

CHAPTER

21

**United Nations High  
Commissioner for  
Refugees**



**UNHCR**  
The UN Refugee Agency



## United Nations High Commissioner for Refugees

The role and functions of the Office of the United Nations High Commissioner for Refugees (UNHCR)<sup>1</sup> are set forth in the UNHCR Statute<sup>2</sup> and have been further elaborated in resolutions of the UN General Assembly. The mandate under its Statute is to provide international protection, assistance and durable solutions for refugees.

Through a series of resolutions beginning in 1994, the UN General Assembly also conferred upon UNHCR the formal mandate to prevent and reduce statelessness around the world, as well as to protect the rights of stateless people. The Office has also been requested by the General Assembly to promote the 1954 and 1961 statelessness conventions<sup>3</sup>, and to help prevent statelessness by providing to States technical and advisory services on nationality legislation and practice. Finally, the United Nations has explicitly extended UNHCR's field of action to the protection of internally displaced persons (in collaboration with other agencies) under certain circumstances.

### 1. Migration and development activities since the 2006 High-level Dialogue

UNHCR was actively engaged in the 2006 HLD on International Migration and Development, drawing attention to the linkages between forced migration and development. Since 2006 UNHCR has been increasingly engaged in regional and global policy discussions on the interface between forced displacement and international migration with the aim of encouraging States to develop comprehensive and “protection-sensitive” asylum and migration strategies. This has been accompanied by operational initiatives at the national, regional and global levels to encourage implementation on the ground.

These actions have been prompted by the increased complexity of human mobility and the intersection of refugee and migratory movements in a number of different ways. UNHCR's engagement is also based on the fact that international migration may create challenges for persons of concern, but that migration can also offer opportunities.<sup>4</sup> In turn, UNHCR strongly believes that strengthening the protection dimensions of migration strategies will contribute to sustainable human development, including for persons of concern to the Office.

<sup>1</sup> The Office of the UNHCR was established on 14 December 1950 by UN General Assembly Resolution 428, which mandated the Office to lead and coordinate international efforts to protect refugees and resolve refugee problems worldwide.

<sup>2</sup> See: General Assembly Resolution 428 (V) of 14 December 1950, available at [www.unhcr.org/3b66c39e1.html](http://www.unhcr.org/3b66c39e1.html).

<sup>3</sup> UNHCR, “Refugee Protection and Durable Solutions in the Context of International Migration” (UNHCR/DPC/2007/Doc.02, 19 November 2007), discussion paper, available at [www.unhcr.org/refworld/docid/3ae6b3840.html](http://www.unhcr.org/refworld/docid/3ae6b3840.html). and the 1961 Convention on the Reduction of Statelessness [www.unhcr.org/3bbb286d8.html](http://www.unhcr.org/3bbb286d8.html).

<sup>4</sup> UNHCR, “Refugee Protection and Durable Solutions in the Context of International Migration” (UNHCR/DPC/2007/Doc.02, 19 November 2007), discussion paper, available at [www.unhcr.org/refworld/docid/4745a64f2.html](http://www.unhcr.org/refworld/docid/4745a64f2.html).

Building on the outcomes of the 2006 HLD, the High Commissioner for Refugees convened his first Dialogue on Protection Challenges in December 2007, entitled “Refugee Protection, Durable Solutions and International Migration.”<sup>5</sup>

This Dialogue was among the first international forums to affirm that there are protection gaps or grey areas affecting those involved in mixed movements.<sup>6</sup> This especially relates to migrants deemed to be “irregular” by authorities, and who fall outside the international refugee protection framework, but nevertheless need humanitarian assistance and/or different kinds of protection. There are strong calls to uphold the rights and protect the welfare of people who are moving for reasons unrelated to refugee status, but who become vulnerable to abuse and exploitation, both in the course of their journey and following arrival in destination countries. No single agency has the capacity or mandate to address the complex issue of mixed migration alone. However, the solution lies not in redesigning mandates, but rather in forging more effective partnership mechanisms.<sup>7</sup>

