

DIALOGUE ON PROTECTION STRATEGIES FOR PEOPLE IN SITUATIONS OF FORCED MIGRATION *IN COLLABORATION WITH UNHCR*, KOLKATA, 14-15 DECEMBER 2008

The history of forced migration has presently been recognized as a history of mixed and massive flows of people, which have rendered, to a considerable extent, the older forms of protection inadequate. These early signs of new kinds of flows on the map of forced migration have led governments and humanitarian agencies to adopt newer strategies to cope with massive displacements and unrest. In this context - of massive and mixed flows of forced migration and the need for newer strategies to handle such migrations - Mahanirban Calcutta Research Group (CRG) proposed to UNHCR to hold a dialogue that would focus on the relevant experiences of South Asia. The UNHCR graciously accepted this proposal in the spirit of collegiality and the idea emerged that the Sixth Annual Winter Course on Forced Migration could have a special segment on protection strategies in the wake of the emerging situation of forced migration in form of mixed and massive flows, where experts from all over South Asia along with key UNHCR personnel, engaged with the South Asian situation, could participate and deliberate on possibilities of new protection strategies.

Recommendations

1. Stressing the importance of sustained dialogue on emerging trends in the realm of prevention, protection and reintegration of refugees and internally displaced persons (IDPs) and the need for identifying sustainable solutions, the group of South Asian experts gathered in the Conference titled "Protection Strategies for People in Situations of Forced Migration" (thereafter the Conference) proposes to transform itself into a Working Group on Challenges of Displacement in South Asia (thereafter the Working Group). The Working Group, with the assistance of a Secretariat to be established at the Mahanirban Calcutta Research Group, will (a) serve as an open forum for discussion and debate across countries and regions, (b) convene in regular intervals and (c) help translate research findings of displacement in South Asia into region-specific laws and policies. Such an initiative would aim at establishing a broad-based dialogue on the existing and emerging protection needs of people affected by displacement, including as a result of conflict, development and environmental degradation, with a view to informing policy-making.

2. Being aware of the historical and geographical limitations of the term 'refugee' as framed in the Refugee Convention (1951) and stressing the need of capturing new social phenomena in the realm of protecting vulnerable populations, in particular with respect to climate change, the Conference invites a dialogue, inspired by South Asian experiences, among State governments, international organisations and civil society that looks beyond the refugee definition contained in the Refugee Convention.

3. Recognising that *non-refoulement* is one of the principal pillars of any comprehensive protection strategy, the Conference encourages the States in the South Asian sub-continent to consider signing and ratifying the Refugee Convention as well as the Optional Protocol (1967) and to put in place national legislation to enforce the principles enshrined in these two instruments, inspired by the model law on refugees (2007) initiated by the Eminent Persons Group. The Conference further invites the governments

of the States of South Asia to work towards a regional framework for protection under the auspices of the South Asia Association for Regional Cooperation (SAARC).

4. Emphasising the importance of durable solutions in the face of new displacement paradigms and upholding the fundamental right to freedom of movement, the Conference calls on the States in the South Asian sub-continent to ensure that conditions are established for refugees and IDPs to make informed choices from a range of options, including voluntary return in safety and dignity, local integration and relocation to a third place.

5. In light of a significant increase of IDPs in the world and South Asia, the Conference invites a dialogue, in close coordination with people affected by displacement and with the active involvement of the epistemic community, among stakeholders in South Asia on the effective implementation of the "UN Guiding Principles on Displacement" (1998) by way of adopting national legislation, or addressing the protection needs of IDPs by other comprehensive measures ensuring clear benchmarks and minimum standards.

6. Mindful of the need to sensitise all segments of society on protection needs of displaced populations as well as the linkages of marginalisation and forced migration, the Conference calls on the electronic and print media to assume its responsibility for (a) clarifying in the discourse the definition of refugees, IDPs as well as migrants, (b) providing independently researched, comprehensive and balanced information on displacement situations, and (c) refraining from all reporting potentially jeopardising displaced persons, their families or the population hosting them.

7. In this context, the Conference (a) emphasises the potentially beneficial role of local language media to advocate protection strategies, (b) encourages reporting from a distinctively South Asian perspective, tapping into existing regional media outlets and possibly creating new media structures for that purpose, and (c) notes the increasing influence of the new media in shaping public opinion.

8. Taking note of the UNHCR Ten Point Plan of Action titled "Refugee Protection and Mixed Migration" (2007), the Conference proposes to identify suitable topics for consideration in upcoming meetings and conferences of the Working Group-to-be. One set of issues that emerged from discussion as a pertinent theme for further deliberation would be the fencing of borders, its impact on displacement and possible solutions. Other themes include the prospects and limitations of State institutions, including Human Rights Commissions, and the involvement of civil society in devising new policies and strategies.

9. In recognition of the fact that the majority of refugees, IDPs and trafficked persons are women and children, the Conference highlighted the need for gender and age sensitive assistance, protection and capacity-building policies and programmes and will feed its findings into the activities of the Working Group.

In light of the findings of the Fourth Assessment Report from the Intergovernmental Panel on Climate Change and their likely implications for migration and internal displacement, the Conference underlined the need for a South Asian dialogue and a regional Action Plan on Climate Change based on the principles of human security as well as justice and equity on issues of environmental concern. The Conference also stressed the importance of devising a framework for redressing issues pertaining to the impact of growth-oriented development on sections of society vulnerable to displacement.