

CHALLENGES FOR PERSONS OF CONCERN TO UNHCR IN URBAN SETTINGS

I. INTRODUCTION

1. According to the latest population data, half of the world's population or some 3.3 billion people live in cities. The number is expected to rise to 5 billion by 2030. Eighty per cent of these urban-dwellers will live in towns and cities of the developing world.¹
2. While there are significant gaps and discrepancies in the data, there may already be over 5 million refugees and twice as many internally displaced persons (IDPs) and returnees in urban areas. Many communities of refugees, returnees, IDPs, and stateless people – described as “persons of concern” to UNHCR – have been in cities for years, even if their presence has not been officially noted, or has been wilfully ignored or officially outlawed.
3. According to projections, it is likely that, over the coming decades, a high percentage of persons of concern will become permanent urban residents, i.e. with no intention of departing or of returning to rural settings. What are the challenges that urban-based persons of concern are already facing? Which of these challenges are likely to intensify in the future? How can States, UNHCR and the broader humanitarian community better respond to protection and humanitarian needs in urban settings?
4. These are some of the questions that the 2009 Dialogue on “Challenges for Persons of Concern in Urban Settings” will address. This document describes the rationale for this year's theme and how UNHCR and partners are already responding to the challenges of protection in urban environments. It sets out the themes for the Dialogue's breakout sessions and points to areas where further action will be needed.²

II. WHY FOCUS ON REFUGEES, RETURNEES, IDPS AND STATELESS PEOPLE IN CITIES?

5. When people think of refugees and IDPs they tend automatically to think of tents and camps. Camps are most often needed (and conceived) as the last resort, offering *temporary measures* to address urgent needs for protection and life-saving assistance.³ The concentration in one location of refugee and IDP populations facilitates protection and service delivery but can also compound vulnerabilities and risks, generate tensions with members of local communities who do not enjoy access to the services provided to camp-dwellers, and may discourage return home even when conditions permit.⁴

¹ UN-HABITAT (2006/07) ‘State of the World's Cities’
<http://www.unhabitat.org/pmss/getPage.asp?page=bookView&book=2101>

² Given the complexity of this year's theme, references are made wherever possible to documents posted on UNHCR's webpage for the Dialogue <http://www.unhcr.org/hc-dialogue> that provide valuable background information on key topics such as: identification and outreach, protection, issues relating to women and children, education, health, shelter and livelihoods.

³ See UNHCR's ‘Handbook for Emergencies’, Third Edition, 1 July 2007
<http://www.unhcr.org/472af2972.pdf>

⁴ Camps may also become cities in their own right (for example Dadaab refugee camp in eastern Kenya, which hosts close to 300,000 Somali refugees), dwarfing local communities and presenting formidable

6. Over time, camp situations can become protracted, a phenomenon which was the focus of the High Commissioner's 2008 Dialogue on Protection Challenges and led to the launch of the Global Action Plan on Protracted Refugee Situations (2009-2011).

7. The traditional focus on camps means that the situation of those who seek refuge in cities - and/or with host communities – is often largely ignored.⁵ There is little research and few evaluations of urban-based displaced populations. A number of States have also set in place strict encampment policies, which deny freedom of movement; condition the recognition of status and rights on residence in camps; create new protection risks; and exacerbate dependence on international assistance by seriously curtailing livelihood opportunities.

8. UNHCR has had a great deal of experience in engaging with refugees in urban settings. Its first effort to define a global policy regarding urban-based refugees was contained in a 1997 policy statement on “urban refugees” – a policy which took a fairly limited view of the nature of the protection, assistance and solutions that could be made available to urban refugees. UNHCR's new policy on refugee protection and durable solutions in urban settings,⁶ informed by recent experiences including with Iraqi refugees, remedies this deficiency.⁷ The new policy, which focuses on refugees and not IDPs:

- Emphasizes that UNHCR's mandated responsibilities to refugees are not affected by their locations: cities and towns are legitimate places for refugees to reside in and to enjoy their rights. (The same can be said about other populations of concern.);
- Affirms UNHCR's commitment to advocate for the expansion of “protection space”⁸ for urban refugees so that internationally recognized rights may be respected and their needs met; and
- Asserts UNHCR's commitment to ensuring that urban programmes are based on the principles of age, gender and diversity mainstreaming (AGDM), acknowledging that the different groups found within any refugee population have varying needs, vulnerabilities, capacities and interests which need to be taken into account.