UNHCR’s key objective since 2006 has therefore been to assist States in developing comprehensive and “protection-sensitive” asylum and migration strategies. This refers to strategies that are:

- (a) *Comprehensive and collaborative*. Effective asylum and migration strategies incorporate activities in countries of transit and destination, based on a foundation of cooperation and burden-sharing between interested States and other stakeholders; and
- (b) *Mindful of the protection needs of all persons*. UNHCR has underlined the importance of a rights-based approach to migration management, which upholds the rights and protects the welfare of all people irrespective of their status. In particular, UNHCR has encouraged States to recognize and properly handle people with specific needs, including asylum-seekers, refugees, trafficked persons, unaccompanied and separated children and other groups travelling as part of mixed movements.

UNHCR’s key tool to assist States in operationalizing “protection-sensitive” migration strategies, the *10-Point Plan of Action on Refugee Protection and International Migration* (or, simply, the 10-Point Plan), was issued in 2007 as a contribution to the follow-up on the first HLD on Migration and Development.<sup>8</sup> The 10-Point Plan

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<sup>5</sup> UNHCR, “High Commissioner’s Dialogue on Protection Challenges, 2007 – Refugee Protection, Durable Solutions and International Migration,” webpage containing documents from the dialogue, accessible at [www.unhcr.org/pages/4a12a6286.html](http://www.unhcr.org/pages/4a12a6286.html).

<sup>6</sup> “Mixed movements” (also sometimes referred to as “mixed migration”) involve individuals or groups of persons travelling generally in an irregular manner along similar routes and using similar means of travel, but for different reasons. They may affect a number of different countries along particular travel routes.

<sup>7</sup> UNHCR, “Refugee Protection, Durable Solutions and International Migration, Chairman’s Summary,” (PDES/2008/02, 11–12 December 2007), available from [www.unhcr.org/476146702.html](http://www.unhcr.org/476146702.html).

<sup>8</sup> UNHCR, “Refugee Protection and Mixed Migration: A 10-Point Plan of Action,” Revision 1 (January 2007), available from [www.unhcr.org/refworld/docid/45b0c09b2.html](http://www.unhcr.org/refworld/docid/45b0c09b2.html).

framework and methodology have formed the basis for the development of integrated regional refugee protection and migration strategies. Between 2008 and 2011, UNHCR organized, inter alia, a series of regional stakeholder conferences, together with IOM and other partners.<sup>9</sup> These conferences placed the interface between refugee protection and international migration on State political agendas and, often for the first time, provided a platform for dialogue between stakeholders at the regional level.

The conferences have led to a number of follow-up processes to implement their recommendations, including the institutionalization of cooperation between stakeholders to address the challenges of mixed movements.<sup>10</sup> A compilation of practical examples issued in 2011, entitled “Refugee Protection and Mixed Migration: The 10-Point Plan in Action” highlights a range of effective practices developed across each of the areas of the 10-Point Plan in various countries and regions.<sup>11</sup> These processes have also led to the mainstreaming of refugee protection considerations into various existing fora, such as the Puebla Process in the Americas.<sup>12</sup>

Since 2006 UNHCR’s policy development and evaluation service has had a specific emphasis on mixed movements and the migration–development nexus. In that context, the Office has undertaken reviews of its role in mixed movement situations in Italy, Morocco and Spain, as well as in Eastern and Southern Africa.<sup>13</sup> UNHCR has also published a wide range of research papers on thematic and country-level issues related to migration and development.<sup>14</sup>

UNHCR has issued a number of important doctrinal positions and policy recommendations on the interface between refugee protection and international migration.<sup>15</sup> Asylum and migration issues are an integral part of UNHCR’s daily

<sup>9</sup> UNHCR, “Regional Conferences on Refugee Protection and International Migration in Central America, Western Africa, Eastern Africa and Asia – Selected Conference Materials” (June 2011), available from [www.unhcr.org/refworld/docid/4e0d6be02.html](http://www.unhcr.org/refworld/docid/4e0d6be02.html).

