

**UNHCR Annual Tripartite Consultations on Resettlement
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Protracted Refugee Situations - Warehousing

Presented by:

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Thank you, Mr. Chairman, for the opportunity to present, on behalf of the Refugee Council USA, our latest thinking on protracted refugee situations.

The U.S. Committee for Refugees published the 43rd annual World Refugee Survey last month. The Survey is widely recognized as a definitive compilation of statistics and descriptive information about refugees worldwide.

There are printed copies available outside and CD's which include individual country reports. The entire version is online at www.refugees.org.

This year we decided to give the Survey a theme – to highlight the “warehousing” of refugees – those without a “durable solution” to their plight.

Although we worried that by using the term “warehousing” we might offend someone or seem to be objectifying refugees – we decided the practice was more offensive – and the term accurate.

It is disturbing, because 29 years ago when I started working on behalf of refugees we were hired on six month/one year contracts. We believed we were supposed to be working ourselves out of a job. We certainly did not believe that working on behalf of refugees would become a career.

But, now almost three decades later and after over a year of research and multiple site visits we found: more than 7 million out of 12 million refugees are warehoused - living in camps or segregated settlements or otherwise deprived of basic rights - for 10 years or more.

Or, if you choose, UNHCR estimates that at the end of 2003, there were 38 different protracted situations accounting for some 6.2 million refugees.

And, UNHCR estimates that the average duration of major refugee situations has increased from 9 years in 1993 to 17 years in 2003

It is clear that the search for durable solutions for the majority of refugees has been a failure within a reasonable time frame.

So, 6-7 million people have been left in horrible circumstances, without hope, in limbo, without a future.

During our research we were looking at Burmese refugees who have been in camps in Thailand, along the border for about 10 years. The refugees are often subject to cross-border raids by the Burmese military – suffering murderous attacks and systematic rapes.

We asked, “Isn’t there something in the Convention that stipulates camps should be located away from borders?”

The word “camps” does not appear in the 1951 Convention.

Of course – in 1951 “camps” were associated with Hitler and Stalin – no civilized country would force people to live in camps.

We found that the term “durable solution” does not appear in the document either –

So – no camps – no durable solutions – what is the solution for refugees?

We found that this international law, The 1951 United Nations Convention and Protocol relating to the status of Refugees provides that refugees have rights –

The right to live a normal life without a durable solution

The right to work for wages – the right to be in business – practice their profession - own property – own intellectual property – the right to freedom of movement – the right to travel documents – the right to elementary education and the right to social services equivalent to those available in their country of residence.

These are refugee rights – rights they are suppose to enjoy WHILE they are refugees

So what happened between 1951 and today?

We decided the framers of the Convention were like the drafters of the Magna Carta or Declaration of Independence – they drafted documents setting out rights for people like themselves – and for both these documents it took hundreds of years for the principles and values they asserted to be applied to people not like them – poor people, women, and people of color.

And it wasn't just the passive passage of time that extended these rights – it took struggle, massive economic and social change – and sometimes war.

But looking back, would any of us say that the struggle to give people their rights and the resulting costs in human lives and economic upheaval – wasn't worth it? I don't think so.

I call your attention to page 101 of the World Refugee Survey. We have highlighted the story of Devi - a Bhutanese refugee

In 1992, shortly after tens of thousands of Bhutanese refugees first fled to Nepal, USCR visited the camps there and met Devi, then seven years of age, and his sister, then two years of age. Devi told USCR how Bhutanese soldiers had set fire to the family's home. Devi heard his sister screaming and entered the burning hut to save her. Both were badly burned as they ran out of the house.

USCR re-visited the camps in 2003 and found Devi and his sister, at ages 18 and 13. Devi speaks excellent English, hopes to attend a local technical college but, like many other young Bhutanese refugees, despairs about his future. He said "Bhutan won't allow us to return because we can't prove our citizenship [their papers were destroyed in the fire], and Nepal won't let us work. He asks "What will be my future?"

So, they received adequate medical care, were fed, and schooled – but have no future – no hope – no life.

For many refugees in internationally operated camps there is little protection from attacks, sexual exploitation, or conscription in militias. Many do not have adequate food or shelter. So, trading your rights for "protection" is a bad bargain.

Those refugees who choose not to avail themselves of protection become "urban refugees" or "irregular movers" subject to further exploitation, abuse, and trafficking because they do not enjoy their rights as refugees.

This meeting is about resettlement of refugees – a durable solution and we love durable solutions. But, resettlement is only offered to about 1% of all the refugees in the world and although we would like to see that number go up dramatically it clearly is not the solution for most refugees.

But resettlement can be used as a tool to enhance refugee rights. As part of international agreements, States can encourage host countries to extend refugee their rights while a robust resettlement program takes place.

Also, resettlement can be extended to refugees who are exercising their rights extra-legally outside of camps and segregated settlements. For the most part,

urban refugees have not had access to resettlement – although they are vulnerable and exploited.

Within the World Refugee Survey there is much more information about the scope and depth of warehousing, descriptions of warehousing in various countries, and analysis of various options and alternatives that would extend rights to refugees.

We know that confronting the warehousing of refugees is not easy – we are not naïve.

But we know that the warehousing of refugees is illegal according to international law and must be ended.

We also know the warehousing of refugees is immoral. The wasted lives – being incarcerated because you've been persecuted, the lack of human rights, enforced economic dependency, no hope and no future – are not the hallmarks of enlightened humanitarian practices.

We ask that you examine current practices and policies and find ways to ensure each refugee achieves dignity and maintains their humanity while they are waiting for a durable solution.

Thank you.