

Protection challenges for persons of concern in urban settings

António Guterres

Urbanisation is an irreversible trend. More and more of the people we care for – refugees, returnees, the internally displaced and the stateless – will live in cities and towns and we need to adjust our policies accordingly.

The actual number of refugees, IDPs, returnees and stateless persons in urban areas is extremely difficult to ascertain. Damascus and Amman between them have received more than a million Iraqis, providing the most dramatic but far from the only current examples of large-scale displaced populations in urban areas. Khartoum is believed to host 1.7 million internally displaced people and refugees. Abidjan and Bogotá have both absorbed hundreds of thousands of victims of armed conflict, swelling slums which were already poorly serviced. Former refugees returning from Iran and Pakistan and those displaced by violence in rural areas of Afghanistan have joined the even larger number of people migrating to Kabul for economic and other reasons, resulting in a several-fold increase in Kabul's population since 2001.

Urban displacement is clearly a global phenomenon but one with localised effects. It is accordingly a matter of growing concern for city authorities and central governments as well as humanitarian and development organisations. Municipal administrations have become front-line actors. They require the strong support of national and international organisations and a wider engagement of the development community.

Sharpening our focus

UNHCR's experience with refugees, the internally displaced, returnees and the stateless in cities is not new. What is new is the appreciation that increasingly cities will be the main site of humanitarian response to the needs of this population. To discharge our mandate

effectively, we have to improve our performance in urban settings and recalibrate our approach, with an enhanced focus on partnerships and paying particular attention to the role of local authorities.

The plight of refugees and others of concern in urban areas cannot be treated in isolation but needs to be responded to in the broader context of the urban poor. The humanitarian community needs to reassess its paradigm of assistance in urban areas. Humanitarian actors in urban areas need to determine how community-based and bottom-up initiatives can be better supported.

We do not wish to encroach upon the work of development actors but we do want to spur on their efforts and coordinate our own activities with theirs. We will need to work hard with governments, local authorities and through UN Country Teams to raise awareness that poverty alleviation, disaster-risk reduction, slum-clearance and similar initiatives must respond to the needs of all marginalised urban populations, including those of concern to UNHCR.

If we want our efforts to have the desired impact, we cannot see these populations in isolation from local communities. We will only succeed if we adopt a comprehensive approach taking into account the rights of both the displaced and their hosts.

Partnerships and priorities

Deliberations at UNHCR's December 2009 Protection Dialogue in Geneva¹ underlined the need for stronger partnerships. Central governments will, of course, remain key partners,



Zimbabwean women queue outside the Musina Refugee Reception Centre, run by the South African Department of Home Affairs.

as state signatories to the 1951 Refugee Convention and the recently concluded AU Convention for the Protection and Assistance of Internally Displaced Persons and other relevant international instruments, and as authors of the national legal, strategic and policy frameworks in which we all work. Local authorities are absolutely essential too, and need to be much more integrated into the articulation of strategies and policies. Our traditional partners – NGOs, the Red Cross and Red Crescent movement – still have important roles to play, as does civil society, particularly local community leaders, faith-based organisations and other groups promoting social cohesion.

The central element in all our discussions at the Dialogue was how to create, deepen and expand the protection space in cities for those we care for. This includes emphasis on legal frameworks and the recognition of rights, where an enormous amount of advocacy remains to be done, for instance in encouraging the ratification of international instruments, the withdrawal of reservations and the establishment of national protection legislation. This requires an informed and differentiated approach since there are many countries that have not ratified the 1951 Convention but which have nevertheless adopted policies sensitive to and in some cases more progressive than states that have ratified the Convention.

Two observations were highlighted repeatedly by participants at the

Dialogue. Firstly, we must avoid building parallel structures for the provision of services and assistance, particularly in shelter, education and health. Secondly, we need to strive for effective burden-sharing. Humanitarian and development actors must come together in a more meaningful way. UNHCR is not a development actor but does have a catalytic and advocacy role to play with donor countries to promote a more community development-oriented perspective.