<sup>10</sup> For example, the Mixed Migration Task Force in Yemen, following the conference in Yemen in 2008; a Dar es Salaam Action Plan following the conference in Tanzania in 2010; and the Almaty Declaration following the conference in Kazakhstan in 2010. See further: UNHCR, “Regional Conferences on Refugee Protection and International Migration in Central America, Western Africa, Eastern Africa and Asia – Selected Conference Materials,” June 2011, available from [www.unhcr.org/refworld/docid/4e0d6be02.html](http://www.unhcr.org/refworld/docid/4e0d6be02.html).

<sup>11</sup> UNHCR, “Refugee Protection and Mixed Migration: The 10-Point Plan in Action” (February 2011), available from [www.unhcr.org/refworld/docid/4d9430ea2.html](http://www.unhcr.org/refworld/docid/4d9430ea2.html).

<sup>12</sup> See further: UNHCR, “Regional Conference on Migration (Puebla Process): Raising Awareness on Providing International Protection to Refugees within Mixed Migratory Flows,” Chapter 1: “Cooperation among Key Partners,” in “Refugee Protection and Mixed Migration: The 10-Point Plan in Action” (February 2011), available from [www.unhcr.org/refworld/docid/4d9430ea2.html](http://www.unhcr.org/refworld/docid/4d9430ea2.html), pages 29-30.

<sup>13</sup> Evaluations are available at [www.unhcr.org/pages/4a1d28526.html](http://www.unhcr.org/pages/4a1d28526.html).

<sup>14</sup> See, for example: UNHCR, “Extending protection, labour migration and durable solutions for refugees,” available at [www.unhcr.org/refworld/docid/4f719bcd2.html](http://www.unhcr.org/refworld/docid/4f719bcd2.html). Further research papers are available at [www.unhcr.org/refworld/docid/4f719bcd2.html](http://www.unhcr.org/refworld/docid/4f719bcd2.html). Further research papers available at: [www.unhcr.org/pages/4a1d28526.html](http://www.unhcr.org/pages/4a1d28526.html).

<sup>15</sup> See: UNHCR, “Maritime interception operations and the processing of international protection claims: Legal standards and policy considerations with respect to extraterritorial processing” (November 2010), protection policy paper, available at [www.unhcr.org/refworld/docid/4cd12d3a2.html](http://www.unhcr.org/refworld/docid/4cd12d3a2.html); UNHCR, “The return of persons found not to be in need of international protection to their countries of origin: UNHCR’s role” (November 2010), protection policy paper, available at [www.unhcr.org/refworld/docid/4cea23c62.html](http://www.unhcr.org/refworld/docid/4cea23c62.html). Further documents are available at [www.unhcr.org/refworld/migration.html](http://www.unhcr.org/refworld/migration.html).

protection work in many countries.<sup>16</sup> The Office has been developing model framework agreements and other tools in response to specific challenges. A priority area is enhancing international cooperation in the context of rescue-at-sea situations involving refugees and migrants.<sup>17</sup>

## 2. Support provided to the Global Forum on Migration and Development

The Office has supported the GFMD since its inception, including by seconding a UNHCR staff member to the first Belgian GFMD Chair in 2007, as well as to the Mauritius Chair in 2012. These staff resources enhanced the expertise available on protection issues. The secondment in 2007 was responsible, inter alia, for ensuring adequate treatment of human rights and gender as cross-cutting issues in the round tables. In cooperation with the Mauritius GFMD Chair-in-Office in 2012, UNHCR worked on an initiative to consider how refugees may be enabled to benefit from labour migration schemes. In this connection, the Office co-organized with ILO a workshop in Geneva in 2012 entitled “Labour Mobility for Refugees.”<sup>18</sup>

Together with other GMG members, UNHCR has advocated for a rights-based, comprehensive approach to international migration within the GFMD, which comprehensively addresses all aspects of migration management, including those related to forced displacement.

