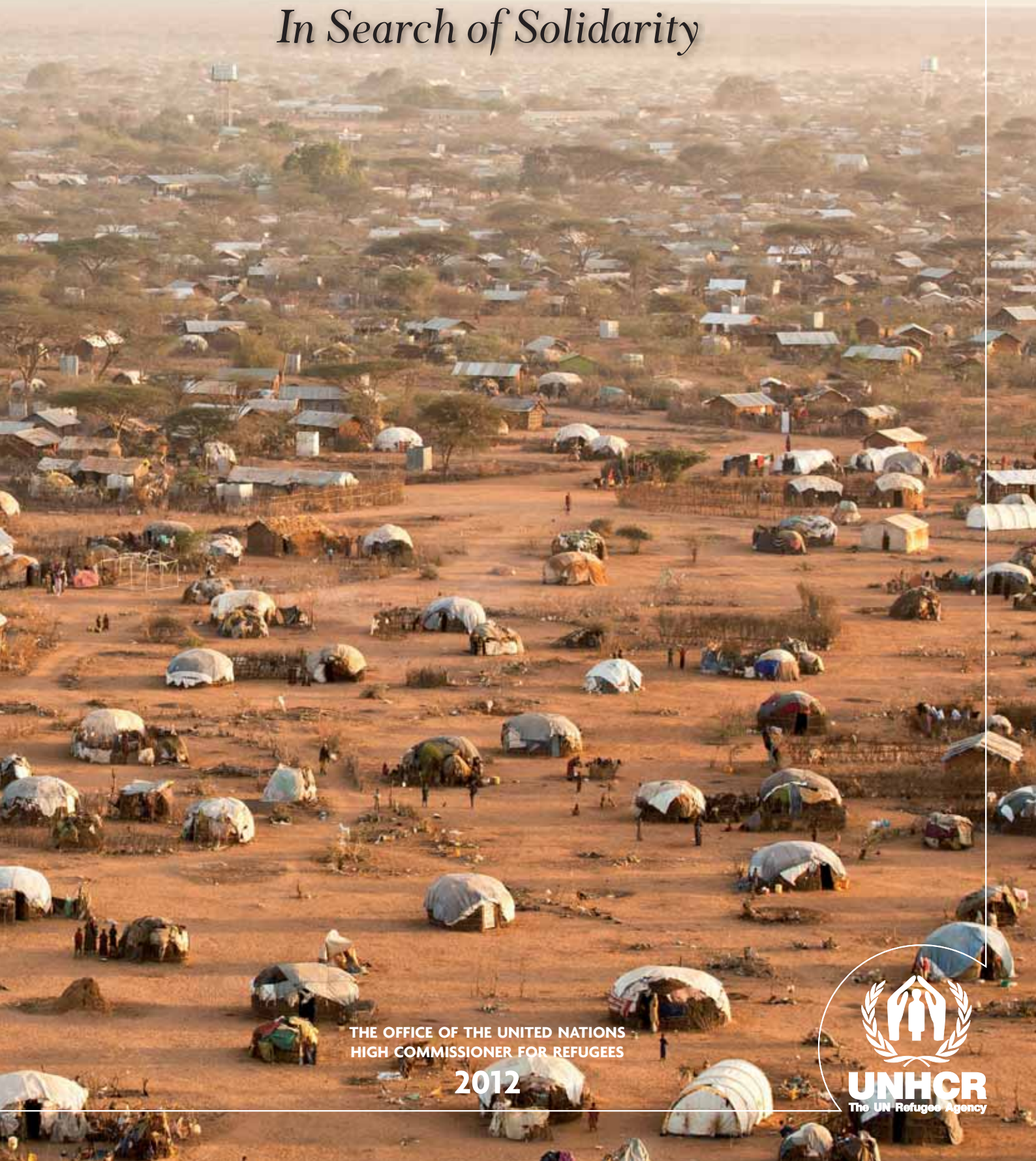
A SYNTHESIS

THE STATE OF THE WORLD'S REFUGEES

In Search of Solidarity



THE OFFICE OF THE UNITED NATIONS
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UNHCR
The UN Refugee Agency

Overview

This is a synthesis of one of UNHCR's flagship publications, The State of the World's Refugees: In Search of Solidarity. The book itself was produced during 2011-2012, and written from the perspective of UNHCR, drawing on experiences from the past seven years. It is divided into eight thematic chapters, which together reflect the state of the world's refugees.

Growing numbers without state protection

First, the book describes growing numbers of people who lack the full protection of their state. At the start of 2011 tens of millions of people—including 33.9 million of concern to UNHCR—are therefore particularly vulnerable. Most are people at risk from armed conflicts and political violence in their communities and countries of origin: civilians in conflict, refugees, asylum-seekers, refugees in protracted displacement and internally displaced people (IDPs). In recent years, IDPs have emerged as the largest group of people receiving UNHCR's protection and assistance—as many as 14.7 million in 27 countries at the start of 2011, though the total number of IDPs from conflict could be as high as 27.5 million. UNHCR is also concerned with 10.5 million refugees, mainly from conflicts.

Additional populations of concern to UNHCR may be less affected by conflict, but live in similarly vulnerable situations without the full protection of their states. They include stateless people, refugees and displaced people in urban areas, and people displaced by natural disasters and environmental factors. As many as 12 million people may be stateless. Increasing numbers of refugees, IDPs and returnees live in urban areas compared to camps. The number of people displaced by natural disasters has multiplied in recent years, exceeding the number displaced by conflict. Climate change could increase this number by many millions in decades ahead.

Global social and economic trends indicate that displacement will continue to grow in the next decade, exacerbated by population growth, urbanization, natural disasters, climate change, rising food prices and conflict over scarce resources.

International protection under pressure

Second, the book describes an international refugee protection system under considerable pressure from the growing numbers and categories of people in need of protection. The international refugee protection system, founded in 1951 on the principles of national responsibility and international solidarity, is required to provide protection and assistance to populations of concern, but also to address the evolving patterns of forced displacement. In particular, UNHCR and its humanitarian partners are under increasing pressure to meet protection needs in the world's conflict zones, despite growing threats to the security of aid workers and constraints to accessing populations in need.

Pressure on the international protection system is compounded by threats to the institution of asylum and the declining availability of traditional solutions to refugee problems. People who seek asylum in another country face a widely varying protection environment, characterized by countries with divergent approaches, inconsistent practices, barriers to mixed migration and restrictions on rights. People who are displaced across borders owing to natural disasters and the effect of climate change face a potential legal protection gap, since they are not covered by the 1951 UN Refugee Convention. At the same time, refugees are increasingly unlikely to find the traditional solutions to their problems, and some 7.2 million people are trapped in 'protracted' exile. The host countries, countries of origin and donor countries seem less able to work together to find solutions, with host countries resisting local integration and other countries offering too few resettlement places.

UNHCR's innovative practices

Third, the book highlights new practices and approaches developed by UNHCR and partners, working with states, to respond to the world's evolving forced displacement challenges:

- To meet the needs of civilians in armed conflicts, UNHCR and its UN partners have shifted their approach from risk avoidance to 'risk management'. This approach is focused on 'how to stay' instead of 'when to leave', and on promoting 'acceptance' among local communities.

- To protect refugees within mixed migration movements, UNHCR and partners in 2006 developed a Ten-Point Plan on Refugee Protection and Mixed Migration. It is aimed at encouraging states to incorporate refugee protection into broader migration policies and to ensure that all migrants are treated with dignity.

- To defend the institution of asylum and hold states accountable for respecting their obligations under the 1951 Convention, UNHCR has increasingly made submissions to national and regional courts in pursuit of more consistency in the application of asylum decisions.

- To resolve protracted refugee situations, UNHCR has tried to adopt comprehensive strategies that involve all three traditional durable solutions—voluntary repatriation, local integration and resettlement.

- To integrate refugees, returnees and IDPs into broader reconstruction and development planning in cases of voluntary repatriation and local integration, UNHCR and the UN Development Programme (UNDP) with the World Bank, in 2010 launched the Transitional Solutions Initiative.

- To involve refugees' own priorities in finding solutions to their problems, UNHCR has stated that 'mobility' can play an important role in achieving durable solutions for refugees, and has begun to explore the potential for migration channels to contribute to durable solutions.

- To address statelessness, UNHCR has encouraged states to sign the 1961 Convention on the Reduction of Statelessness and bring their nationality legislation into line with Convention standards.

- To respond to the needs of refugees in urban areas, UNHCR in 2009 adopted a new Policy on Refugee Protection and Solutions in Urban Areas, and has begun recalibrating its operations towards urban areas and collecting evidence of good practices.

- To improve the availability and quality of protection, UNHCR in 2011 organized a Ministerial Meeting aimed at strengthening both national responsibility and international solidarity with respect to refugees and stateless people. More than 100 states made concrete pledges on a wide range of refugee protection and statelessness issues.

The imperative of solidarity

Fourth, the book argues consistently that strengthened international solidarity is needed to address the world's forced displacement challenges. Both state responsibility and international solidarity are essential to making the international protection regime function effectively, to addressing the world's growing displacement problems, and to resolving tensions over the governance of international protection. Global solidarity, the principle by which global challenges are managed in a way that distributes costs and burdens fairly, is crucial when a few states host the majority of the world's refugees due largely to their geographic proximity to conflict-affected states.

Solidarity is required from the main stakeholders in the international protection system. Above all, solidarity is required from states–including countries of origin and host countries–who must act responsibly to protect the rights of all people on their territories, and to fulfil their obligations to refugees, displaced people and stateless people. Solidarity is also required from the international community to support host states to shoulder their responsibilities effectively, through financial support, technical support, resettlement places, engagement in governance, and other contributions. Solidarity is also required from civil society organizations, communities and concerned individuals who shape the protection environment, and often make the most meaningful contributions to improving the state of the world's refugees. ■

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Trends in Forced Displacement

This synthesis of The State of the World's Refugees: In Search for Solidarity, is intended for UNHCR's diverse stakeholders, and all people concerned with forced displacement.
The book is available at: http://ukcatalogue.oup.com/product/9780199654758.do

The world's refugee protection system was established with the Office of the United Nations High Commissioner for Refugees, or UNHCR, in 1950 and the adoption of the United Nations Convention relating to the Status of Refugees (the 1951 Refugee Convention). The system was designed to respond to the potentially destabilizing effects of population movements from the Second World War and its aftermath, and to uphold the rights of refugees and support the countries hosting them. The Convention has since been supplemented by the 1967 Protocol as well as protection regimes in several regions of the world.

> "Global social and economic trends indicate that displacement will continue to grow in the next decade."

UNHCR is mandated to lead and coordinate international action to protect refugees and resolve refugee problems worldwide. UNHCR's mandate distinguishes it from other humanitarian actors, requiring it to provide international protection to refugees who do not enjoy the protection of their governments. It also recognizes that international cooperation and support are needed to complement the efforts of the host country, which bears the primary responsibility for meeting the needs of refugees. In times of economic difficulty and heightened security concerns, states understandably tend to focus on the well-being of their own populations; but the global challenges of forced displacement call for more, not less, international cooperation and solidarity.