9. UNHCR has not yet formally “costed” implementation of the new urban refugee policy. A number of UNHCR offices, however, have included initiatives for urban-based populations in their Global Needs Assessment budgets for 2010. Section V describes areas for further action regarding implementation of the new urban refugee policy.

challenges in the areas of planning, provision of potable water and sanitation facilities, waste disposal, and management of fire hazards. (The urbanisation of camp settings will not be explored during the Dialogue.)

⁵ For example “*ICRC calls for more action to help internally displaced people outside camps*”, ICRC News Release No. 09/223, 12 November 2009

⁶ UNHCR Policy on Refugee Protection and Solutions in Urban Areas, September 2009, UNHCR, <http://www.unhcr.org/4ab356ab6.pdf>

⁷ Cities Alliance and UNHCR (2009) ‘Scoping Study on Urban Displacement’, draft discussion paper prepared by Tim Morris.

⁸ For a description of what seeking protection space for Iraqi refugees has meant in the Middle East see Crisp et al. (2009) ‘Surviving in the City’, pages 13 – 19 <http://www.unhcr.org/4a69ad639.pdf>

10. In its role as “Protection Cluster” lead for IDPs, UNHCR acknowledges the need to deepen analysis, systematize experiences, and improve responses, including access to solutions, for urban-based IDP populations.⁹ As part of its evolving responsibilities for IDPs, UNHCR will also explore whether an analogous policy statement for urban-based IDPs is needed.

11. As the process of urbanization intensifies, the plight of refugees, IDPs and other persons of concern must be treated more holistically than simply as a ‘humanitarian issue’. Municipal administrations will themselves become front-line actors, and will require the strong support of national and international actors and the wider engagement of the development community. At the same time, the humanitarian community will need to re-visit long-standing “camp” and “rural” paradigms, as well as the many practices and tools developed with camp-based populations in mind.

III. ENGAGEMENT WITH PARTNERS

12. The 2009 Dialogue on Protection Challenges should enable States, mayors and representatives of municipal authorities, UN agencies, intergovernmental organizations, NGOs, academics and individual experts to share their experiences and insights on the specific challenges of assisting and protecting persons of concern in urban settings, as well as good practices in meeting those challenges, and next steps in filling gaps in information, partnerships, operational responses and tools.

13. There is some evidence of recognition of the need for more holistic approaches to meeting urban displacement challenges. An early example is the 2004 Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America,¹⁰ which is the only regional framework to recognize the growing imperative to protect refugees in cities. The Plan of Action’s “*Solidarity Cities*” Programme for Self-Sufficiency and Local Integration is directed at broadly based protection strategies, which encompass effective enjoyment of social, economic and cultural rights and observance of the obligations of refugees. The programme aims at facilitating the implementation of public policies, within an integrated social strategy, with the technical cooperation of United Nations and civil society organizations, and the financial support of the international community, in order to integrate refugees in urban centres in Latin America.

14. In preparing for the Dialogue, UNHCR has engaged extensively with a range of organizations. Preparations have included:

- The very useful preliminary exchange of views on displacement in urban settings during this year’s Annual UNHCR-NGO Consultations (June 2009). The Dialogue will receive an oral report on the NGO Consultations during the opening session of the Dialogue on 9 December 2009.