## 3. Identified good practices

Through its experience, UNHCR has identified a number of good practices, grouped below around two themes:

### Cooperation between key partners, including regional approaches

The first of the 10 points in UNHCR’s 10-Point Plan relates to “Cooperation among key partners.”<sup>19</sup> This reflects the fact that addressing the complexities of refugee protection and international migration is beyond the mandate or capacity of any one organization, or indeed often any one government, alone. In UNHCR’s experience, cooperation –

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<sup>16</sup> Including, for example, training and border monitoring. See: UNHCR, *Protection Training Manual for European Border and Entry Officials* (Geneva, UNHCR, 2011), available from [www.unhcr.org/refworld/docid/4ddf40d12.html](http://www.unhcr.org/refworld/docid/4ddf40d12.html). See also: UNHCR, “Chapter 3: Protection-sensitive entry systems,” in “Refugee Protection and Mixed Migration: The 10-Point Plan in Action,” available from [www.unhcr.org/refworld/docid/4d9430ea2.html](http://www.unhcr.org/refworld/docid/4d9430ea2.html), pages 86–88.

<sup>17</sup> UNHCR, “Refugees and Asylum-Seekers in Distress at Sea: How best to respond?,” background paper for the experts’ meeting in Djibouti (8–10 November 2011), available from [www.unhcr.org/refworld/docid/4ede0d392.html](http://www.unhcr.org/refworld/docid/4ede0d392.html).

<sup>18</sup> UNHCR, *Labour Mobility for Refugees: Workshop in Geneva, 11–12 September 2012 – Summary Conclusions* (25 October 2012), available from [www.refworld.org/docid/508e4fa72.html](http://www.refworld.org/docid/508e4fa72.html).

<sup>19</sup> UNHCR, “Refugee Protection and Mixed Migration: The 10-Point Plan in Action” (February 2011), available from [www.unhcr.org/refworld/docid/4d9430ea2.html](http://www.unhcr.org/refworld/docid/4d9430ea2.html).

with and among governments, regional organizations, international organizations and civil society – yields the most effective practices.<sup>20</sup>

On an intergovernmental level, irregular mixed movements often pose common challenges to States and other actors within a particular region or along a particular travel route. These are often best addressed at the regional level. The five regional conferences convened by UNHCR and its partners under the auspices of the 10-Point Plan, and the follow-up processes that have emerged, have been a case in point.<sup>21</sup>

In the Asia-Pacific, a Regional Cooperation Framework (RCF) on refugees, asylum-seekers and irregular movements has been adopted under the region's Bali Process.<sup>22</sup> To support implementation of the RCF, a Regional Support Office has been established which consists of staff from participating States, as well as personnel seconded from UNHCR and IOM.<sup>23</sup> The value of regional approaches has also been confirmed more broadly, for instance, through the various regional consultative processes on migration (RCPs).<sup>24</sup>

Inter-agency cooperation on the ground in specific mixed migration scenarios has been a key to successfully addressing asylum and migration issues. The "Praesidium Project," which aims to strengthen the reception capacity for mixed arrivals at the Italian island of Lampedusa, is one example of good cooperation between UNHCR, IOM, the Italian Red Cross and Save the Children, to improve reception, identification, profiling and referral of mixed arrivals.<sup>25</sup> This enabled international and regional agencies to work together on the ground in a coordinated and cooperative manner to address asylum and migration challenges.

Similarly, cooperation between UNHCR and IOM to facilitate the return of migrant workers fleeing Libya in 2011 was critical to alleviating pressures on neighboring countries. The Yemen Mixed Migration Task Force (MMTF), established following the

<sup>20</sup> See further: UNHCR, Chapter 1: "Cooperation among Key Partners," in "Refugee Protection and Mixed Migration: The 10-Point Plan in Action" (February 2011), available from [www.unhcr.org/refworld/docid/4d9430ea2.html](http://www.unhcr.org/refworld/docid/4d9430ea2.html).