Current trends in forced displacement are testing the international system like never before. Some 33.9 million people were 'people of concern' to UNHCR at the start of 2011, an increase from 19.2 million in 2005. Many were not refugees, as the proportion of refugees among the people of concern to UNHCR decreased from 48 per cent to 29 per cent over the past six years. UNHCR has increasingly engaged with internally displaced people (IDPs), stateless people, populations affected by major natural disasters and people displaced in urban areas. UNHCR has responded to new emergencies in places such as Libya and Côte d'Ivoire, while addressing long-standing displacement in and from countries such as Afghanistan, the Democratic Republic of the Congo, Iraq, Somalia and Sudan. Recognizing the diversity of displaced populations and their needs, UNHCR has taken steps to ensure that its programmes are tailored to meet different needs, and UNHCR's Age, Gender and Diversity policy sets out its commitment to ensuring equitable outcomes.

◀ **Thousands flee the area of Kibati,** North Kivu, in the Democratic Republic of the Congo.

UNHCR / P. TAGGART

Global social and economic trends indicate that displacement will continue to grow in the next decade, taking on new and different forms. Displacement patterns will be affected by population growth, from today's 7 billion people to 10.1 billion by 2100, and mostly in Africa and Asia; by urbanization, including the increased rural-to-urban migration of young people leaving rural poverty and food insecurity, and adding pressures on housing and employment in cities; by climate change and natural disasters, which already displace millions of people every year; by increased food prices linked to urbanization and reduced agricultural output in Africa and Asia; and by increasing conflict over scarce resources which could depopulate some areas.

Developments in the international system have also affected the international response to refugees and displaced people. Humanitarian reforms initiated by the United Nations in 2005 have made international humanitarian action more efficient, accountable and predictable. The UN Security Council's endorsement of the Responsibility to Protect doctrine, and a new emphasis on the protection of civilians in peacekeeping operations, have contributed to protecting basic human rights in situations of armed conflict. The International Criminal Court, and mechanisms at national and regional levels, have contributed to reinforcing accountability for armed actors. The need to ensure the protection of IDPs is now widely accepted, and a broad definition of protection has been affirmed by the UN-led Inter-Agency Standing Committee (IASC). Further, UNHCR and other humanitarian actors have increasingly recognized that their principal accountability is to the people they serve.

This sixth edition of *The State of the World's Refugees* provides an overview of key developments in forced displacement from 2006 to 2011, a time frame that coincides with the first five-year term (mid-2005 to June 2010) and the start of the second term of the UN High Commissioner for Refugees António Guterres. Produced by UNHCR with input from independent experts, the book is intended to make a contribution to global policy and practice relating to forced displacement.

Under the overarching theme of solidarity, the book is divided into eight thematic chapters. Chapter 1 focuses on armed conflict and humanitarian responses, the context for many UNHCR operations today. Chapter 2 looks at trends in asylum and changes in the refugee protection environment, 60 years after the 1951 Convention. Chapter 3 examines the search for durable solutions, and the growing constraints to achieving them. Chapter 4 offers a fresh review of statelessness, a long-standing problem. Chapter 5 looks at UNHCR's work with IDPs, and its greatly expanded role in recent years. Chapter 6 examines displacement in urban environments and associated protection challenges. Chapter 7 offers new perspectives on displacement caused by climate change and natural disasters. Chapter 8 describes the continuing quest for national responsibility and international solidarity, to ensure the protection of refugees and displaced people. ■

Chapter 1

Conflict, Displacement and 'Humanitarian Space'

This chapter examines the impact of conflict and insecurity on forced displacement and the humanitarian response worldwide. In view of the tens of millions of people forcibly displaced by conflict today, the chapter examines the changing nature of conflict, the challenges this poses for humanitarian action, and the 'risk management' approach adopted by UNHCR and other humanitarian actors. It concludes with an outline of expected future challenges in addressing forced displacement in conflicts.

In 2011, UNHCR worked in situations of armed conflict more than ever before in its 60-year history. A majority of the 10.5 million refugees under its mandate fled from conflicts, more than half of them from Afghanistan, Iraq and Somalia. Since the start of 2011, UNHCR has responded to new outflows from Somalia, Côte d'Ivoire, Libya, Mali and Sudan, and it continued to respond to large numbers (two-thirds of all refugees) in long-term exile from protracted conflicts that offered few prospects of return. Further, UNHCR's expanded role with regard to IDPs since 2005 means its involvement in almost all complex emergencies. Some 27.5 million people were internally displaced by conflict in 2011, and many of them needed protection.

However, UNHCR's presence in conflict areas is relatively recent, beginning in the Balkans in 1991-1995 and following in the former Zaire (Democratic Republic of the Congo), Afghanistan, Colombia and Iraq during the 1990s and 2000s. This increased involvement coincided with rising international humanitarian action in conflict zones as well as donor financial support, media attention and expectations of a swift humanitarian response.

Changing conflict

In the last quarter century, UNHCR has increasingly operated in conflicts of a different nature. Today's conflicts frequently involve different ethnic or religious groups, combining political, communitarian and criminal violence. Violence that appears indiscriminate may also be deliberately targeted at certain groups of civilians, and may include the use of sexual and gender-based violence. These armed conflicts may be aimed at securing social or economic power, and usually affect areas in repeated cycles. When UNHCR was established in 1950, armed conflict usually meant wars between States and generally allowed limited scope for humanitarian action until the conflict ended.

In today's conflicts, the agents of violence have multiplied. Instead of uniformed forces and non-state actors who exercise *de facto* control over territory and people, today's conflicts often involve a myriad of private actors who may feel little sense of responsibility towards local populations. Some include violent criminal organizations who seek to take control of land and territory for economic purposes, or individuals associated with violent international ideological movements that seek to exploit local grievances. In today's conflicts, the distinction is blurred between combatant and civilian–a cornerstone of international humanitarian law.

While wars today seem to kill fewer people than past conflicts, greater numbers of civilians appear to be exposed and vulnerable to violence, especially where the state offers little protection for citizens. In these situations, citizens may further suffer the impacts of government dysfunction, loss of livelihoods, shortages of basic necessities, as well as natural disasters and demographic pressures–all of which contribute to their insecurity, displacement and vulnerability. Today's conflicts often have far-reaching impacts on civilians, and particularly on the vulnerable: children, people living with disabilities and older people. Many people are forced to flee their homes to destinations that are insecure, to urban areas, to countries where access to asylum is restricted, and to distant new destinations. Protracted conflicts also translate into seemingly permanent displacement, often in dire conditions and in dependency on aid.

▶ **A woman in the ruins of her house in Osh,** Kyrgyzstan following a wave of ethnic violence in June 2010.

In many conflicts, conditions do not allow people to receive international protection and humanitarian assistance. Humanitarian space–the conditions that enable people in need to have access to protection and assistance, and for humanitarian actors to respond to their needs–is shrinking. In these conflicts, UNHCR may not be allowed to discharge its core mandate to provide international protection to refugees and to assist governments in finding durable solutions for refugees. Conditions in many crises today have presented major challenges to

UNHCR / S. SCHULMAN

humanitarian action, especially where causes of displacement and serious human rights abuses go unaddressed, as in Afghanistan, Côte d'Ivoire, the Democratic Republic of the Congo, Libya and Yemen. These challenges tend to grow over time without a political solution to the conflict.

Humanitarian challenges

Humanitarian action is predicated on respect for fundamental principles: humanity, impartiality, neutrality and independence. UNHCR's Statute states that the agency's work shall be of an entirely non-political, 'humanitarian' character. Humanitarian principles are also important for organizations that operate in insecure environments, since only those who respect them are entitled to protection under international law, and respecting them is believed to foster acceptance by armed actors and affected communities. However, an agency's respect for humanitarian principles is not sufficient to ensure effective humanitarian action if parties to a conflict do not respect human rights. In practice, agents of violence have frequently flouted humanitarian principles, and states have subordinated them to political and security imperatives. Humanitarian organizations often face bad and still worse options in dealing with armed actors who can facilitate or obstruct humanitarian action according to their perception of humanitarian action and its impact on their objectives.

Despite efforts to be strictly non-political, aid may become politicized when humanitarian action is closely associated with political action. Multidimensional UN peacekeeping or political missions are organized around the principle of 'integration', and seek to align the objectives and actions of all UN agencies and forces present. Humanitarian agencies have raised concerns about the impact of integration missions on neutral, independent humanitarian action; supporting a political transition process demands a degree of partiality, notably where UN peacekeeping forces take enforcement action. Where there is tension between humanitarian and political imperatives, many fear the latter will always prevail. UNHCR believes integration can bring real benefits in countries in the peacebuilding phase, but where conflict continues humanitarian actors must not be perceived as having political or security agendas.

The 'stabilization' approaches adopted by NATO members and others in failed or conflict-affected states raise similar concerns, as they combine foreign policy, military and assistance activities to enhance human security and state security. They have sometimes misrepresented military and civilian assistance programmes as 'humanitarian'. Such approaches can reduce 'humanitarian space', undermining efforts to promote acceptance of humanitarian action, putting staff at risk and even turning them into targets–as seen in Iraq, Afghanistan and elsewhere.

UNHCR / L. BOLDRINI

▲ **Young migrants and asylum seekers** in a crowded detention centre on the Greek island of Lesvos.

The changing nature of conflicts has significantly affected humanitarian operations, threatening the security of aid workers and restricting access to potential beneficiaries. The number of attacks on aid workers has increased dramatically, even though providing humanitarian aid in an environment of violence is inherently risky. Some challenges are specific to refugee operations, and UNHCR's responsibilities sometimes place it in direct opposition to the forces that target or threaten refugees and other displaced people. Humanitarian action cannot remove the causes of displacement, but strengthening legitimate institutions and governance is considered crucial to breaking cycles of violence, and international justice mechanisms can bring to account the perpetrators of large-scale abuses against civilians. Since needs may be greatest in situations where the risks are also greatest, humanitarian organizations have often continued operations, even in conditions where humanitarian principles are in jeopardy. Identifying when the problems faced outweigh the benefits delivered is difficult, and humanitarian organizations remain reluctant to make such a determination.

Risk management

Insecurity is perceived as the greatest direct challenge facing UNHCR and other humanitarian organizations today, so considerable attention has been devoted to finding ways to operate safely in high-risk environments. Within the UN, there has been a shift in approach from risk avoidance focused in 'when to leave' to risk management focused on 'how to stay,' as outlined in the 2011 study, To Stay and Deliver. A risk management approach requires careful appreciation of threats in an operating environment; analysis to determine the likelihood of dangerous events and their possible impacts; weighing of risks against the importance of the humanitarian action; and adopting measures to reduce the likelihood or impact of threats to humanitarian work. A first step is to encourage and support actions by the authorities to uphold their responsibility for the safety of humanitarian staff and, where risks remain, other measures may be necessary as articulated in the UN's Minimum Operational Safety Standards (MOSS).

