

**High Commissioner's Dialogue on Protection Challenges
Protracted Refugee Situations**

Opening Statement of High Commissioner Mr. Antonio Guterres

Geneva 10 December 2008

CHECK AGAINST DELIVERY

Excellencies, ladies and gentlemen,

Let me begin by extending my sincere thanks to you for participating in the second Dialogue on Protection Challenges.

The inaugural Dialogue focused on refugee protection and international migration. There will be a side event tomorrow to look in more detail into its impact, which for UNHCR included the re-examination and additional resourcing of several key operations.

It is my hope that participants will approach this Dialogue, on protracted refugee situations, in the same spirit of equality, informality and openness that characterized last year's discussions.

Ladies and gentlemen,

UNHCR defines protracted situations as those in which refugees have worn that appellation for at least five years.

In the 30 such situations identified by UNHCR, which involve nearly six million refugees not including the Palestinians, the burden of hosting those refugees falls almost exclusively to developing states. It is important to recognize that the international community has not done enough to share that burden.

Sixty years ago today, the UN General Assembly adopted the Universal Declaration of Human Rights. Refugees have been able to avail themselves of article 14 of the Declaration, to seek asylum from persecution in other countries.

But the real promise of the Declaration lies in its guarantees of equality and non-discrimination, of the rights to education and free choice of employment, of freedom of movement within states and the right to leave and return to one's own state. Refugees in protracted situations may be denied these rights for years.

There is no single type of protracted situation. There are refugees in traditional camp settings where the prospect of a durable solution through voluntary repatriation or local integration is meagre or non-existent. There are refugees who are substantially self-reliant but lack a legal basis for the continued stay in their countries of asylum. There are refugees in urban settings who, because of the length of their stay, will find it very difficult to return and reintegrate, particularly in rural areas of their countries of origin.

Urban refugees and the urbanization phenomenon more generally will be a strategic policy priority for UNHCR throughout 2009.

The constructive response of Syria and Jordan to the massive number of Iraqi refugees in those countries suggests that the urbanization of refugees may present opportunities as well as obstacles. I acknowledge, however, that both UNHCR and the international community have still much to learn about providing protection and assistance in urban settings.

UNHCR is presently revising its guidance on urban refugees and next year's Dialogue will be entirely devoted to the issue. More immediately, there will be a side meeting on urban refugees over the lunch period today.

Ladies and gentlemen,

Refugee situations do not start out protracted. When refugees first arrive they are often accompanied by a great deal of international attention and support. As time passes and solutions are not found, international attention and solidarity diminish.

Host countries are left to absorb the impact of often very large numbers of refugees on their own. This would be difficult for any state but is all the more so in the developing world.

Scarce resources such as water and work can become scarcer. Relations with host communities can become strained. Depending on where and how many refugees arrive, national security concerns can be triggered. The environmental recovery of refugee-affected areas can take years.

Refugees in protracted situations are exposed to a range of inter-linked and worsening social ills. As always, women and girls are particularly vulnerable. As time passes and resources become more scarce, physical and sexual violence against them tends to increase.

Protracted refugee situations can also be linked to problems of statelessness. Without adequate measures to document identity, including through birth registration, refugees may become unable to prove such basic facts as place of birth, parentage and previous residence. Over time, lack of proof of identity can lead to statelessness.

The list of challenges is long. What can we do?

First, we need to recognize that protracted refugee situations are a responsibility of the international community as a whole. It is neither realistic nor fair to leave the resolution of a refugee situation to the host states alone.

Only through a concerted effort by the international community, with true burden and responsibility-sharing, can they be resolved. This will require the mobilization of additional resources for community development as well as humanitarian response.

The present financial and economic crisis worldwide may make securing resources more difficult but it does not make it less necessary.

Since the resolution of situations will not come about overnight, governments and the international community need to recognize that the priorities for responding to protracted refugee situations are different from those of emergencies. For instance, secondary education and income generation have a greater importance in protracted situations than in shorter term displacement.

Burden-sharing is not always or exclusively economic. In some situations, it has more to do with joint responsibility for creating appropriate political conditions. This is the case of the Bosnian and Croatian refugees in Serbia.

The countries and most of the people of the region have moved on. The refugees are a legacy of history. With goodwill on all sides and a practical and results-oriented approach to the needs of the refugees, it is possible to ensure that when history is made, vulnerable people are not left behind.

It is appropriate for me here to thank the delegation of Serbia with which I met yesterday. I will be meeting the delegation of Croatia later today. I am very grateful for these opportunities to meet and believe our discussions help move us forward towards solutions.

Second, we need to ensure that the durable solutions approach to protracted situations is comprehensive. This does not mean that all situations will emphasize voluntary repatriation, local integration and resettlement equally. It means that for each situation the appropriateness of all three solutions must be considered. In some cases, a comprehensive response will be a matter of phasing solutions. In others, it may require concurrent deployment of different solutions for different components of the population.

I believe that the effort to find durable solutions for the Burundian refugees in the United Republic of Tanzania testifies to the efficacy of a comprehensive and complementary solutions approach. I am delighted that His Excellency, Prime Minister Mizengo Kayanza Peter Pinda of Tanzania, is here to share the experiences of the Government of Tanzania in respect of this very significant refugee population.

The naturalization and full integration of the majority of the 1972 Burundian refugees represents local integration in its fullest sense. It represents an act of tremendous generosity on the part of the Government and people of Tanzania. It builds upon the self-sufficiency and socio-economic integration the refugees had achieved and their strong desire to remain in Tanzania.