<sup>21</sup> For instance, the Regional Conference in Almaty, Kazakhstan, led to the adoption of an Almaty Declaration; national consultations to implement key recommendations and develop a regional action plan are ongoing. See also the Yemen Mixed Migration Task Force mentioned above; likewise the Dar es Salaam Action Plan has formed the basis for follow-up with the Regional Conference in Tanzania in 2010: UNHCR, "Regional Conferences on Refugee Protection and International Migration in Central America, Western Africa, Eastern Africa and Asia – Selected Conference Materials," (June 2011), available from [www.unhcr.org/refworld/docid/4e0d6be02.html](http://www.unhcr.org/refworld/docid/4e0d6be02.html).

<sup>22</sup> UNHCR, "Regional Cooperative Approach to Address Refugees, Asylum-Seekers and Irregular Movement" discussion paper (November 2011), available from [www.unhcr.org/refworld/docid/4e92d7c32.html](http://www.unhcr.org/refworld/docid/4e92d7c32.html).

<sup>23</sup> Further information is available on the Bali Process home page at [www.baliprocess.net](http://www.baliprocess.net).

<sup>24</sup> For example, the Puebla Process, the Mexico Plan of Action for Latin American Countries and the EC–UN Joint Migration and Development Initiative; see: UNHCR, Chapter 1: "Cooperation among Key Partners," in "Refugee Protection and Mixed Migration: The 10-Point Plan in Action" (February 2011), available from [www.unhcr.org/refworld/docid/4d9430ea2.html](http://www.unhcr.org/refworld/docid/4d9430ea2.html). See also: IOM, *Regional Consultative Processes*, webpage, accessible at [www.iom.int/cms/rcp](http://www.iom.int/cms/rcp).

<sup>25</sup> For further information, see: UNHCR, "Italy: Strengthening the Reception Capacity to Handle Migrants Reaching the Island of Lampedusa ('Praesidium Project')," Chapter 4: "Reception Arrangements," in "Refugee Protection and Mixed Migration: The 10-Point Plan in Action" (February 2011), available from [www.unhcr.org/refworld/docid/4d9430ea2.html](http://www.unhcr.org/refworld/docid/4d9430ea2.html).



Regional Conference in Sana'a in 2008 and chaired by UNHCR and IOM, is another good practice example of cooperation on a regional level.<sup>26</sup>

### **Practical tools for protection-sensitive responses to migration challenges**

UNHCR's experience highlights the importance of developing practical tools for the implementation of protection-sensitive migration strategies. UNHCR's 10-Point Plan itself was premised on the assumption that the development of doctrine and strategies needs to be supported by operational tools for implementation. The most effective practices across all of the ten action points are highlighted in "The 10-Point Plan in Action" compilation issued in 2011.<sup>27</sup> For example, under "Mechanisms for Profiling and Referral" (Point 5 of the 10-Point Plan), UNHCR has developed joint screening forms to facilitate pre-screening and referral of persons arriving as part of mixed movements to differentiated processes and procedures, including in a range of emergencies such as Libya (2011).<sup>28</sup>

Similarly, UNHCR has proposed a number of practical tools in its efforts to improve responses to distress at sea situations involving refugees, asylum-seekers and migrants: a "Model Framework for Cooperation", mobile protection response teams, and standard operating procedures for shipmasters.<sup>29</sup> These tools require further conceptualization and adaptation to specific regions, a process currently being explored in the Caribbean and the Asia-Pacific, amongst others.

## **4. Challenges identified in carrying out UNHCR work**

UNHCR has identified a number of ongoing challenges in carrying out its work.

First, there is a need to secure political willingness and commitment to include protection considerations in migration and development strategies. Given the current global financial crisis and the concurrent rise in anti-foreigner and anti-immigrant sentiment, it remains an ongoing challenge to mainstream protection concerns into the discourse on migration and development, including with regards to forced displacement. Border and security concerns are dominant and often trump protection considerations.