UNHCR has considered it vital to promote acceptance, by ensuring that all concerned, particularly local communities, understand and accept the aim of its work and its non-political character. UNHCR has also sought to empower its national staff and build effective local partnerships–while ensuring that risk is not simply transferred to them – and to develop new mechanisms for monitoring programme delivery. In some environments, UNHCR may need to cooperate with host government troops, UN forces or other foreign military forces as the only means to continue its humanitarian action. However, UNHCR's ability to operate effectively still depends greatly on the training of its in-country staff in security risk management policy and practices.

Looking ahead

Today's conflicts pose many challenges for humanitarian organizations, and humanitarian action is affected by many factors over which the organizations have little control. In recent years, despite the many constraints, UNHCR and its partners have been able to continue operating in many complex and insecure environments. Forced displacement trends suggest there will be a continuing – and probably increasing – need to 'stay and deliver' in such contexts, requiring innovation, discipline, principles and realism. Still, the most effective humanitarian action can only be palliative; addressing root causes of forced displacement requires other actions. In the absence of such actions, there is a need for greater international solidarity with refugees, IDPs, their host states and communities. ■

Chapter 2

Keeping Asylum Meaningful

This chapter describes the increasingly complex challenge of preserving refugee protection and the integrity of asylum. It begins by describing the international legal framework for refugee protection, then describes the inconsistencies that beset its practice, and its entwinement with other forms of migration and the need to strengthen the 'governance' of the international refugee protection system. It concludes with a list of steps to keep asylum meaningful.

The world's refugee protection regime was designed to offer international protection to refugees who cannot rely on the protection of their own state. The term 'asylum' is not defined in international law, but it has come to refer to a status that guarantees refugees the enjoyment of their full human rights in a host country. For more than six decades, UNHCR has been responsible for ensuring international protection for refugees in cooperation with states, and faces an increasingly complex protection environment in which to take this responsibility forward.

The institution of asylum is threatened today by divergent approaches, and signs that two parallel systems may be operating: an asylum regime in the global North, and a refugee regime in the global South. Since most displaced people today flee conflict situations in countries such as Afghanistan, Iraq and Somalia, certain developing countries are confronted with the largest mass influxes. These countries tend to grant refugees admission and protection on a *prima facie* or group basis, thereby offering protection from *refoulement* [forced return]. In many cases, they also strictly limit the rights of refugees, and confine them to camps. In contrast, wealthier countries, geographically removed from crisis zones, have implemented numerous measures to deter and prevent the arrival of asylum-seekers and refugees. Previously, only countries in Europe and North America operated individual refugee status determination procedures. In 2010, a total 167 countries and territories received 850,000 individual asylum applications, ten countries received more than half of them and South Africa alone received 180,600 applications.

▼ **Afghan girls attend classes** at their school in a refugee camp in Islamabad.

UNHCR / S. PHELPS

The protection framework

The 1951 UN Refugee Convention and its 1967 Protocol remain the cornerstones of the international refugee protection system. The 1951 Convention is conceived as a universal human rights instrument to protect refugees from persecution, prevent their *refoulement* and guarantee their wider rights. Today, UN members continue to recognize the value and relevance of the Convention and its Protocol, even though they do not apply them consistently, some are not signatories and others have not translated its provisions into national law. Since 1951, the refugee protection regime has been further strengthened by the adoption of regional instruments in Africa, Latin America and the European Union, and by other developments in international human rights, humanitarian and criminal law.

The refugee protection system is weakened by its less than universal application. By 2011, a total of 148 countries had ratified the 1951 Convention and/or its 1967 Protocol; however, more than 40 per cent of refugees under UNHCR's mandate were hosted by states that had not acceded to the instruments. When states do not accede to the Refugee Convention, or fail to live up to their obligations under it or enter reservations to the text, the potential for a system of mutual understanding and collaboration is weakened.

Inconsistent practices

The practice of asylum is fraught with inconsistencies that also undermine the integrity of the international refugee protection system. States determine protection needs in divergent ways, with many important host countries in the developing world using *prima facie* procedures and countries in the developed world using individual procedures. Between 2001 and 2010, some 2.1 million people were found, through individual determinations, to be refugees under the terms of the 1951 Convention or entitled to a complementary form of protection, and in most cases this brought access to rights that enabled them to integrate in their countries of asylum. During the same period, 2.7 million people were considered as refugees on a *prima facie* or group basis, mainly in countries neighbouring their own, frequently with limited access to rights.

UNHCR itself conducts more than one in ten of the world's individual refugee status determinations. By 2010, 100 countries had established national refugee status determination procedures, but in 46 countries, UNHCR continued to determine refugee status under its mandate. In that year, UNHCR registered 89,000 new asylum claims and issued 61,000 substantive decisions–11 per cent of all individual asylum decisions worldwide.

States show further inconsistency in the way they grant protection to people fleeing from violence and conflict, with states in Africa and Latin America granting protection on this basis alone and states in Europe and elsewhere requiring a specific link made to grounds outlined in the 1951 Convention. In addition, states are inconsistent in the way they understand persecution on the grounds of 'membership of a particular social group, with some linking it to objective characteristics and others to social perceptions. A UNHCR study in 2011 found significant variation in the outcomes of asylum applications from situations of violence lodged in six European Union countries.

Further, both signatory and non-signatory states offer very different types of protection to asylum-seekers, ranging from full entitlements and enjoyment of social and economic rights, to strict limitations upon these rights, including long-term encampment, and detention intended as a deterrent. Many signatory states scrupulously respect the requirements of the 1951 Convention and 1967 Protocol; others maintain legal reservations to key entitlements foreseen by these instruments; and still others have not translated the Convention provisions into national law. Violations of the Convention range from denial or failure to uphold refugees' socio-economic rights to egregious acts of *refoulement*.

Mixed migration

Mixed population flows, along with pressure on states to control their borders, have increasingly complicated access to asylum. A dramatic global increase in human mobility has coincided with increased irregular migration, complex migratory flows, security concerns and people crossing borders without prior authorization in a variety of circumstances and for a variety of reasons. States have struggled to manage immigration and respect international refugee law and human rights law, with some resorting to an array of border control mechanisms–border closures, push-backs, interception at sea, visa requirements, carrier sanctions and offshore border controls. All of these may impede access to refugee protection.

In response, UNHCR and partners have sought new ways to ensure refugee protection. In 2006, UNHCR developed a Ten Point Plan on Refugee Protection and Mixed Migration aimed at encouraging states to incorporate refugee protection into broader migration policies and to ensure that all migrants are treated with dignity. Between 2008 and 2011, UNHCR led a process of regional consultations to raise awareness of the protection-related aspects of mixed migratory flows, and to improve protection responses through better cooperation among key actors and the development of comprehensive regional strategies.

UNHCR has highlighted that victims of human trafficking are one group of migrants whose protection needs may not be sufficiently appreciated in the context of mixed migration. States need to assess whether the harm an individual fears as a result of having been trafficked may amount to persecution. In some cases, their treatment may be so atrocious as to amount to persecution in its own right.

UNHCR/S. SCHULMAN

▲ **Young refugees from Côte d'Ivoire** have arrived in Liberia after the disputed election at the end of 2010.

UNHCR has recognized that security concerns following the September 11, 2001 terrorist attacks in the United States, and subsequent strikes in other cities, made states increasingly worried about importing a terrorist under the guise of a refugee or an asylum-seeker. In 2010, UNHCR established a new unit dedicated to issues of protection and national security. Yet asylum channels are among the most closely regulated of entry channels, and the drafters of the 1951 Convention built in provisions that effectively address states' security concerns.

Strengthening 'governance'

Preserving the integrity of asylum requires strengthening the international 'governance' of asylum at both institutional and political levels. UNHCR's Executive Committee (ExCom), comprised 85 states in 2011, has long been the leading body for asylum's governance and, since 1975, has adopted annual Conclusions that served to maintain a global consensus on the international protection regime. In recent years, however, ExCom has struggled to secure a consensus, and discussion of asylum has begun to shift to groupings at regional levels. Since 2007, the High Commissioner's annual Dialogue on Protection Challenges has become the principal forum for global discussions on refugee protection, supported by its follow-up activities.

UNHCR, which remains responsible for supervision of the application of the 1951 Convention, struggles to hold states accountable for respecting their obligations. The Convention lacks a supervisory mechanism akin to those for other UN human rights instruments. UNHCR has increasingly made submissions to national or regional courts in search of more consistency in the application of asylum decisions.

Asylum is primarily the responsibility of states, but politicians, community leaders and the media can contribute to a climate of tolerance in which asylum can be properly managed. In many countries, asylum and immigration debates are intertwined and politicians have staked out anti-immigration positions. Negative attitudes are easily fuelled by concerns about the costs of maintaining asylum systems and hosting refugees. A climate conducive to asylum requires explaining the asylum issue as distinct from immigration in general; focusing on education about forced displacement, including through the media; and acting to combat xenophobia and intolerance.

Realizing aspirations

The 1951 Refugee Convention is intended to confer a right to international protection on people who are vulnerable because they lack national protection, and to assure refugees the widest possible enjoyment of their rights. But translating this aspiration into reality remains a challenge. To keep asylum meaningful there is a need to ensure that all refugees are able to exercise their rights; that refugee protection does not depend on where an individual seeks asylum; that individual and group determination systems are made coherent, particularly in relation to conflicts; that governance structures for asylum are further developed to resolve tensions between states; and that UNHCR continues to serve as both a partner and a watchdog for individual states and the international community on matters of asylum. ■

Chapter 3

Unblocking Durable Solutions

This chapter explores how the established framework of three durable solutions might be adjusted to respond better to the needs of today's refugees. It begins by outlining the three traditional durable solutions, goes on to describe the importance of comprehensive strategies, which include development and peacebuilding, and then considers how refugees themselves approach durable solutions. It concludes by suggesting policy directions to revitalize the search for solutions.

The ultimate aim of refugee protection is to secure lasting solutions to refugee problems. Lasting solutions may be achieved by returning to a home country (voluntary repatriation), by settling permanently in the country where the refugee has found protection (local integration) or by relocating to a third country which offers the refugee permanent residence (resettlement). A durable solution, by definition, removes the objective need for refugee status by allowing the refugee to acquire or reacquire the full protection of a state.

For many refugees, none of these solutions is available. By 2011, the number of refugees under UNHCR's responsibility who remained trapped in protracted exile reached 7.2 million. International efforts to achieve solutions faced an impasse whereby countries of origin, host countries and donor nations were unable or unwilling to work together. These efforts were further complicated by a new emphasis from donors on finding solutions close to countries of origin, by increasingly complex refugee problems that defied easy solutions and by an increased interest in solutions for IDPs. For more than 60 years, UNHCR has worked to help governments find lasting solutions to refugee problems. In 2008, the High Commissioner launched an Initiative on Protracted Refugee Situations and used his annual Protection Dialogue to draw attention to the topic.