⁹ Lytinen, E. (2009) ‘A tale of three cities: internal displacement, urbanization and humanitarian action in Abidjan, Khartoum and Mogadishu’ New Issues in Refugee Research, Research Paper No. 173, March 2009, UNHCR, <http://www.unhcr.org/4a1d33e96.html> and Fielden, A. (2008) ‘Ignored Displaced Persons: the plight of IDPs in urban areas’ New Issues in Refugee Research, Research Paper No. 161, July 2008, UNHCR, <http://www.unhcr.org/487b4c6c2.html>

¹⁰ 16 November 2004 <http://www.unhcr.org/refworld/pdfid/424bf6914.pdf>

- A review of UNHCR’s operations for Iraqi refugees in Aleppo, Amman, Beirut and Damascus (August 2009).¹¹ This review provided helpful insights into how UNHCR has promoted ‘protection space’ for Iraqi refugees and devised innovative techniques to provide protection, assistance and easier access to resettlement.
- Cooperation with the Cities Alliance in preparation of a study to better understand the scale, scope, consequences and policy implications of urban displacement as well as to explore possible areas of cooperation with the Alliance on urban displacement (January to November 2009). The findings will be considered by the Cities Alliance at its forthcoming Annual Meeting in Mumbai (2010).
- A preparatory meeting in Ottawa with the World Association of Major Metropolises (Metropolis) (October 2009).
- UNHCR’s active engagement in an Inter-Agency Standing Committee (IASC) Task Force on Meeting Humanitarian Challenges in Urban Areas, chaired by UN-HABITAT; which presented a preliminary report in November 2009¹² (March-November 2009). The Task Force revealed that participating agencies – UNHCR and other UN agencies, intergovernmental organizations and NGOs – have very different levels of engagement in urban areas, understanding of the challenges, and practical experience and tools. The Task Force did not benefit from the insight of grass-roots practitioners, but this will be actively sought during the coming period.
- Issuance of a new UNHCR policy on refugee protection and durable solutions in urban settings (September 2009).
- Brainstorming sessions on basic shelter needs and services in urban settings as part of the “Shelter Cluster” meeting held in Geneva in November 2009.
- A workshop held in Nairobi in November 2009 involving more than 20 NGOs, aimed at improving outreach capacity in an urban environment using the Heightened Risk Identification Tool
- A discussion on challenges for refugees and other persons of concern in the framework of the Club of The Hague meeting sponsored by The Hague Process on Refugees and Migration (November 2009)

15. The themes for the breakout sessions are based on the findings and recommendations of this preparatory work.

IV. THEMES FOR BREAKOUT SESSIONS

16. Preparations for the High Commissioner’s Dialogue have highlighted a number of *key findings* to help inform discussions in the breakout sessions:

- Exceptionally high rates of urbanization in countries affected by conflict do not necessarily diminish when conflict ends.
- The long-held assumption that successful reintegration of former refugees or IDPs depends on “anchoring” or “re-rooting” these populations in their former places of

¹¹ Crisp et al, op cit.

¹² Inter-Agency Standing Committee (2009) ‘Initial Strategy Paper. Meeting Humanitarian Challenges in Urban Areas’, November 2009, <http://www.unhcr.org/4b011dc19.html>

origin can be at odds with the reality, i.e. that many prefer urban locations because they lack the inclination or skills to farm and have lived in urban environments while in exile, in some cases for decades.

- Cities (even those with limited infrastructure and services) can house large numbers of refugees and other persons of concern who remain unnoticed, as most individuals and families seek to keep a “low profile”, often avoiding (or being overlooked by) enumeration and registration exercises.
- Cities provide opportunities for work, education and building a better future, but also present a range of protection risks and challenges. (These are explored in more detail below, according to theme).
- Urban-based refugee and IDP populations are often forced to live in marginal parts of cities (e.g. slums and shanty towns) that are ill-serviced, often rife with violence, and inherently vulnerable to natural hazards, yet urban planning and disaster-risk and poverty-reduction strategies rarely take them into account.
- Limited access to livelihood opportunities exacerbates problems of child labour, economic and sexual exploitation, marginalization of persons with disabilities and the elderly and other threats to personal security. Livelihoods empower men and women of all ages and abilities to prepare for and accelerate the achievement of durable solutions.
- The assistance provided to urban-based refugees (as well as IDPs) is *ad hoc* and almost invariably inadequate, unless more holistic strategies, approaches and creative partnerships are introduced.

