

High Commissioner's Dialogue on Protection Challenges

Theme: Protracted Refugee Situations

Chairman's Summary
(11 December 2008)

Excellencies, Distinguished Delegates, Ladies and Gentlemen, Dear Friends,

I am extremely grateful for your contributions. In summing up the discussions, I would like first to make three clarifications after which I will set out what I believe are the three main principles to have emerged from the deliberations and, finally, to provide a few words on the way forward.

Points of clarification

First, these Dialogues are not intended to be decision-making bodies. This is the very reason why they can be so relevant. They allow for a free and open debate and can therefore be very inspiring, not only for UNHCR but also for the Governments represented here today, UN partners, other international organizations, NGOs, the Red Cross and Red Crescent Movement, academics and experts.

The second point relates to why we put forward five situations in my initiative on protracted refugee situations. The five situations were chosen to illustrate a complex and diversified problem in order to provide a more meaningful basis for debate. I can assure you however, that we are totally committed to the resolution of the more than 30 protracted situations existing in the world today. This is of course a joint responsibility of UNHCR and the international community.

The third point relates to the Palestinian situation, which has not been discussed as a central feature of the debate at the Dialogue. We recognize that the Palestinians are the largest number of refugees in a protracted situation. Most Palestinian refugees live in neighbouring countries where there is a sister UN agency, UNRWA, specifically mandated with responsibilities for them. We cooperate fully with UNRWA while respecting our distinct mandates. Not focusing on the Palestinian refugee situation at the Dialogue was not intended to minimize the problem. We fully recognize that this is a dramatic and important protracted refugee situation.

Three principles

Turning to the three broad principles that have emerged from our deliberations, we all recognized that there is no "one-size-fits-all" solution. We need a common approach, but each case requires an objective analysis in order to be able to move forward. We agreed that it is important to create a database of lessons learned and good practices so we can disseminate them and replicate what has worked well, but also so we learn from our mistakes. The United Republic of Tanzania, Canada and Sierra Leone all provided good

practice case studies. There was also broad consensus that while different situations require different actions, without political will there can be no solution to a protracted situation. We heard repeatedly that political will is perhaps the main precondition for durable solutions. UNHCR cannot discharge its mandate to find durable solutions in the absence of such will. Nor can it do so acting alone.

Secondly, participants stressed that international solidarity and burden sharing are essential. There must be full burden and responsibility sharing. These are words we find in many documents and speeches but it is sometimes difficult to translate them into effective action. Attention was drawn to the need for a more empirically-based assessment of what burden and responsibility sharing actually mean in practice. When we look at who is shouldering the burden today, we must acknowledge that it is the host countries. The extreme generosity of refugee-hosting countries is striking: even where resources are limited, they are shared. We must recognize that protracted refugee situations are a collective responsibility of the international community. We must recognize that countries of origin also have a role and a responsibility, not just when voluntary repatriation is possible, but throughout the refugee cycle as well as in the search for solutions.

There are a number of specific situations in which international support is necessary. First and foremost, there is the political and diplomatic dimension of conflict prevention and resolution. There are many opportunities for regional bodies, for example, to prevent and solve refugee problems. We need to take advantage of their potential role. Then there are aspects for which financial support is crucial, for example to make voluntary repatriation both successful and sustainable. It is clear that if self-reliance is to be pursued effectively in refugee-hosting countries, international support is also essential. I think it is also very important to support the host communities. It is an ongoing struggle for UNHCR to promote the understanding needed to secure this support. But it is crucial for protection, as well as for harmony between refugees and their communities. Support for the rehabilitation of refugee-impacted areas is very important. Burden-sharing can also be demonstrated by improving and enhancing resettlement. When countries decide to promote local integration, they need strong support from the international community. Pursued properly, all these expressions of solidarity can help bridge the north-south divide.

Even if burden-sharing is a key element of durable solutions, we should not view refugees solely as a “burden”. Many have made and continue to make important contributions to their societies. Einstein, for example, was a refugee. It is important to recognize the valuable contributions that refugees can make, and to consider them as an asset, not just as a liability or burden.

The third principle is that durable solutions need to be looked at in a comprehensive manner and be pursued in a complementary way. We must make sure that when we craft comprehensive solutions, no one is left out. We cannot leave pockets of residual groups without solutions. We need to ensure everybody enjoys a solution.

Voluntary repatriation was referred to by many as the preferred durable solution. I must say here that it is not only the solution preferred by the international community, but it is the solution preferred by the majority of the refugees themselves. Creating conditions for voluntary repatriation to occur is one of the most complex problems the international community faces. Look at the challenges in making repatriation sustainable: the “relief-to-development gap,” poor local governance and, let me be frank, the dysfunctional approach of the international community. This is why UNHCR needs to play a catalytic role with a range of actors, for example the Peace Building Commission, the international financial institutions, with UN and other early recovery partners, UNDP especially, and through initiatives such as Delivering-as-One, so as to make the international community more functional and more effective in supporting solutions.