Established approaches

Voluntary repatriation

While the 1990s are dubbed the decade of repatriation, the overall numbers of refugees repatriating voluntarily declined sharply in the first decade of the 21st Century and reached a 20-year low in 2010. For many refugee populations, repatriation is not possible because of continuing conflict in their country of origin, localized violence persists, infrastructure and markets are damaged or destroyed, and livelihoods and access to basic services are limited. When conflict has involved inter-communal violence, it is often difficult to establish mechanisms for transitional justice and restore viable community relations, especially when disputes over land rights or reparations continue. UNHCR's experiences in Afghanistan and South Sudan illustrate the difficulties of trying to solve refugee problems when political and governance crises endure. To be sustainable, voluntary repatriations require long-term engagement by many actors besides UNHCR in reintegration, reconciliation and reconstruction. Moreover, return patterns in Afghanistan, South Sudan and Bosnia and Herzegovina provide evidence of the extent to which refugees and IDPs continue to move after return. Many refugees return to urban areas or to new communities, or leave the country again.

Local integration

Although states agreed to 'work proactively' on local integration in 2005, many host countries have continued to resist local integration for refugees, while donor countries have consistently encouraged such solutions. Host states are frequently reluctant to consider large-scale local settlement of refugee populations, and therefore implement encampment policies. In some contexts, host government officials may attach political or economic value to the continued presence of refugees and implicitly discourage them from taking up solutions, even where these are available. Yet refugees often make important contributions to local communities, especially when given the opportunity to integrate; integration invariably occurs to some degree when refugees remain in their country of asylum for years on end, or when they are born there; and in some cases, refugees have been able to acquire the citizenship of their asylum country on an individual or even a group basis.

Resettlement

Resettlement serves as a vital protection tool for individual refugees in danger, but the number of resettlement places made available cannot make a significant contribution to durable solutions overall. In 2011, UNHCR estimated that 805,000 refugees were in need of third-country resettlement, yet only about 10 per cent of those places were available. In 2010, some 94 per cent of all resettled refugees went to just four countries: Australia, Canada, Sweden and the United States, which resettles more refugees than any other country. UNHCR has

advocated for more countries to implement resettlement programmes, and their number has grown from 15 in 2005 to 24 in 2012. But the number of resettlement places remains limited. UNHCR and partners have therefore sought to use resettlement in a more strategic manner, maximizing the benefits of resettlement to other parties.

Comprehensive strategies

On a number of occasions, UNHCR has tried to resolve protracted refugee situations by pursuing comprehensive strategies that involve all three durable solutions. For both local integration and voluntary repatriation, there is a widely accepted need to connect refugee solutions to broader peacebuilding and development efforts. Peacebuilding is a multidimensional process focused on restoring the rule of law and governance systems as well as the economy, infrastructure and public services of states emerging from conflict and at risk of lapsing back into war. Security and stability are preconditions for durable solutions. Local integration and voluntary repatriation also require the full engagement of development actors, so the establishment in 2010 by the World Bank of a 'Global Programme on Forced Displacement,' and the launch in 2010 of the Transitional Solutions Initiative (TSI) by UNHCR and the UN Development Programme (UNDP) with the World Bank, were important steps. The TSI is aimed at integrating the needs of the refugees, returnees and IDPs into broader reconstruction and development planning, with UNHCR supporting education and training to enable refugees and returnees to become self-reliant and to contribute to their communities.

Both the 1951 Convention and the 1969 Organization of African Union (OAU) Refugee Convention allow for the cessation of refugee status when durable changes have taken place in the country of origin and the original causes of refugee flight no longer exist. Cessation of refugee status can also play a role in achieving durable solutions, serving as a catalyst to action.

Refugee perspectives

A persistent critique of efforts to find solutions for refugees is that the refugees themselves are insufficiently involved. The international community generally seeks solutions for an individual or a group, but refugees often make decisions at the family level. Refugees may therefore approach solutions that maintain flexibility, maximize security and bring economic gains for their whole family. The disjuncture between refugee approaches and international approaches to solutions can also lead refugees to resolutely await their preferred solution, or to circumvent official criteria.

When refugees are actively involved in the search for solutions, they often attach highest priority to mobility. Pre-conflict patterns of migration continue through conflicts and contribute to meeting post-conflict needs and offering solutions. Remittances from family members abroad may be twice as efficient as aid in reaching intended recipients in some instances. Refugees and IDPs increasingly resort to 'dormitory' or 'commuter' displacement, living outside their community of origin but making regular visits home. Notwithstanding the global policy trend over the past decade towards restrictions on migration, refugees and returnees have often resorted to irregular migration in search of solutions. The durable solutions framework does not currently take account of refugee mobility, and international actors have approached solutions for refugees with a sedentary bias.

> "THE INTERNATIONAL COMMUNITY GENERALLY SEEKS SOLUTIONS FOR AN INDIVIDUAL OR A GROUP, BUT REFUGEES OFTEN MAKE DECISIONS AT THE FAMILY LEVEL."

UNHCR has stated that mobility can play an important role in achieving durable solutions for refugees, and has begun to explore the potential for migration channels to enhance refugee protection and access to solutions.

The way forward

Political will from states is needed to remove obstacles to durable solutions. Since 2006, solutions have been found for more than three million people in protracted situations, including South Sudanese, Burundians and refugees originating from Bhutan. However, many protracted refugee situations have not been resolved and UNHCR has made resolving protracted displacement an institutional priority. In particular, achieving solutions requires states to respect the institution of asylum and refrain from premature and involuntary returns; to recognize the reality of local integration in some long-term displacement situations; to place refugee solutions squarely on the development agenda; to increase commitments to providing resettlement and making places available; to incorporate refugee mobility into the solutions framework; and to much more actively engage refugees in the search for solutions. This calls for international solidarity, cooperation and responsibility sharing. ■

Chapter 4

Resolving Statelessness

This chapter examines global developments in addressing the problem of statelessness. It begins by describing the international legal framework relating to statelessness, goes on to describe the various causes of statelessness, and then outlines various efforts to resolve the problem. It concludes that statelessness can often be effectively resolved, and notes renewed international commitments to address the problem.

Everyone has the right to a nationality, as affirmed in Article 15 of the Universal Declaration of Human Rights. Possession of nationality often serves as a key to enjoying many other rights, such as education, health care, employment and equality before the law. Two global instruments provide guidance on the rights of stateless people and on how statelessness can be avoided: the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

However, stateless people can be found on every continent and in virtually every country. The stateless experience their lack of citizenship as an ever-present concern, and they are among the most vulnerable people in the world. In the early 1990s, the break-up of the Soviet Union, the Socialist Federal Republic of Yugoslavia, and Czechoslovakia, and the emergence of new independent states, led to a dramatic increase in statelessness and underscored the need for a more effective international response.

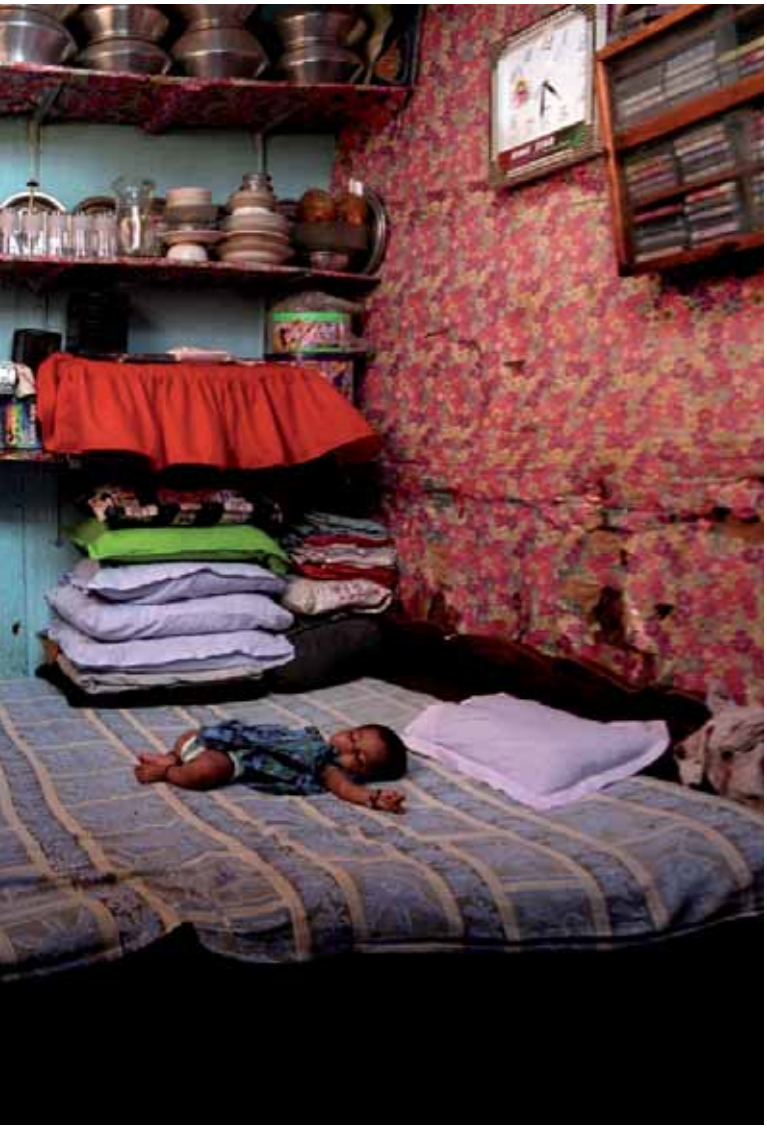
UNHCR participated in the drafting of both the 1954 Convention and the 1961 Convention. In 1974, UNHCR was designated by the UN General Assembly as the body to which stateless people may turn, under the terms of the 1961 Convention, for assistance in presenting their claims to state authorities. More recently, in 2011, UNHCR acted to reinvigorate efforts to resolve situations of statelessness, devoting particular attention to promoting accession to the statelessness conventions. Since then, the number of states parties to the 1954 and 1961 Conventions rose from 65 and 37 respectively in 2010 to 71 and 42 in 2011. Governments increasingly recognize that their own interests are not served by having large numbers of stateless people on their territories.

The international framework

While international law has traditionally recognized broad discretionary power for states to define eligibility for nationality, the 1954 and 1961 Conventions together constitute the core of the international legal framework relating to statelessness. The 1954 Convention elaborates a protection regime for stateless people, which closely resembles the 1951 Refugee Convention. It establishes an internationally recognized status for stateless persons, according them specific rights, such as access to courts, to identity and travel documents, to employment, to education and to freedom of movement; it sets out a definition of a stateless person, as someone 'who is not considered as a national by any State under the operation of its law'; and it is seen as part of customary international

law. The 1961 Convention creates a framework for avoiding future statelessness, placing an obligation on states to prevent statelessness arising from their nationality laws and practices. Despite low numbers of accessions to this treaty, some of its safeguards–such as granting nationality to foundlings and preventing statelessness when people change their nationality–are applied in non-signatory states.

Many international human rights instruments also contain principles that limit states' discretion over nationality matters. The 1954 and 1961 Conventions are also complemented by standards in regional instruments that recognize the right to nationality, and establish additional obligations for states to prevent statelessness. The most detailed standards relating to nationality have been adopted in Europe, in the 2006 Convention on the Avoidance of Statelessness in Relation to State Succession. Regional human rights bodies in the Americas, Europe and Africa have recently also become more active in highlighting and resolving the plight of stateless people. Despite this universal legal framework, statelessness persists almost everywhere.