Achieving the conditions favourable to local integration would not have been possible, however, without the massive voluntary repatriation and meaningful third country resettlement put in place for Burundian refugees.

Third, and linked to the question of the complementarity of solutions, is the need to ensure that solutions are fully exploited in their own right.

For voluntary repatriation, this means that returns must be safe and sustainable.

In the massive repatriation of Afghan refugees from Pakistan and Iran, it was not always possible to fully guarantee return in safety and dignity.

Even so, a greater effort is now required to ensure that the key elements of the post-return phase --security, land allocation, education, job opportunities and development-- are achieved. These things depend on good local governance and strong international solidarity.

I do not wish to minimize the difficulty of operating in an environment such as Afghanistan but drawing on the lessons we have learned and the resources available for peacebuilding, we all have to do more. I hope the recent conference in Kabul will act as useful spur to such support.

For resettlement, its pursuit must be strategic. This means the utilization of resettlement in a way that promotes not only the interests of those being resettled but of other refugees, host states and the international protection regime. For resettlement to be key in unlocking protracted situations, it must be conceived and used as a strategic solution as well as a tool of protection.

In order to achieve this the number of places available for referrals by UNHCR, already approximately 100,000 in 2007, needs to continue to grow. And structural impediments have to be re-examined. For instance, refugee definitions that require articulation of a current and ongoing individual fear of persecution, which many refugees in protracted situations are not able to establish.

For local integration, success depends on the international community's capacity to recognize the challenge and share the burden that protracted refugee situations impose on host governments and communities. Just as refugees need to be included in national development plans, local communities must be included in efforts to mobilize external resources for refugees.

Local integration should not be approached on its own but as part of a comprehensive solutions strategy. Through voluntary return and resettlement, it may be possible to reduce the residual number of refugees to a level where communities and governments are more able to consider integrating those who remain.

In some cases, however, local integration will remain impracticable. But even then, international burden-sharing is necessary to allow for self-reliance to be pursued.

In Bangladesh, the prioritized pursuit of voluntary repatriation as the key solution for Rohingyas is being mirrored by the Government's commitment to improve the living conditions of the refugees remaining in the country.

Successful self-reliance programmes are underpinned by sound socio-economic and participatory analyses of local market and other opportunities as well as the skills and needs of refugees and host communities.

The approach of the Government of Sudan to the protracted situation of Eritrean refugees in East Sudan places strong emphasis on achieving detailed and accurate background data. The detailed verification of the refugee population combined with detailed livelihoods and socio-economic studies are being undertaken in preparation for the crafting of a comprehensive --and complementary-- solutions strategy.

Sierra Leonean and Liberian refugees residing in West Africa are, by virtue of their countries of nationality, citizens of the Economic Community of West African States (ECOWAS). They are thus entitled to the benefits of the ECOWAS free movement regime, which includes the rights of residence and work in member states.

Even when the situations in their home countries have changed, many refugees do not wish to return. Recognizing this fact, Governments in the region are facilitating the transition of Sierra Leonean refugees to a secure legal status with ECOWAS rights in anticipation of the coming end of their refugee status.

While not one of the traditional durable solutions, legal migration opportunities can, in some circumstances, present relevant options.

Several countries have offered refugees a choice between this option and naturalization, leaving it to individual refugees to determine which option suits them best. In both cases, UNHCR and other agencies have committed to provide community-based socio-economic assistance to integrating refugees on a multi-year basis.

Finally, if you will permit me, I would like to add a few words on internally displaced persons. Displaced persons are not the focus of this Dialogue but they ought not to be excluded from our discussions either.

Frequently and especially in urban areas, displaced persons and refugees will reside side by side. In protracted situations, they will often suffer the same deprivations -- inadequate shelter, poor health care, limited access to education-- and the same challenges in achieving a sustainable solution.

In situations of rapid urbanization, it may even be difficult to tell the displaced apart from others. They will face many of the same challenges.

As is clear from the Guiding Principles on Internal Displacement, the solutions framework for displaced persons is substantially similar to that for refugees but with some important differences. At present, for example, there are only a handful of modest individual country programs providing third country resettlement. The principal solutions are thus return to one's place of origin or settle voluntarily in another part of the country.

As with refugees, restoration of displaced persons to their full human rights is vital. The embrace of a solution must therefore be free and voluntary and the solution chosen must be sustainable. In the context of displaced persons, this may require a higher order of support for reconciliation efforts than in refugee situations.

A significant development component will be central, possibly integrated into post-conflict reconstruction efforts. We must make fuller use of the Peacebuilding Commission and of common planning and funding tools developed by the UN, such as the Delivering as One initiative.

Ladies and gentlemen,

I have spoken at some length in the hope of doing justice to the complexity of the issue we are gathered to discuss. Discussion and, to the extent possible, a consensus on the way forward, are the point of this Dialogue. Do let me, however, encourage you to be as concrete as possible in recommendations resulting from your deliberations.

In particular, I would be grateful to learn from you whether Contact (or Core) Groups should be established to consider individual protracted refugee situations and whether solutions-focused follow-up workshops would be useful. Your observations on how to promote more active participation by development agencies in the resolution of protracted refugee situations will be especially welcome.

In light of UNHCR's strategic focus on urban refugees in 2009, I would also urge consideration of the interplay of protracted and urban refugee situations and whether a new paradigm is required to respond to them.

Finally, in all your deliberations, I would ask you to be mindful that the unifying purpose of all the solutions we propose is to make good on the guarantees of the now 60 year old Universal Declaration of Human Rights.