17. UNHCR proposes that all breakout sessions centre their deliberations on the following broad themes:

- a. Identifying populations of concern in urban settings and responding to vulnerabilities and risks
- b. Securing or enlarging ‘protection space’ in urban settings
- c. Livelihoods, access to education and self-reliance
- d. Challenges for municipalities and authorities

18. In all breakout sessions, participants will be asked to consider a number of cross-cutting themes, i.e.: diversity and vulnerability in urban settings; international solidarity and burden sharing; international support for grass-roots initiatives; engaging with local communities; and innovative partnerships.

19. Traditionally, the majority of refugees and displaced people in urban areas were thought to be young men who had the drive and determination to survive in the city. It has now become clear, however, that these populations are more diverse than was previously thought, and include significant numbers of women, girls, boys and elderly people, all of whom have specific needs. Such diversity must be taken into full account when planning humanitarian protection and assistance interventions, as well as in poverty reduction strategies.

20. Disaster risk is sharply increased by rapid urbanisation. Eight out of the world's ten most populous cities are located in areas at high risk of earthquakes, and six are located on coastal areas that are prone to cyclones, sea level rise or tsunamis. A billion people live in unstable and overcrowded slums. Women and youth are considered to be at a greater risk and highly vulnerable during a crisis.

21. Further questions for consideration by the breakout sessions could include:

- What practices have proved effective in addressing diversity and vulnerability in urban settings?
- While international solidarity and burden-sharing are key ingredients of a more effective response, how can international support be enlisted for grass roots, bottom-up initiatives?
- Which techniques have proved effective for engaging with local communities?
- How can populations of concern in urban settings be considered in disaster risk reduction strategies?

A. Identifying populations of concern in urban settings and responding to vulnerabilities and risks

22. Displacement in or to urban areas compounds the difficulty of identifying populations in need, especially the most vulnerable. These groups are often scattered in urban areas among host families or within neighbourhoods and communities, and may wish to remain unidentified for a range of reasons, including fear of discrimination, harassment, detention and forced eviction.

23. Planning and implementing relief programmes is partly based on registration data. Without purposeful community outreach efforts, it is very difficult to obtain this data, particularly in inaccessible and ill-served slums. Some innovative ways to reach out to urban populations include telephone messaging, use of Internet, surveys, in addition to more traditional means such as local media, informal communication networks, and community organizations.

24. The following questions may be useful to consider:

- What innovative techniques could be used to identify and profile individuals, families and communities in cities?
- Can innovative techniques, such as telephone messaging, internet and surveys used to reach out to Iraqi refugees, be employed in other urban settings? What additional techniques can be used?
- What insights and lessons can be drawn regarding registration and documentation of populations of concern to UNHCR in urban settings?

B. Securing “protection space” in urban settings

25. In a number of operations, UNHCR has been exploring the notion of “protection space”.¹³ It is not a legal concept and has no formal or agreed definition. Protection space can be understood as “an environment which enables the delivery of protection activities and within which the prospect of providing protection is optimized.”