UNHCR / G.M.B. AKASH

This baby and her parents were among the many Biharis in Bangladesh whose citizenship was confirmed by a 2008 decision of the High Court.

Causes of statelessness

Statelessness has numerous causes which may often appear to be of a legal or technical nature. However, they often involve discrimination on the basis of gender, race, ethnicity, religion, language, disability or other grounds.

Transfer of sovereignty

People may become stateless when a state ceases to exist and their citizenship is not transferred to the successor state. Following the break-up of the Soviet Union, the former Yugoslavia, and Czechoslovakia in the 1990s, millions of people became stateless; migrants and marginalized ethnic and social groups were particularly affected. Most of these cases have now been resolved, but more than 600,000 people were believed to be stateless throughout the region, most of them in countries of the former Soviet Union. Statelessness arising from state succession has also persisted in Africa, Asia and the Middle East. Most recently, the creation of South Sudan in 2011 illustrated the risk of large-scale statelessness occurring amid the complexities of state succession.

Conflict of nationality laws

Individuals may become stateless due to conflicts in the application of nationality laws by different states. States commonly apply two distinct principles for granting citizenship at the time of birth: *jus soli*, or the law of the soil, and *jus sanguinis*, the law of blood. Many children become stateless when they are born in a country that applies only the *jus sanguinis* principle to parents who come from a country that places limitations on the *jus sanguinis* transmission of nationality in the case of children born abroad. The likelihood of children becoming stateless also increases when one parent is stateless.

Administrative obstacles

People may also become stateless as a result of administrative and practical problems, especially when they are from a particular group that faces official discrimination or onerous bureaucratic procedures. Individuals might be entitled to citizenship but unable to undertake the necessary procedural steps; they may be required to pay excessive fees for civil documentation or required to meet unrealistic deadlines to complete procedures such as registration; or, in disruptive conflict or post-conflict situations, they may find simple administrative procedures difficult to complete.

Ethnic discrimination

People may also become stateless due to discrimination on racial or ethnic grounds. Ethnic minorities may be arbitrarily excluded from citizenship and sometimes this discrimination is enshrined in law. Minorities brought to a country during the colonial period to perform specific types of work have been excluded from citizenship when independent states were formed, such as the formerly stateless Hill Tamils in Sri Lanka and Nubians in

Kenya. Indigenous groups have also been left stateless in some situations, including some hill tribes in Thailand. Nomads whose way of life leads them to move across borders may be labelled foreigners, and not recognized as citizens in any country. Ethnic, racial, religious or linguistic minorities have sometimes been rendered stateless as a result of an arbitrary decision that deprives them of their nationality. Minorities may also face considerable obstacles in obtaining birth certificates or other documents necessary to acquire or confirm citizenship.

Gender discrimination

People may become stateless when citizenship laws do not treat women and men equally. Prior to the adoption of modern human rights instruments, the 'principle of unity of nationality of the family' meant women often automatically lost their nationality upon marriage to a foreigner, and nationality could only be conferred to children by the father. Progress in the elimination of gender discrimination in nationality laws has come from developments in international human rights law, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This guarantees women's equality with men in respect of acquisition, change or retention of their nationality as well as in conferring nationality on their children. A preliminary analysis by UNHCR found that more than 40 countries still discriminated against women with respect to these elements, but there is also a growing trend towards states remedying gender inequality in their citizenship laws, notably in the Middle East and North Africa.

> "Accurate identification of who is stateless [...] is crucial to ensuring that stateless people can exercise their rights until they acquire a nationality."

Resolving statelessness

As awareness grows, more is being done to address statelessness around the globe. The principal methods for responding to situations of statelessness include identification, prevention and reduction of statelessness as well as the protection of stateless persons.

Identifying statelessness

While very few countries have established procedures to determine statelessness, accurate identification of who is stateless – and formal recognition of this – is crucial to ensuring that stateless people can exercise their rights until they acquire a nationality. Baseline data on stateless populations is improving and UNHCR has data on statelessness in 65 countries compared to 30 in 2004. From 2009 to 2011, UNHCR carried out identification activities in 42 countries. By 2010, UNHCR had data that 3.5 million people were stateless

UNHCR / J. RAE

UNHCR / G. CONSTANTINE

▲ **This Crimean woman** was deported to Uzbekistan in 1944. In 1997 she returned to Ukraine and eventually acquired citizenship there.

worldwide. It found the problem to be more pressing in Southeast and Central Asia, the Middle East, Central and Eastern Europe and in certain countries in Africa. Those with the largest number of stateless people for which estimates are available are Estonia, Iraq, Latvia, Myanmar, Nepal, Syria and Thailand. However, UNHCR believes there could be as many as 12 million stateless persons worldwide.

Law reform

Most national action on statelessness in recent years has been in the area of law reform. Both state and non-state parties to the 1961 Convention have shown a clear trend towards bringing their nationality legislation into line with Convention standards–among them are Brazil, Georgia, Iraq, Indonesia, Kenya, Kyrgyzstan, Lithuania, Syria and Vietnam. The Citizenship Law adopted by the Russian Federation in 2002 is an example of good practice; on the basis of simplified naturalization procedures, the law enabled former citizens of the Soviet Union who were stateless to acquire citizenship if they resided permanently on Russian territory on July 1, 2002. They were also exempted from fees. By the time the procedure was discontinued in 2009, more than 600,000 people had received Russian citizenship.

◀ **Stateless refugees from Bhutan** attend class in a refugee camp in Nepal.

Partnerships

An increasing number of actors are working on statelessness. In June 2011, the UN Secretary-General Ban Ki-moon, issued a Guidance Note on preventing and reducing statelessness, which sets out seven principles to guide action by the UN system to address statelessness and makes clear that addressing statelessness is a 'foundational and integral part' of UN efforts to strengthen the rule of law. While UNHCR is the agency mandated to work with governments on issues of statelessness, it relies on cooperation and contributions from other UN agencies, regional organizations and civil society. Through a series of regional events held between 2009 and 2011, UNHCR and partners have sought to raise awareness of the situation of stateless people among states, international and regional organizations and civil society actors, and to promote the exchange of good practices in addressing statelessness. These efforts have led to a number of concrete actions, including a government campaign to register all undocumented people in Turkmenistan–many of whom are stateless. This has resulted in the registration of 20,000 people since 2007.

Positive commitments

International experience during the past two decades shows that many instances of statelessness can be prevented if existing standards are properly applied, and that statelessness must not be seen as an intractable political issue. At the ministerial meeting convened by UNHCR in December 2011 to mark the 50th anniversary of the 1961 Convention, many states made pledges to prevent or reduce statelessness, to recognize the status of stateless people and to accede to the 1954 and 1961 Conventions. Progress will be measured by the implementation of these commitments. ■

Chapter 5

Protecting the Internally Displaced

This chapter reviews progress achieved during the past six years in establishing a broad understanding of what the protection of internally displaced people (IDPs) means in practice, as well as the continuing need for national and international engagement. It begins by outlining how internal displacement has become an international concern, goes on to describe the role of the international community, including in legal and operational protection, and then considers the conditions needed for displacement to end. It concludes with an assessment of future prospects, and offers some directions for future progress.

In recent years, IDPs have emerged as the largest group of people receiving UNHCR's protection and assistance. By 2011, UNHCR was engaged with 14.7 million IDPs in 26 countries, in contexts ranging from the humanitarian emergency, post inter-communal violence and protracted displacement. According to the Norwegian Refugee Council's Internal Displacement Monitoring Centre (IDMC), the largest numbers of conflict-generated IDPs in 2011 were in Colombia, Iraq, the Democratic Republic of the Congo, Somalia and Sudan. Since 2009, the IDMC has also produced global estimates of the number of people displaced by natural disasters, a figure which vastly exceeds the number displaced by conflict.

In 2006, UNHCR assumed lead responsibility for the protection of conflict-generated IDPs within the UN humanitarian system's so-called cluster approach, a mechanism designed to ensure a more predictable and better-coordinated response to the needs of IDPs. It also assumed co-leadership for emergency shelter and camp coordination and management. Despite questions about whether UNHCR had the capacity and resources to fulfil the task, the agency's work with IDPs is now well accepted across the organization and the wider international community.

UNHCR / H. MACLEOD

A camp in northwestern Yemen for civilians displaced by conflict.

An international concern

The situation of IDPs is fundamentally different from that of refugees because they remain within their own country, and the primary responsibility for protecting and assisting them rests with their government–even if the government lacks capacity to do so, or was responsible for their displacement in the first place. Previously, the principle of state sovereignty was enough to silence the international community in response to internal displacement. Following important developments in recent years, the UN General Assembly and other bodies now recognize that the international community has a legitimate interest in IDPs and the protection of their rights. There is also a growing recognition that refugee protection is complemented by IDP protection, and that IDP protection is neither a substitute for asylum nor undermines that institution.

To be displaced is a devastating experience, often resulting in the sudden loss of homes, livelihoods and community ties and requiring durable and sustainable solutions. But each case of internal displacement is unique: the cause of displacement may be armed conflict, violence, human rights abuses or other man-made causes such as development projects or actions to preserve the environment, as well as natural disasters. Displacement may affect only a few families or millions of people. Given this diversity, the response to internal displacement must be comprehensive. Instead of being limited to humanitarian assistance, it should address all aspects of displacement and last as long as needs and problems caused by the displacement itself remain unresolved–irrespective of the cause of displacement and whether IDPs find shelter in camps or outside them, in rural or in urban areas.

A comprehensive response to IDPs requires solidarity on three levels. One dimension of solidarity is required from the host community with the displaced themselves; this is particularly critical for IDPs, in both communities hosting them or those to which they eventually return. A second dimension of solidarity is required of governments with their displaced citizens; the primary responsibility of national authorities to assist and protect IDPs is widely accepted, but situations where national authorities are willing but unable to fully assume their responsibilities call for international solidarity. A third dimension of solidarity is required of the international community with IDPs in need of assistance and protection; situations where the national authorities may be *unwilling* to act,

legitimize or oblige the engagement of the international community to protect and assist the IDPs.

Strengthening protection

In recent years, the international community has worked to strengthen its response to internal displacement and to make it more predictable and reliable. The international community encompasses a wide range of governmental and NGO actors involved in humanitarian assistance and development cooperation, as well as civilians and military personnel involved in peacekeeping or peacebuilding. In times of emergency, humanitarian workers distribute food, truck in water, erect tents and provide medical care. But when physical protection is required, humanitarians quickly reach the limits of their competencies. Physical protection may require the presence of police and even military forces; in recent times, UN peacekeepers have increasingly been mandated to protect civilian populations, and sometimes IDPs–as in Chad, Côte d'Ivoire and Democratic Republic of the Congo. When internal displacement and protection needs do not disappear after the emergency phase, the phasing out of humanitarian assistance requires stepping up recovery and development activities to avoid creating a gap in the protection of the displaced or increasing the chance of protracted displacement.