We also need to enhance resettlement as a solution. The opportunities for resettlement are still too limited. This being said, more and more countries are beginning to offer resettlement opportunities. We need to ensure that we manage resettlement well so that it does not conflict with but enhances other solutions. We also need to adopt more flexible approaches to bridge the disconnect between the criteria of resettlement countries and the needs of populations in protracted situations. The enhancement of resettlement must be considered a key priority.

Local integration, I appreciate is the most difficult question. I understand the reservations of many host countries regarding local integration. This comes from objective socio-economic conditions on the ground, but also from mistrust and fear of abandonment by the international community. States believe that if they permit local integration, they will be left alone to shoulder the burden. Even so, I think it is important that we do not discard local integration. In many situations where local integration is not formally permitted as an option, it takes place nonetheless, informally. Sometimes an objective approach would be preferable to ignoring realities. If we want local integration to be a durable solution, we need more effective international solidarity. Local integration must be taken up as a collective responsibility. The success of resettlement and voluntary repatriation can make local integration possible for residual groups of refugees, once the majority of the problems have been addressed.

Self reliance is not a solution in itself, but it is an important element in enhancing all solutions. For some countries, where there are large numbers of refugees in areas with limited resources, local integration is simply not an option. But self-reliance should be the way to address the needs of refugees. It is our duty to promote self-reliance, even if such advocacy can be difficult in some circumstances.

Migration cannot be considered as a solution in itself either, but it is important to look into the possibilities offered by the asylum-migration nexus. In last year’s Dialogue we realized that the movement of people is increasingly complex and we therefore need flexible approaches. What must be central is the interest of each individual person. We need to look into the possibilities offered by migration even while recognizing that migration as such does not replace other solutions.

Turning to “care and maintenance,” we need to try to be innovative and find approaches which allow for rights to be fully respected. To be able to deliver protection, a rights-based approach is important. We need to avoid compounding problems, and instead transform them into solutions. We need to respond to the needs of people.

Another area which was often referred to is education. There were strong calls to provide secondary education and vocational training opportunities in protracted refugee situations. We were encouraged to reach out to academic institutions and, for example, exploit distance learning opportunities. Education is one area where UNHCR does not enjoy the requisite expertise in-house. We need other actors to be involved, particularly the academic community.

Another crucial issue linked to durable solutions --and indeed to conflict resolution-- is that of land and property rights. There was a suggestion to look into an institutional approach to this issue. Certainly it is an issue that goes beyond UNHCR’s mandate. This is another area where the international community needs to be engaged, not only to support solutions but also to help resolve inter-community disputes.

In terms of innovative forms of support to refugees that fully respect rights, cash grants may have a helpful role to play. It is normally better to trust people to make their own choices.

The way forward

I would now like to turn to the way forward. One thing is clear. Anything that can be done in relation to the action plans needs to be done in close consultation with the host countries, and also with countries of origin and other stakeholders relevant to process. The message of this Dialogue has been very clear: protracted situations cannot and should not be allowed to fester. Indeed, they must be prevented from happening in the first place.

The Dialogue should not be an isolated event but the beginning of a larger consultative process spurring initiatives.

One might be the creation of “core groups” to address specific situations. These would require the consent of the host States, but could also include other States, NGOs and international organizations to guarantee an approach that is both comprehensive and that shares the burden. We fully endorse the idea.

Another suggestion was to create working groups for local integration and voluntary repatriation, drawing inspiration from the Working Group on Resettlement. These would be permanent, ongoing working groups dedicated to specific durable solutions. We would be pleased to support the establishment of such working groups.

A third suggestion was to develop regional initiatives. We could begin, perhaps, by convening workshops at regional level to translate some of the ideas suggested at this Dialogue into action.

Another suggestion that we endorse is to bring the issue of protracted refugee situations into inter-agency and other fora. I will suggest including protracted refugee situations on the agenda of the UN Inter-Agency Standing Committee and that it becomes part of the work programmes of the Peace Building Commission and Delivering-as-One. UNHCR's relationship with UNDP and with the international financial institutions were also emphasized. This is not an easy task. Effective collaboration is easier to suggest than implement. But we do have some exemplary cooperation, such as that between UNHCR and WFP, and we have a strong commitment to pursue more such effective partnerships..

Another key suggestion was to bring in other actors, such as parliaments, mayors of big cities, the business sector, the media and diaspora communities. We will do our best to ensure that in the follow-up to this Dialogue we will find room for these other actors to play a role. We also need to give particular attention to local NGOs, who often work with protracted refugee situations for long periods of time without sufficient attention.

A final set of recommended activities is inclusion of protracted situations in the agendas and processes of multilateral organizations: such as surveys or peer reviews in the framework of the OECD's Development Assistance Committee, the Human Rights Council and the African Union. These things will depend of course on the decisions of the organizations concerned.

Over the last two days, the Dialogue has once again proven itself to be a valuable forum for discussions on vital questions in the protection landscape. I therefore propose to convene another Dialogue next year, the third in the series, on the subject of urbanization and persons of concern to UNHCR.

In closing this Dialogue, allow me to wish everyone the season's best.