee Congress concluded by passing a Proclamation that encapsulated their feelings, concerns, and vision for the future. One of the key priorities expressed by current and former refugees is to be involved in the design, implementation, and evaluations of the progresses related to them. A copy of that Proclamation is attached to my written statement.

CONCLUSION

Mr. Chairman and members of the Commission, I thank you again for this opportunity to speak about the past 60 years of refugee protection and assistance, as well as the tremendous challenges that remain. While it is easy to look at the many situations of conflict and human rights violations around the world and become demoralized by the magnitude of the work ahead of us, it is important to pause now and then to reflect on what has been done, to take inspiration from those we serve, and to renew our collective dedication to the humanitarian cause. The Tom Lantos Human Rights Commission is at the forefront of that dedication, and we are honored to join with you in commemorating this year of important anniversaries. I will be happy to answer any questions that you may have.