¹³ Crisp et al. (2009) ‘Surviving in the City’, pages 13 – 19 <http://www.unhcr.org/4a69ad639.pdf>

26. Building on this conceptualization, the Iraq Review defines protection space to mean the extent to which there is a conducive environment for the internationally recognized rights of refugees to be respected and upheld. The protection space that exists in any given situation is determined by a number of different variables, including:

- the attitudes and perceptions of the authorities with regard to refugees
- the policies and practices pursued by the State in relation to refugee rights
- the attitudes, perceptions and actions of the host population (or segments of that population) and civil society with regard to refugees
- the extent to which UNHCR is willing and able to act in accordance with its mandate for refugee protection and solutions
- the extent to which refugees themselves feel protected and respect the obligations that are placed upon them by virtue of their status
- the extent to which UNHCR and other humanitarian actors are able to function and to deliver services to refugees.

27. The protection of refugees and IDPs and the recognition and defense of their human rights is a major challenge in urban areas. Urban authorities are often unable or unwilling to respond effectively to rapid influxes or to assist new arrivals. Refugees in particular are often confronted with xenophobia, discrimination, hazardous employment, detention, lack of legal status, and absence of documentation. In their struggle to survive, they may fall prey to criminal gangs, human smugglers and traffickers, be subjected to sexual abuse, and adopt negative coping mechanisms such as prostitution. Because of their vulnerability, refugees and displaced people who have moved to urban areas may prefer to remain 'invisible' and will not report the abuses that they experience to the police or municipal authorities.

28. However some challenges can be more acute in urban areas. Vulnerability in urban areas is higher and is determined by specific factors such as legal or social status; registered versus un-registered (e.g. unofficial, invisible) population; and economic or personal characteristics (e.g. gender and age, status, proximity to violent areas etc.).

29. There are a range of factors in urban areas that can lead to violence and have protection consequences: the proximity to armed groups, gangs or other arms-bearers within the densely populated areas of the city, stigmatization of part of the population living in areas under the control of gangs or armed groups and consequential difficulties in accessing services. When an armed conflict takes place in densely populated areas the use of heavy weaponry (e.g. artillery, air strikes) often results in high numbers of civilian casualties and the destruction of vital infrastructure.

30. The women, young girls, boys and children who often make up the majority of those displaced are especially vulnerable.¹⁴ They may not be able to access whatever services are available safely. Those separated from their families in urban areas are at increased risk of

¹⁴ For more detailed information on the protection concerns of women and children see Eileen Pittaway (2009) 'Making Mainstreaming a Reality – Gender and the UNHCR Policy on Refugee Protection and Solutions in Urban Areas: A Refugee Perspective', University of New South Wales Centre for Refugee Research; and Women's Refugee Commission (2009) 'Building Livelihoods. A Field Manual for Practitioners in Humanitarian Settings', <http://www.unhcr.org/4af181066.htm>

abuse. Their property may be seized or occupied and they may be subjected to forced return. The legal and institutional support systems intended to protect them may be weak or non-existent.

31. In the case of IDPs, a recent analysis in Abidjan, Khartoum and Mogadishu advocates for a community-based approach, as the displaced typically live among other members of the urban poor and have similar needs. This diminishes the potential for tension and conflict with other city dwellers.

32. The breakout sessions may wish to consider the following questions:

- What techniques have proved effective to secure the enjoyment of fundamental rights?
- How can the specific protection needs of women and children be met?
- How can access to assistance and services be promoted effectively?
- What techniques can be used to foster a positive environment?
- How can humanitarian partners collaborate to combat predatory/discriminatory practices in employment, housing, and day-to-day treatment?
- What measures have proved effective in combatting arbitrary detention?
- How can persons of concern secure access to administrative support/justice?