Recognizing that IDPs often fall between the cracks of the humanitarian response, the former UN Secretary-General Kofi Annan in 2005 triggered an institutional reform process to address the unpredictability of humanitarian responses and the inadequate coordination among humanitarian actors. The reform introduced the cluster approach, a coordination arrangement to address humanitarian emergencies, including the protection cluster to identify and assess protection needs of IDPs and to initiate and coordinate responses. It is led by UNHCR in situations of armed conflict, and where requested in natural disasters. Since then, IDP protection has become an accepted task at the international, regional and national levels. However, experience in protecting IDPs is still limited, stakeholders may not agree about what protection entails in practice and how priorities should be determined, and agencies have tended to determine priorities in light of their mandates and work plans rather than on the basis of assessed needs. In 2011, UNHCR initiated an extensive review of the Global Protection Cluster, and in 2012 it emerged with a new mission statement and strategy to ensure a comprehensive approach to protection.

Legal protection

Internally displaced people are entitled to enjoy all international human rights and humanitarian law guarantees, in addition to legal entitlements they possess in their country as citizens and habitual residents. Over the past decade, significant progress has been made in strengthening the international legal framework, and moving legal protection from soft to hard law. The 1998 UN Guiding Principles on Internal Displacement are widely accepted and have been reaffirmed by regional bodies, and the African Union's Convention for the Protection and Assistance of IDPs in Africa (Kampala Convention) of 2009 goes further to require states parties to incorporate the Convention into their domestic law and adopt national policies or strategies on internal displacement. However, a major protection gap is the absence of opportunities for IDPs to have their rights ensured, implemented or legally enforced at the domestic level. Yet more than 20 countries have adopted laws or strategies that address internal displacement while others are in the process of doing so and still others have provisions in their disaster management legislation which relate to displacement. The growing number of countries with national legislation on internal displacement is a positive and continuing trend.

Domestic courts and human rights bodies at the regional and UN level remain underused in IDP protection, but there are encouraging signs of increased engagement. At the domestic level, the role of Colombia's Constitutional Court stands out since it handed down a landmark decision in 2004 declaring that the disregard of IDPs' fundamental rights was an 'unconstitutional state of affairs' and issued a series of orders aimed at improving the situation of IDPs. Regional human rights courts and bodies–including the Inter-American Court of Human Rights, the European Court of Human Rights and the African Commission on Human and Peoples' Rights–have started to play a more active role in protecting the human rights of IDPs. International criminal courts, such as the International Criminal Tribunal for Former Yugoslavia (ICTY) and the International Criminal Court (ICC), have also started to hold individuals accountable for egregious cases of arbitrary displacement.

Operational protection

Legal protection must be complemented by activities on the ground, during and after humanitarian emergencies, aimed at obtaining full respect for the rights of the individual IDP. Thus humanitarian organizations often distinguish four categories of protection activities relating to IDPs. First, activities to address past, present or future *harm* that contravenes human rights guarantees, including actions aimed at providing security and preventing and stopping violence. A second category of protection activities addresses lack of physical access to goods and essential services such as food, water and sanitation, shelter, health and education. A third category of activities addresses the lack of possibilities for IDPs to exercise their rights. Finally, there is a category of protection activities that addresses discrimination against certain IDPs.

Enabling solutions

Ending displacement is rarely as simple as returning to one's former home or taking the decision to remain and settle where one was displaced. The humanitarian community considers that displacement only ends when former IDPs no longer have displacement-specific needs.

UNHCR / J. BJÖRGVINSSON

▲ **Haitians displaced by the 2010 earthquake** are taken in by a host family.

In 2009, the Inter-Agency Standing Committee adopted a Framework on Durable Solutions for Internally Displaced Persons, which stresses that the process of finding durable solutions can only be effective if IDPs are able to make an informed and voluntary choice about which solution to pursue, and participate in the planning and management of durable solutions. The framework sets out four conditions necessary for IDPs to achieve a durable solution: (i) long-term safety, security and freedom of movement; (ii) an adequate standard of living, including adequate food, water, housing, health care and basic education; (iii) access to employment and livelihoods; and (iv) access to effective mechanisms that restore their housing, land and property or provide them with compensation.

Protracted displacement is often linked to politics. In at least 40 countries, people have lived in internal displacement for more than five, 10 and even 15 years. In many cases they remain socially and economically marginalized, with a standard of living below that of the non-displaced poor, living in harsh conditions and unable to enjoy their human rights, in particular their economic, social and cultural rights. In particular, IDPs endure these conditions in countries that keep them in limbo as part of a policy to encourage their return; yet people who are able to regain control of their lives and become self-sufficient are in a much stronger position to achieve a durable solution, including return. In other cases, protracted displacement is a consequence of the failure of governments and the international community to invest in rebuilding areas destroyed by conflict or natural disasters. Such situations require robust efforts to restore the economic, social and cultural rights of IDPs, and to end their marginalization. Progress of this sort has been made in recent years in a number of countries, but it will have to remain high on the agenda of UNHCR and other humanitarian organizations.

Future prospects

Situations of internal displacement remain very volatile and overall numbers of IDPs remain alarmingly high, but clear opportunities exist for enhancing action on behalf of IDPs and building on positive developments. Continued efforts are needed to reinforce the response of national institutions and international actors, including UNHCR, to internal displacement. The relief-to-development gap needs to be narrowed, and the politics of protracted displacement needs to be overcome. Making perpetrators of arbitrary displacement accountable and providing restorative justice for their victims both deserve more attention. Since most IDPs do not live in camps or collective shelters, governments and the humanitarian community need to be better prepared to identify, assist and protect IDPs living outside camps–including in urban areas–and to support their host communities. Continued solidarity at the community, national and international levels remains critical to addressing all of these challenges. ■

Chapter 6

Displacement and Urbanization

This chapter looks at the challenges of rethinking UNHCR's response to refugees in urban areas. The chapter begins with a description of UNHCR's evolving policy on urban refugees, goes on to outline the particular protection challenges in cities and then describes UNHCR's adapted operations and good practices. It concludes that broader partnerships and adequate funding will be needed to address these challenges.

As the world becomes urbanized, refugees and displaced people increasingly live in cities and towns. It is difficult to know the precise number of refugees, returnees and IDPs who live in urban areas. But these populations are diverse, including single young men, women, children and older people, as well as some highly vulnerable people.

Refugees and displaced people frequently struggle to survive in impoverished and crowded city neighbourhoods, where governments provide few basic services and communities resent their presence. They are often obliged by state policies to remain in camps. In some cities, their presence is accelerating urbanization and transforming the composition of populations.

UNHCR's evolving policy

In 1997, UNHCR formulated its first policy on urban refugees. The policy acknowledged that refugees have a right to freedom of movement under international law, but it implied that flows of refugees to cities were undesirable and reflected the priority of placing refugees in camps. The policy was criticized by advocacy groups, and UNHCR evaluations that found its implementation was inconsistent and its effects were often damaging. From 2003, UNHCR's response to the exodus of Iraqi refugees prompted new thinking that led to the policy on urban refugees.

In 2009, UNHCR adopted a new Policy on Refugee Protection and Solutions in Urban Areas. The policy is rights-based and refugee-respecting, and commits to advocating for the expansion of 'protection space' in cities. The policy emphasizes that UNHCR's mandated responsibilities towards refugees are universal and do not depend on a refugee's place of residence. It also stresses UNHCR's Age, Gender and Diversity policy.

In December 2009, High Commissioner Guterres devoted his annual Dialogue on Protection Challenges to refugees and other people of concern living in urban areas. A key aim was to foster cooperation with new partners, especially municipalities. The High Commissioner also made a commitment to evaluate UNHCR's programmes for refugees in multiple cities, and to progressively implement the new policy worldwide.

Protection risks

Refugees in urban areas face a wide range of protection risks: prohibitions on movement and residence; lack of documentation; threat of arrest and detention; harassment and exploitation; hunger; inadequate shelter; limited access to formal health and education systems; vulnerability to sexual and gender-based violence (SGBV) and to HIV/AIDS; and human smuggling and trafficking.

Documentation

Refugees who lack documentation in urban areas face many protection problems. They struggle to sign a lease, cash a cheque, receive remittances or obtain credit; they also live in fear of state actors and remain vulnerable to arrest, detention, solicitation of bribes and intimidation. Providing them with documents attesting to identity and status can help to prevent or resolve such problems; and where state authorities do not issue identity documentation, UNHCR issues its own identification and status documents. Yet states often impose tight restrictions on movement and residence for refugees, threatening the application of the new policy in some countries.

IDPs walking to a UNHCR supported learning centre in Soacha, Colombia.

Shelter

Refugees and displaced people in urban environments face particular housing and property challenges. Many refugees and IDPs are forced to settle on peripheral land which is unsuitable for residential development, exposed to risks of natural disasters and insecure of tenure. Refugees, IDPs and returnees compete in the low-cost housing market, but they rarely have enough money for a deposit or adequate local references. They are frequently exploited by landlords.

Health

Refugees in many cities face difficulties in obtaining health care, and many refugees suffer post-traumatic stress disorder. Since 2009, UNHCR has developed a

UNHCR/P. SMITH

strategy to improve access to health services for urban refugees and other people of concern. At the same time, some refugees and IDPs in cities may suffer unnoticed from malnutrition without receiving food assistance. In contrast to refugee camps, humanitarian actors in towns and cities often know little about the food security and nutritional status of urban refugees and IDPs.

Livelihoods

Refugees, returnees and IDPs in urban areas have to work to pay for their food and shelter, so they often perceive of protection and livelihoods as intertwined. Most urban refugees survive by working in the informal economy, competing with local people for poorly-paid and hazardous manual labour jobs, or by entrepreneurial vigour. Their ability to work often depends on access to employment opportunities in the formal or informal sector. The right to work is integral to protection and durable solutions. Many humanitarian actors, including UNHCR, attach priority to promoting livelihoods and fostering self-reliance. Advocacy with authorities is an important aspect.

Education

Refugees living in cities have variable access to education, and many refugee children of primary school age do not attend school. In some countries, there is no regulatory framework governing the admission of refugee children to state schools. UNHCR's priority in cities is to channel refugee children into the national education system, prioritizing their basic right to primary education. Since 2009, UNHCR has enhanced its advocacy for refugee children to access local educational institutions, and boosted the capacity of schools where possible. Although it has increased, its budget to support urban education activities remains limited, in particular for secondary and tertiary education.

Gender

Women refugees and displaced people in cities consistently report sexual and gender-based violence (SGBV), as well as harassment and intimidation. In many cities, women appear to find employment more easily than men, typically as household servants. The lack of employment opportunities for men and male adolescents may lead to gender-related violence. In some cases,

refugee women engage in survival sex to support their families. During 2008–2010, men and women refugees consulted in six cities called for more medical care, counselling and legal support to the victims of SGBV.

Adapting operations

Since 2009, UNHCR has begun to recalibrate its operations towards urban areas. It has begun to develop ways to identify vulnerable refugees and IDPs in cities, to support them, and to advocate with governments to recognize their presence and protect their rights. Communicating with refugees in cities is vital, but urban refugees are often preoccupied with daily survival and very mobile, and women may be homebound. In addition, refugees may find it difficult to contact UNHCR, humanitarian agencies or government offices.