The way we behave towards those we serve is important. We need to ensure it is always humane and professional. We need to work together to avoid harassment or unjustified detention. Our deliberations underscored the importance of the attitudes of local populations in combating xenophobia, the growth of which seems particularly pronounced in the developed world but is also worrying in the developing world. We need to ensure adequate responses to unacceptable behaviour such as human trafficking, rape and other violations of human rights. And we need to be tough on criminal activities while at the same time becoming more effective in protecting the victims of crime.

Many participants at the Dialogue commented on registration, documentation and the determination of refugee status. It must be appreciated that refugees and other displaced persons will not act contrary to their interests. If, for example, they perceive a risk and no benefit in registering, they will not register. We must seek to ensure therefore that registration is seen as useful by those it is intended to benefit.

Another key aspect of protection space is access: access to information, access to safety nets and basic services allowing refugees and displaced people to meet their essential needs, as well as access to self-reliance – training, job opportunities and micro-credit.

Next steps

It is clear that urbanisation presents different problems in developed countries versus developing countries and between countries in terms of laws, traditions and

culture. People's protection needs have their own specific natures and our policies have to take that into account. But it is equally important to recognise that there are common principles. Key among them is the appropriateness of a rights-based approach to the strategies, policies and measures we devise.

Following the Dialogue in Geneva in December 2009, UNHCR will be taking a number of steps to follow up our discussions:

1. Revise UNHCR's new urban refugee policy: UNHCR issued a new policy on Refugee Protection and Solutions in Urban Areas in September 2009. The policy recognises that neither UNHCR's nor a state's obligations towards refugees and IDPs ought to be conditional on their residing in camps. The policy emphasises the fact that UNHCR's mandated responsibilities towards refugees are not affected by their location. It aims both to encourage and contribute to the progressive development of national legal and policy frameworks integrating refugees and others of concern in urban areas into the social fabric of cities and towns in an appropriate, rights-respecting way. We will revise the new urban refugee policy taking into account the valuable debate at the December Dialogue.

2. Advocate for urban IDPs: Walter Kälin (Representative of the Secretary-General on the human rights of internally displaced persons) and I have agreed to advocate jointly with the broader humanitarian community to undertake a similar definition of policy for non-camp and urban internally displaced people. This needs to be a cooperative UN effort as UNHCR has no mandate to elaborate such a policy on its own.

3. Conduct real-time evaluations: We have already done an evaluation of UNHCR's activities on behalf of Iraqis displaced in urban areas in the Middle East, with particular emphasis on Amman, Aleppo, Beirut and Damascus.² For 2010, several of our offices have already budgeted for enhancements of efforts on behalf of refugees in other urban settings, in line with UNHCR's new policy.

We will select a number of cities as pilot sites and conduct real-time evaluations of these programmes in order to identify good practice that can be applied during the broader rollout of the policy in 2011.

4. Collect and share examples of good practice: We have agreed to compile an inventory of good practice. This is not something we can do alone and we would appreciate contributions from our network of partners.

5. Mainstream new urban refugee policy: Based on the consolidated report of the Dialogue, the pilots and the good practice inventory, we will mainstream the new urban refugee policy into our 2011 programme, aiming continuously to improve our performance in 2012 and beyond. In terms of resources, we need to consider both the internal dimension – essentially a question of our own prioritisation – and the external dimension, primarily relating to donors' willingness to give this initiative special attention. We strongly urge donor countries and our partners to examine the challenge of displaced populations in urban settings through a comprehensive approach in which community development projects are primarily managed by development mechanisms at local level.

It is not easy meeting the challenges posed by urban displacement – and we will fail to meet them if we confine ourselves to narrow institutional concerns, if we do not establish and strengthen the right partnerships or if we believe we already have all the answers. City and town planners around the world are innovating, experimenting and learning. We need to work with them and the people we care for who frequently remind us that what they need is a hand up and not a hand out.

António Guterres is the UN High Commissioner for Refugees. For more information, please contact José Riera (riera@unhcr.org), Senior Adviser to the Director in UNHCR's Division of International Protection.

1. <http://www.unhcr.org/pages/4a12a4a26.html>

2. 'Surviving in the city', July 2009 <http://www.unhcr.org/4a6dbbc9.html>