C. Livelihoods, access to essential services, education, and self-reliance

33. Urban-based refugees and other persons of concern are often confronted with a wide range of legal, financial, cultural and linguistic barriers in their efforts to establish sustainable livelihoods. In many cases, they have little alternative but to join the ‘informal sectors’ of the economy, where they find themselves competing with large numbers of poor local people for jobs that are hazardous and poorly paid. The term “informal economy” is often used to refer to situations of employment which are not legal *per se*, but which are *de facto* tolerated by the authorities. In some cases, employers may actually choose to engage refugees rather than nationals, but only because they are less likely to complain or seek redress if they are treated unfairly.¹⁵

34. To the extent possible, in respect of national laws and in close cooperation with the authorities, the efforts of urban refugees and IDPs to become self-reliant, both by means of employment or self-employment, should be supported. In pursuit of that objective, UNHCR seeks to explore close partnerships with the authorities, development agencies, micro-finance organizations, banks, the private sector and civil society institutions, especially those that have experience in the area of livelihoods and a good knowledge of applicable labour regulations, local market constraints and opportunities.

¹⁵ See “UNHCR Policy on Refugee Protection and Solutions in Urban Areas” (2009), page 16, <http://www.unhcr.org/4ab356ab6.pdf>

35. The breakout sessions may wish to consider the following questions:

- How can humanitarian actors build the income-generating capacity of persons of concern and enhance their skills while promoting greater resilience?
- What are the links between initiatives to support livelihoods/self-reliance, basic services and durable solutions, and how do we reinforce those links?
- How can States ensure greater self-reliance in a manner compatible with their legal frameworks and in harmony with the needs of the local population?

D. Challenges for municipalities and authorities

36. Owing to the range of relevant urban authorities and civil society actors, delivering protection to the affected population entails understanding the structure of municipalities and bringing together this diverse group of interlocutors. Urban entities such as urban planning authorities, police, statistics departments, community organizations, justice departments and other sector-specific actors in national and local government (health, education, social welfare) and the displaced populations themselves are an important resource base when it comes to building the necessary partnerships.

37. The breakout sessions may wish to consider the following questions:

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| <ul style="list-style-type: none">• How can mayors and local authorities better engage with humanitarian actors and the urban displaced on issues affecting urban planning?• As cities increasingly become theatres for humanitarian emergencies, how can the links between mayors and municipal authorities and humanitarian organizations be strengthened?• How can associations of towns and cities be sensitized to take up displacement-related issues in their own forums?• What examples are there of innovative partnerships in cities and urban settings of responding to influxes of refugees/IDPs in the short, medium and/longer terms?• What are the essential elements of an urban policy that integrates slum-dwellers and refugees/IDPs alike? |
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IV. AREAS FOR FURTHER ACTION

38. UNHCR recognizes that the Dialogue is only the beginning of efforts to promote a more acceptable situation for urban based-populations of concern.

39. Looking beyond the Dialogue, participants may wish to identify key areas for follow-up when it comes to advocacy and tools for further enhancing programming and partnership.

Advocacy:

- Recognition that cities or urban environments are a legitimate place for delivering assistance and protection services. Camps are not, alone, a solution
- From the Roundtable of Mayors (8 December 2009), to set in train continued reflection on this topic in forums bringing together mayors and municipal authorities (e.g. Cities Alliance, Metropolis, United Cities and Local Governments, The Hague Process 'Big Cities Initiative', etc.)

Tools:

- Stock-taking of available tools (i.e. guidelines, handbooks, etc.)
- Draft new tools as needed by community and grass roots organizations, as well as local authorities

Programming:

- Discussion of the new urban refugee policy
- UNHCR to request a number of offices in key cities to sit down with local partners (Government, NGOs, populations of concern and other stakeholders) in order to determine how best to give life to the new policy in terms of partnerships, programming, tools and funding, including underpinning this with targeted funding for needs identified by the Global Needs Assessment in key urban locations
- Document and share good practices in urban settings

Partnerships:

- Enhancing or establishing new partnerships between municipal and local authorities and humanitarian organizations.
- Analysing the implications of the new urban refugee policy, and the presence of refugees, IDPs and others of concern to UNHCR in cities. (This has already begun within the framework of the Inter-Agency Standing Committee, under the leadership of UN-HABITAT)
- Mainstreaming the issue into the priorities and programmes of partner organizations and those bringing together Mayors and municipal authorities.

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