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<sup>26</sup> The MMTF works to ensure a comprehensive and coordinated response by all concerned stakeholders to the protection and humanitarian needs of refugees, asylum-seekers and migrants arriving on Yemen's shores from the Horn of Africa. For further information, see: "Yemen – Mixed Migration Task Force," available from [www.mmyemen.org/home](http://www.mmyemen.org/home).

<sup>27</sup> UNHCR, "Refugee Protection and Mixed Migration: The 10-Point Plan in Action" (February 2011), available from [www.unhcr.org/refworld/docid/4d9430ea2.html](http://www.unhcr.org/refworld/docid/4d9430ea2.html).

<sup>28</sup> For further information and examples, see: UNHCR, Chapter 5: "Mechanisms for Profiling and Referral," in "Refugee Protection and Mixed Migration: The 10-Point Plan in Action," available from [www.unhcr.org/refworld/docid/4d9430ea2.html](http://www.unhcr.org/refworld/docid/4d9430ea2.html).

<sup>29</sup> UNHCR, "Refugees and Asylum-Seekers in Distress at Sea: How best to respond?," Summary Conclusions of the Expert Meeting in Djibouti, 8 to 10 November 2011, available from [www.unhcr.org/refworld/docid/4ede0d392.html](http://www.unhcr.org/refworld/docid/4ede0d392.html).



A second critical challenge relates to a number of protection gaps in the migration and development sphere. These are further highlighted in the following section (“Gaps evident within the migration and development sphere”).

Thirdly, UNHCR has encountered a number of operational challenges, including those arising in the context of cooperation between stakeholders. Maintaining capacity remains a key challenge, including funding levels and adequate follow-up on various initiatives and processes. The increasing complexity of human mobility means it can be a challenge for UNHCR and its partners to ensure that existing structures recognize and respond to the diversity of people on the move, address new drivers of displacement and respond to emergencies generating mixed flows.

## 5. Gaps evident within the migration and development sphere

UNHCR has identified six specific areas where gaps within the migration and development sphere are evident.

### Upholding the rights and protecting the welfare of all people in irregular situations

All persons, including migrants, refugees, asylum-seekers, stateless persons and others, regardless of immigration status or nationality, have inherent, inalienable human rights. However, in practice, these rights are not always respected and sufficiently protected. There has been a tendency to criminalize irregular migration, including through more frequent use of detention. Irregular status also exacerbates marginalization and discrimination, and can result in abuse, exploitation and even violence.<sup>30</sup> Of serious concern to UNHCR is the detention of asylum-seekers, stateless persons and migrants – sometimes extending to entire families – often without consideration for protection needs, individual circumstances or vulnerabilities.<sup>31</sup>

There is a greater need for strategies and actions addressing persons in irregular situations, based on human rights and protection considerations. As the GMG has noted, protecting these rights is not only a legal obligation; it is also a matter of public interest and is intrinsically linked to human development.<sup>32</sup>

<sup>30</sup> See, for example, the Singapore Declaration from the Tenth Regional Conference on Migration, Current Perspectives and Strategies in Addressing “Irregular’ Migration” (6–7 November 2006, Singapore).

<sup>31</sup> UNHCR, “Global Roundtable on Alternatives to Detention of Asylum-Seekers, Refugees, Migrants and Stateless Persons: Summary Conclusions” (July 2011), available from [www.unhcr.org/refworld/docid/4e315b882.html](http://www.unhcr.org/refworld/docid/4e315b882.html). See also: UNHCR, *Detention Guidelines: Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention* (Geneva, UNHCR, 2012), available from [www.refworld.org/docid/503489533b8.html](http://www.refworld.org/docid/503489533b8.html).

<sup>32</sup> Statement of the Global Migration Group on the Human Rights of Migrants in Irregular Situation, 30 September 2010, available from [www.unhcr.org/refworld/docid/4f7157bc2.html](http://www.unhcr.org/refworld/docid/4f7157bc2.html).