> "In some cities there is a widespread belief that newcomers, including refugees, take away jobs from locals. Yet refugees can also have a positive economic impact."

Humanitarian operations in urban areas can be more costly and time-consuming than in refugee camps, and UNHCR and its partners face the new challenge of mobilizing financial resources for refugees in urban areas. The laws and policies of host governments also limit refugees' access to work permits and their ability to meet some of their own needs. Some authorities may prefer to turn a blind eye to the existence of urban refugees.

A refugee woman from Myanmar looks out over rooftops in New Delhi.

Good practices

Recently, UNHCR has made efforts to document successful approaches to meeting the protection and assistance needs of refugees in urban areas. Some evidence of good practice has emerged.

- Engaging with municipal authorities: Since 2009, UNHCR offices in cities that host large populations of refugees and IDPs have worked with many more municipal authorities, particularly in Latin America where major urban centres have signed up to become 'Cities of Solidarity.'

- Advocacy: In Kenya, a strong coalition has emerged, comprising refugee representatives, churches, human rights activists and politicians. It has urged Kenya to work with UNHCR and other UN actors to adopt a rights-based urban refugee policy.

- Documentation: UNHCR has encouraged national authorities to issue documentation to urban refugees in Ghana, Ecuador and elsewhere.

- Involving beneficiaries: UNHCR has actively encouraged the participation of refugees and displaced people living in urban areas in matters which concern them. It has supported community involvement in cities such as Damascus, Syria, Sana'a, Yemen; Cartagena, Colombia; and Kuala Lumpur, Malaysia.

- Using new technologies: In Syria and Jordan, UNHCR successfully used innovatory tools, such as electronic vouchers, cash cards and text messages, to register, assist and communicate with refugees dispersed in urban areas.

- Health care: In Costa Rica, refugees can turn to the national health system for all emergency care, and destitute refugees may register for their costs to be covered by the state.

- Education support: UNHCR encourages the admission of refugee children to local schools in urban areas; it has rehabilitated schools and added classrooms in Damascus, Syria, and Amman, Jordan, to help schools cater for large numbers of Iraqi refugee children.

Impact

Knowledge remains limited about the impact of refugees and displaced people in cities, and the financial implications. There are clearly severe strains on central and local government budgets, but there may also be a tendency to exaggerate these effects. Tension between established city dwellers and newcomers is a global phenomenon, and many attacks on urban refugees and IDPs also go unreported. In some cities there is a widespread belief that newcomers, including refugees, take away jobs from locals. Yet refugees can also have a positive economic impact.

New paradigm

To respond to the protection and assistance needs of refugees living in urban areas, humanitarian agencies, development agencies and host governments will need to work together more closely and more consistently. UNHCR has stressed that the relationship between displacement and urbanization needs a better evidence base from which to develop operational guidance. The implementation of UNHCR's new urban refugee policy is in the early stages, and it will require new partnerships and substantial awareness-raising among host governments, donor governments and other humanitarian actors. UNHCR and other major humanitarian organizations are developing and cataloguing good practices. In many contexts, the availability of funding will be critical. ■

UNHCR / T. BAHAR

Chapter 7

Displacement, Climate Change and Natural Disasters

This chapter examines the international response to the displacement linked to climate change and natural disasters. It begins by describing the displacement challenges linked to the effects of climate change and natural disasters, and then describes a potential normative gap in the protection of people displaced across borders owing to these phenomena. It concludes that protection gaps need to be addressed by the international community, and that solidarity will be tested by the impacts of climate change.

The scale and complexity of human displacement will be increased by climate change, a defining issue of our times. More people are already displaced annually by natural disasters than by conflict, and the long term effects of climate change are expected to trigger large-scale population movements within and across borders. Climate change also accelerates other global trends that create or affect refugees and IDPs such as conflict, urbanization and economic inequality. Displacement generated by climate change and natural disasters will test the capacity of the international humanitarian system.

International concern has grown about the effect of climate change on human mobility. In 2010, the Conference of Parties of the United Nations Conference on Climate Change acknowledged the importance of addressing the movement of people caused by climate change. The International Law Commission is working on a text that might serve as the basis for the development of binding international law on the protection of people in the event of disasters.

As outlined in the Nansen Principles of 2011, UNHCR believes the international community needs to ensure a stronger and better-coordinated response to displacement from sudden-onset disasters and from the effects of climate change. UNHCR's core mandate does not encompass displacement caused by natural disasters and climate change, but UNHCR has a clear interest in such movements of people and an ability to respond to their needs.

Climate change

Environmentally induced migration and displacement could take on unprecedented dimensions; predictions about the potential scale of such movements range from 25 million to one billion by 2050. Different categories of population movement could occur or intensify as a result of climate change:

- People may be displaced by *hydro-meteorological disasters*, such as flooding, hurricanes, typhoons and cyclones, or mudslides. These movements are usually temporary in nature and may cross borders.

- Displacement may be caused by *environmental degradation and slow onset disasters*. These could result in people moving to other regions of their country or to other countries if no options are available for internal relocation, and most likely on a permanent basis.

- In the case of *inundation of small island states* by rising sea levels, the entire population of an island might be forced to move permanently elsewhere.

- Where some areas become uninhabitable because of sudden or slow-onset disasters, *evacuation and relocation* of people to safe areas may be needed. Such movements may be temporary or permanent, depending on conditions in the area of origin.

- Finally, displacement of varying duration may occur when armed conflict and violence are triggered by a *shortage of essential resources* (water, food) due to climate change.

The slow-onset disasters listed above are likely to produce the largest movement of people, but each of the categories poses its own challenges in terms of protection and long-term solutions. People displaced within the borders of their own countries are defined as IDPs, and addressed by the UN Guiding Principles on Internal Displacement. Some people displaced across an international border by armed conflict and violence linked to climate change may fall within UNHCR's mandate or qualify for existing complementary forms of protection. But many who are forced to move outside their countries for reasons linked to climate change or natural disasters fall into a legal gap, as there is no applicable protection framework.

UNHCR / S. PHELPS

At the individual or household level, the effects of climate change will exacerbate existing vulnerabilities to create situations where people judge that it is time to move, either because they cannot survive or because they would be better off elsewhere. The international system currently distinguishes between voluntary movement of people ('migration') and forced movement ('displacement'), but displacement from climate change requires greater nuance. Further, people forced to leave their communities because of extreme weather events or other natural hazards have very clear needs for material assistance, and may have protection needs.

Natural disasters

The number of sudden-onset disasters has increased dramatically in recent decades. According to many experts, this is the result of global warming and a particular effect on rainfall patterns resulting in an increase in hydrometeorological disasters. While 133 natural disasters were recorded in 1980, the number has increased to over 350 per year in recent years. Natural hazards do not in themselves constitute disasters; rather human actions exacerbate the effects of natural phenomena to create disasters. The impact of natural disasters is a function of both the severity of the natural hazard and the capacity of a population to deal with it. The notion of vulnerability is thus key to understanding the impact of natural disasters on communities. Patterns of human settlement affect whether or not a natural hazard constitutes a disaster. Marginal areas in urban settings are likely to be most seriously affected in disasters as the rate of urbanization increases worldwide. Recently, efforts have been made to collect data on the number of people displaced by natural disasters, but only for sudden-onset disasters. There are no systematic data on cross-border displacement caused by disasters.

Protection risks

Evaluations of the response to the 2004 Indian Ocean tsunami increased awareness about the importance of protection in natural disasters. Evaluations highlighted multiple protection risks: increased trafficking of children; sexual and gender-based violence in temporary shelters; reinforced discrimination; the loss of documentation and access to services; and housing, land and property issues. Governments may be reluctant to consider people

▼ **In 2010, Pakistan suffered the worst flooding in a century.** In August 2011, heavy monsoon rains again flooded the country, displacing millions of people.

UNHCR PHOTO

▲ **A boy in the ruins of his home** after it was hit by Cyclone Nargis in Myanmar, in 2008.

driven from their homes by natural disasters as IDPs. The Representative of the UN Secretary-General for the Human Rights of IDPs developed the Operational Guidelines for the Protection of Persons affected by Natural Disasters, which UNHCR helped draft and field-test. The guidelines explain how natural disasters affect human rights, and offer a hierarchy of protection actions to be taken in situations of natural disasters.

UNHCR's engagement

Where UNHCR has an established presence in a disaster-affected country, the agency has frequently offered its support to authorities. A review of 58 natural disasters during 2005–2010 found that UNHCR had an operational involvement in 13 and provided support in another five. The UN has designated UNHCR to take the lead on protection issues in complex emergencies, but no corresponding lead at field level was named for protection in natural disasters. Instead, the UN's three protection agencies–UNHCR, UNICEF and the Office of the High Commissioner for Human Rights–are expected to consult and determine which is best-placed to lead in a specific emergency. In practice, this has led to delays and unpredictability. The High Commissioner has expressed willingness to take on a more predictable role, but it proved difficult to find agreement on the way forward.

A normative gap

People who are displaced across borders owing to natural disasters and the effect of climate change face a potential legal protection gap. The 1951 Convention does not cover people fleeing natural disasters, as law courts around the world and UNHCR have made clear. States frequently grant permission to remain, or a stay of deportation, to people whose country of origin has been struck by a natural disaster or an extreme event. However, a broader international framework providing guidance for the protection of those displaced across national borders for environmental reasons could help states to understand and meet their responsibilities in this area. At present, there is little political support for a new binding international instrument, but UNHCR has indicated that it would be prepared to work with states and other actors to develop a guiding framework or instrument to apply to situations of external displacement outside those covered by the 1951 Convention, and in particular to displacement resulting from climate change and natural disasters.

Solidarity test

While it is difficult to distinguish displacement caused by climate change and displacement resulting from natural disasters, protection gaps clearly exist for people displaced across international borders, whether by sudden-onset natural disasters or by longer-term effects of climate changes. Such gaps will need to be addressed presently, in preparation for possible future increases in displacement movements. National laws and policies will need to be adapted and strengthened and regional and sub-regional norms will need to be developed so that governments can hold one another accountable for their responses to displacement caused by climate change. At the international level, no single institution has responsibility for matters related to climate change; so addressing its effects will require new forms of multilateral cooperation. Climate change is likely to test global solidarity in ways that are radically different from anything experienced before. ■

Chapter 8

State Responsibility and International Solidarity

This chapter considers how international solidarity can help states to meet their responsibilities concerning refugees and contribute to improving their protection and finding lasting solutions to their problems. It begins by describing international solidarity and the impact of refugees on host countries, goes on to describe responsibility sharing practices among states and then describes efforts to strengthen international solidarity. It concludes by restating evolving challenges and the need for responsible states, international cooperation and meaningful solidarity to address them.