States have the sovereign right to manage and secure their borders, and to control who enters and resides in their territory. However this right is subject to international norms and standards, including international human rights and refugee law. And indeed, while borders are particularly critical points, “protection-sensitive” approaches to migration are necessary throughout the migration cycle.

### **Migrants in dire humanitarian situations (“stranded migrants”)**

The international community is increasingly concerned about migrants who are trapped outside their country of origin in dire humanitarian conditions and subject to serious threats to their life or integrity. Such threats may arise from natural disaster, conflict and/or violence in their country of destination or transit. Protection and assistance responses are often lacking or insufficient, compounded by the absence or the inadequate implementation of existing norms, obligations or standards.

The Special Representative of the Secretary General for International Migration and Development (SRSG) has launched an initiative to increase awareness about such situations, and to identify challenges and ways to address them based on international law and accepted principles and practices. The initiative focuses on international migrants, whether in a country of transit or destination and irrespective of legal status. There is a specific focus on migrants trapped in dangerous situations due to armed conflict, unrest, generalized violence or natural disaster in their host country; as well as migrants in destination or transit countries who are subject to serious human rights violations and unable to depart. This initiative requires further engagement by relevant stakeholders and may lend itself to being one of the outcomes of the 2013 HLD.

### **Addressing racism and xenophobia**

As global economic conditions have deteriorated, there has been rising xenophobia and racism in many regions. In the wake of economic uncertainty, high unemployment rates and an ongoing financial crisis, those on the margins of society – including migrants in an irregular situation, refugees, asylum-seekers and the stateless – are easy scapegoats.

The recent establishment of the UN Network on Racial Discrimination and Minorities by the Secretary General’s Policy Committee is a welcome development, as it will greatly facilitate collaboration between UN entities, contribute to developing relevant guidance and help to share effective practices to combat racial discrimination and protect minority rights. However, it remains crucial to reaffirm the principles of non-discrimination and tolerance, and to develop further strategies to address xenophobia and racism against non-nationals at the global, regional and national levels, involving a wide set of stakeholders.<sup>33</sup>

<sup>33</sup> In countries in which racism, racial discrimination, xenophobia and related intolerance have seriously affected persons of concern to UNHCR, offices on the ground have undertaken various initiatives in line with UNHCR’s note, “Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach.”

## Irregular maritime movements

Irregular migration in all regions of the world also takes place at sea. Examples include the movement of Somalis and Ethiopians across the Gulf of Aden, increasing numbers of sea arrivals in Australia, and the outflow of people from North Africa to Europe. These maritime journeys often take place in dangerous conditions. Distress at sea situations are common, raising grave humanitarian concerns for those involved. Due to the lack of search and rescue (SAR) capacity and effective inter-State cooperation and burden sharing to secure disembarkation, the death toll in many regions is high. For example, at least 1,500 people lost their lives attempting to cross the Mediterranean Sea following the Arab Spring and Libyan crisis in 2011. In addition, security and border control objectives may influence a State's preparedness to invest in proper SAR facilities or to allow disembarkation.

Several States and international organizations have developed initiatives to improve responses to distress at sea situations, including UNHCR and the International Maritime Organization (IMO).<sup>34</sup> However, this issue would benefit from greater attention from a broader range of actors, with a view to developing comprehensive cooperative approaches including the integration of protection principles.

## Climate change, migration and displacement

The exact scope and scale of future migration and displacement as a result of climate change-related events is uncertain; however, it is likely to be significant. The majority of movements are predicted to be internal. However, some international migration and displacement are inevitable and may also increase over time. Climate-related displacement – both internal and external – is likely to take different forms and will require diverse responses at the national, regional and international levels to address the specificities of different situations, guided by international standards and norms.

Various actors have begun to explore this issue, including States<sup>35</sup> and UNHCR.<sup>36</sup> However, the effects of climate change on migration and development are likely to be a key challenge in years to come. Strategies need to be in place to ensure effective preparedness and response to these predicted challenges.

<sup>34</sup> UNHCR, "Refugees and Asylum-Seekers in Distress at Sea: How best to respond?," background paper for the experts' meeting in Djibouti (8–10 November 2011), available from [www.unhcr.org/refworld/docid/4ede0d392.html](http://www.unhcr.org/refworld/docid/4ede0d392.html).

<sup>35</sup> See particularly the Nansen Principles, adopted at the Nansen Conference on "Climate Change and Displacement" in Oslo on 6 and 7 June 2012, available from [www.regjeringen.no/upload/UD/Vedlegg/Hum/nansen\\_prinsipper.pdf](http://www.regjeringen.no/upload/UD/Vedlegg/Hum/nansen_prinsipper.pdf). The Nansen Initiative, launched by the Governments of Norway and Switzerland in October 2012, is a bottom-up, State-owned consultative process with multi-stakeholder involvement to address the challenges of disaster-induced cross-border displacement.

<sup>36</sup> UNHCR, Expert Meeting on "Climate Change and Displacement" (22–25 February 2011, Bellagio, Italy), webpage with meeting documents accessible at [www.unhcr.org/pages/49e4a5096.html](http://www.unhcr.org/pages/49e4a5096.html).

## Including refugee protection considerations in broader discussions on international migration and development

As highlighted throughout this paper, an overarching core challenge is the need to better mainstream human rights and protection issues into the discussion on migration and development, including in relation to forced displacement. Some considerations include: (a) the way in which failed and flawed development processes contribute to the root causes of forced displacement; (b) the development dimensions and potential of large-scale or protracted refugee populations; and (c) the contribution of refugees to peacebuilding and post-conflict reconstruction.

In addition, the use of migration frameworks as an interim option and a pathway towards a “durable solution”<sup>37</sup> for refugees should be more rigorously explored. While the refugee protection regime and labour migration schemes are based on distinct rationales, there are situations where access to migration schemes for refugees could be an effective tool, particularly where solutions for refugees are unavailable or ineffective in host countries, and where a legal status under migration regimes could substantially reduce protection risks and provide access to the labour market, health services and education. Models could build on existing examples in South-east Asia and be based on the ECOWAS framework in West Africa.<sup>38</sup>

## 6. Recommendations for the 2013 High-level Dialogue

UNHCR’s recommendations and outputs for the 2013 HLD include the following:

- (a) Given unstable security conditions in several regions, the numbers of asylum-seekers and refugees within mixed movements are likely to remain constant, if not increase. The dual impact of climate change and economic challenges is expected to further contribute towards displacement from insecure areas. The 2013 HLD will thus need to take note of the forced displacement aspects of human mobility, including the protection of persons in need, and the implications for sustainable human development.
- (b) Further, it will be important that outcomes from the 2013 HLD affirm the importance of migration as a tool for sustainable development and economic growth in countries of origin and destination, as a tool for survival and economic betterment, and indeed as an inextricable part of the human condition.

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<sup>37</sup> This is in addition to the three durable solutions of voluntary repatriation, local integration and resettlement.

<sup>38</sup> For further information, see: UNHCR, Chapter 7: “Solutions for Refugees,” in “Refugee Protection and Mixed Migration: The 10-Point Plan in Action” (February 2011), available from [www.unhcr.org/refworld/docid/4d9430ea2.html](http://www.unhcr.org/refworld/docid/4d9430ea2.html). As mentioned in Section (2) above, UNHCR and ILO co-organized a workshop entitled “Refugees and Labour Mobility” in September 2012, with the support of the Mauritian Chair-in-Office of the 2012 GFMD.

- (c) It will be critical that the HLD underlines the importance of a rights-based and comprehensive approach to migration management, which also addresses the interlinkages between forced displacement and development.

In addition to the concrete work streams identified by the GFMD process, UNHCR believes the HLD should focus on issues such as: the treatment of non-nationals in irregular situations; migrants in dire humanitarian situations (“stranded migrants”); addressing xenophobia and racism; irregular maritime movements, especially distress at sea; climate change, displacement and migration; and forced displacement and refugee protection and development.