The international refugee protection system is founded on national responsibility and states complying with their legal obligations towards refugees and others at risk, on the basis of treaties and customary international law. At the same time, the system depends on international solidarity, the principle by which 'global challenges must be managed in a way that distributes costs and burdens fairly (...)'. Solidarity is important because responsibility for refugees otherwise rests with the host state. Countries most affected by refugee flows regularly appeal for more international support. However, no clear parameters describe how states should help one another with hosting refugees; and the perceived need for solidarity is often driven by the politics and visibility of each crisis.

In the face of protracted refugee situations and new emergencies, High Commissioner for Refugees António Guterres has called for 'a new deal on burden sharing'. The solution to growing tensions in the global refugee regime, he has said, is 'quite simply, more international solidarity'. The 1951 Refugee Convention establishes the scope of state responsibility towards refugees and its preamble explains that national responsibility and international solidarity are mutually reinforcing concepts. A similar approach was articulated in regional instruments for Africa and Latin America, and in the 1998 Guiding Principles on Internal Displacement. Since the Cold War, the dynamics of refugee policy and of international solidarity have been complicated by a divergence of interests between refugees and countries in the developed world which enforced new measures to restrict access by asylum-seekers, and divided discussions in UNHCR's governing Executive Committee along North-South lines.

In 2000, UNHCR launched a series of Global Consultations on International Protection to explore ways to revitalize the international protection regime, which resulted in a far-reaching Agenda for Protection. In 2002, the Convention Plus process produced constructive discussions and framework documents, but did not result in any firm agreements on burden-sharing. In December 2010, participants in the High Commissioner's Dialogue on Protection Challenges endorsed a broad-based notion of responsibility sharing across the full cycle of forced displacement. An Expert Meeting convened by UNHCR in 2011 agreed that strengthened international cooperation is needed, but noted that its meaning and scope required further definition.

Impacts on hosts

Most of the literature on refugees distinguishes between refugee-hosting and donor countries. Host countries tend to be lower and middle-income states in the developing world and shelter the largest numbers of refugees. States which are close to areas in crisis are called upon to host the majority of the world's refugees. At the start of 2011, developing countries hosted 80 per cent of the 10.5 million refugees under UNHCR's mandate. More than half of the 20 countries with most refugees in relation to GDP (Gross Domestic Product) were least-developed countries (LDCs). However, comparing refugee populations from one region of the world to another is not always straightforward. The costs generally fall into three categories: costs to the state administration; costs to the economy, environment and infrastructure; and costs for the host state in terms of its security, social fabric and relationships with other states.

Investigation into refugee-hosting has tended to focus on negative elements, whereas refugees can and do make positive contributions to their host countries and communities, and UNHCR and donors try to ensure that communities derive advantages from hosting refugees. Yet consideration of the impact of hosting refugees rarely extends to developed countries, some of which receive very large numbers of asylum-seekers and grant asylum and offer resettlement on a large scale.

Sharing responsibility

Responsibility sharing is the expression of solidarity in practice. International cooperation to share burdens and responsibilities for refugees has focused on addressing the impacts of refugee hosting, primarily through financial and technical support or through refugee resettlement.

Financial and technical support

Financial support for the costs of protecting and assisting refugees and displaced persons has long been a part of the framework for international cooperation. In recent years, several innovations have been introduced in the funding of humanitarian operations: pooled funding, the UN's Central Emergency Response Fund (CERF) and UNHCR's Global Needs Assessment (GNA). UNHCR's budget reached a record level in 2011, receiving over US$2 billion in voluntary contributions, but this covered less than 60 per cent of needs identified. Further, three-quarters of all contributions received by UNHCR came from just ten donors, and more than half were provided by just four: the United States, Japan, the European Commission and the United Kingdom. In addition, many countries provide technical assistance to help host countries to improve their ability to receive and protect refugees, and to resolve refugee problems. Capacity-building can encompass a wide range of activities, from the development of emergency response capacities to the establishment of national asylum systems to refugee resettlement, integration and community development activities.

Resettlement

Resettlement is another important means by which states can share responsibility with refugee-hosting states–although no legal obligation exists for states to participate in resettlement. Considerable potential remains for resettlement to play a greater role as an instrument of responsibility sharing. A persistent imbalance remains in the global resettlement effort, with around two-thirds of all resettled refugees taken in by the United States and only 10 per cent by countries in Europe. Moreover, UNHCR cannot always count on a positive response to its emergency resettlement appeals, as it discovered in 2011, when it appealed for resettlement places for refugees–mainly Somalis and Eritreans–who had fled the conflict in Libya. Within the European Union (EU), a pilot scheme was set up in 2009 for intra-EU responsibility sharing through the 'relocation' of beneficiaries of international protection from one member state to another, and in 2011 the European Commission suggested that the EU might consider institutionalizing a relocation arrangement.

Other arrangements

Formal agreements to share responsibility for hosting refugees or asylum-seekers can help to avoid unilateral burden shifting and reduce the risk of chain *refoulement* (forced return). Examples include the 2002 agreement between Canada and the United States and the EU's Dublin II Regulation. Finally, there have been periodic discussions about new forms of access to asylum procedures, 'embassy procedures' or 'protected entry procedures' by which asylum seekers and refugees would apply directly from their first country of asylum to enter another potential asylum country.

Strengthening solidarity

Solidarity in the international refugee regime ought to serve as a means to improve the availability and quality of protection. Three principles underpin UNHCR's efforts to promote international cooperation and solidarity. First, international cooperation is a complement to states' respon-

UNHCR / B. ZOMA

UNHCR / G. GORDON

▲ **A Liberian motorcycle taxi driver** gives a lift to an older refugee from Côte d'Ivoire.

sibilities and not a substitute; states cannot devolve their responsibilities to international organizations. Second, the underlying objective of cooperative arrangements must be to enhance refugee protection and prospects for durable solutions. Third, cooperative arrangements must always be guided by the basic principles of humanity and dignity, and aligned with international refugee and human rights law.

In December 2011, UNHCR organized a landmark Ministerial Meeting aimed at strengthening both national responsibility and international solidarity with respect to refugees and stateless people. All UN member states were invited to the meeting: 155 participated and 102 made concrete pledges on a wide range of refugee protection and statelessness issues. A significant number of pledges related directly to improving their national protection responses and many pledges related to durable solutions for refugees–with some 20 countries, particularly in Africa, committed to facilitating local integration for long-staying refugees. The most significant breakthrough related to statelessness, with states parties to the two statelessness conventions rising to 71 and 42 respectively. The consideration of new factors that give rise to displacement provoked lively discussions at the meeting, with several states pledging to work to obtain a better understanding of cross-border movements provoked by factors such as climate change and environmental degradation. In the final communiqué, UN member states pledged to help countries that host large numbers of refugees to meet their needs, while working to promote refugee self-sufficiency. In the years ahead, UNHCR will face the challenge of holding states to their declarations, and ensuring that they are translated into concrete action.

◀ **UN troops deliver water** to villagers in Côte d'Ivoire.

Concluding remarks

As recognized at the Ministerial Meeting in 2011, patterns of forced displacement are constantly changing and the international community's response needs to evolve accordingly, to ensure that protection and assistance are available for all people who are driven from their homes. The primary responsibility rests with states–host countries as well as the countries of origin of refugees and IDPs–who are required to govern in a way that protects the rights of refugees and stateless people on their territories, as well as of their own citizens affected by conflicts and crises. It is the responsibility of the wider international community to demonstrate solidarity by helping states to shoulder these responsibilities in a consistent and effective manner.

Finally, the nature and scale of refugee flows, internal displacement and statelessness puts national and international systems under considerable pressure. The Ministerial Meeting provided a strong international reaffirmation that no government can deal with these problems in isolation. But solidarity is not only a matter for states. Civil society organizations, communities and individuals often make the most meaningful contributions to improving the state of the world's refugees. ■

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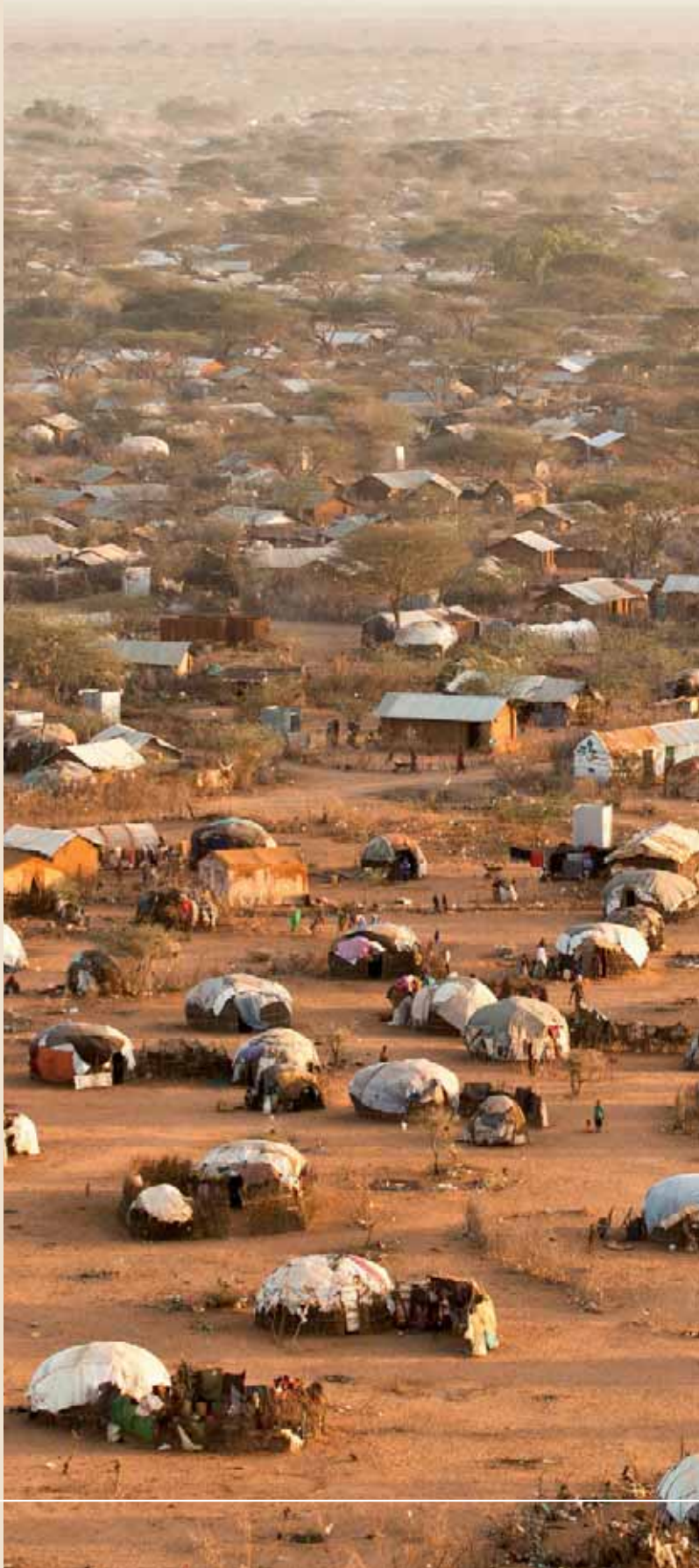
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