

THE BROOKINGS INSTITUTION

DISPLACEMENT AND MIGRATION POLICIES:
EXPLORING THE INTERCONNECTIONS

Washington, D.C.

Tuesday, May 7, 2013

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P R O C E E D I N G S

MS. FERRIS: Why don't we go ahead and start? Good afternoon and welcome to Brookings. My name is Beth Ferris. I'm a senior fellow here at Brookings and co-director of the Brookings – LSE Project on Internal Displacement.

Today's topic is to look at the relationship between migration, migration policy, and displacement. Migration is assumed in international law to be voluntary. Displacement by the very word implies a measure of coercion. People are forced; they don't have a choice, whereas migrants at least in some discourse are assumed to choose to be going someplace else, whether to be a migrant worker in another country or to travel for a variety of family and other reasons.

Now, in most governments, I think most governments of the world, separate systems have emerged to deal with people who are coming into a country for voluntary reasons, migrants or migration, if you will, and for people who are displaced often in distant countries. Certainly in the U.S., there are different processes for an immigrant moving to the United States to be reunited with a family member and people who are fleeing Syria right now for neighboring Jordan, Lebanon, Turkey, and other countries.

Those are different systems. Can they be brought together? Are they at odds with each other? How do we draw those connections?

That's the subject for our panel today and we've got a wonderful group of people here who I'm delighted to introduce. I'll briefly introduce them and then let them talk a little while and then I thought we would just have a conversation among ourselves before opening it up to you, but please make note of your questions and we're looking

forward to a rich discussion.

Since we're in the United States, we'll begin with Anne Richard, who is our Assistant Secretary of State for Population, Refugees, and Migration. She's well-known to many of us. She worked with the International Rescue Committee, several think-tanks, academics, governments. She knows everything there is to know about budgets, which is very important in the U.S. government and we'll be hearing more from her about her full portfolio working with refugees and migration as well as population issues.

Then we're delighted to welcome Claude Wild from the Swiss Federal Foreign Ministry and he's the head of the Human Security Division, he has also worked in a variety of posts both as a diplomat and earlier as an army officer working with peacekeeping missions and certainly a big supporter I think of the whole humanitarian architecture set up to deal with displacement and we'll hear about some of the innovations that Switzerland has made in migration policy.

Once a year, we started this tradition of having kind of a Swiss Day here at Brookings to honor the partnership that we have with Switzerland and to sort out issues of mutual interest.

Finally, I'm delighted to welcome my co-director of the Brookings – LSE Project on Internal Displacement, Dr. Chaloka Beyani, who when he isn't traveling around the world looking into situations of IDPs, is a professor of international law at the London School of Economics.

For those of you who are wondering, that's where Brookings – LSE part of our title comes from, recognizing the partnership between Brookings and this mandate of the U.N. Human Rights Council.

So, welcome to all of our speakers and to all of you. Anne, we'll start with you. What can you tell us about migration and displacement in your work?

MS. RICHARD: Well, Beth, Ambassador Wild, Special Rapporteur Chaloka Beyani, friends, and colleagues, old friends like Ted Piccone and many friends in the audience, let me begin by thanking the Swiss government and Brookings for this event.

A few minutes ago, I was talking on Capitol Hill about refugees who are gay, lesbian, transsexual, bigender, or intersex conditions, and, so, if I suddenly start talking about that here, someone raise your hand and say, Anne, you've mixed up the pages of your speeches again. (Laughter) Because the subject today is about migration and displacement.

Ambassador Wild recently hosted me in Bern, where I learned a great deal about how the Swiss take a hold of government approach to integrating migration and development. I would like to spend a few minutes this afternoon talking about the issues, really the crises that make up the bulk of my days in the Bureau of Population, Refugees, and Migration, or PRM, and what we are doing to address these situations. I will then talk a bit about some other important policy work PRM is doing, including our preparations for the high level of dialogue of migration and development that'll be taking place in New York in early October.

As all of you are no doubt aware, responding to the humanitarian disaster created by the crisis in Syria stands as PRM's top priority. In addition to Syria, we are also dealing with a number of new refugee crises and displacements in Africa. This includes people fleeing the violence in northern Mali, who have yet to go home, refugees crossing the border from Sudan into South Sudan, and continued violence in

the eastern Democratic Republic of the Congo that also has generated refugees.

How are we doing in responding to these crises? The scale of the Syria crisis is truly challenging, with 1.3 million refugees, 4.25 million Syrians displaced inside their own country, and millions more affected by the violence. The generosity of the countries bordering Syria has been inspiring, but governments, families, social services, and civil organizations are being strained to the breaking point to accommodate new arrivals.

The United States government is proud to be the leading donor to the Syria humanitarian response. The State Department and U.S. Agency for International Development contributions total nearly \$409 million to date with additional funding coming in the near future, but these contributions do not get aid workers access to all of the displaced inside Syria who need help, nor does aid protect those who are being bombed and massacred by their own government. It's a tremendously frustrating situation.

Despite lots of hard work, many, many more people are displaced today than were a year ago, meanwhile in Mali, conflict in the north has resulted in nearly 300,000 internally displaced persons and nearly 180,000 refugees in neighboring countries. The U.S. government has provided over \$120 million through international and nongovernmental organizations for Malian refugees and IDPs.

Interestingly, this new refugee crisis has roots in Libya and the Tuareg fighters who were pushed out of Libya in the aftermath of the revolution and migration crisis this. It is a good reminder to be alert to the aftereffects of crisis migration, which I'll address in greater detail in a minute.

We continue to support protection and assistance for refugees from

Darfur, who have fled the eastern Chad. More recently, however, our attention has been focused on conflict along Sudan's southern border and the 230,000 Sudanese refugees who have fled to neighboring South Sudan, Ethiopia, and Kenya over the past 2 years. PRM has provided over \$50 million to meet the emergency needs of these refugees.

So, in addition to our assistance to refugees, PRM's humanitarian mandate also covers internally displaced persons, or IDPs. Sudden emergencies draw our attention away from long-term, protracted crises, such as that in Columbia, where decades of fighting between the Government of Columbia and illegal armed groups, the Revolutionary Armed Forces of Columbia, FARC, the National Liberation Army, ELN, these are all your buddies, Ted, right? Paramilitaries and criminal narco-trafficking networks have forced millions of civilians to flee their homes.

In 2012, the Government of Columbia announced that it had registered 4.8 million IDPs since 1997, which is nearly 10 percent of Columbia's population. Later this month, I plan to travel to Columbia for a firsthand look at our programs assisting IDPs. The recently enacted Victims and Land Restitution Law provides a legal framework for comprehensive assistance, fair reparation, and land restitution to internally displaced persons and victims of the conflict. The U.N. refugee agency UNHCR is helping the government improve its capacity to assist IDPs directly. ICRC, International Committee on the Red Cross, has been able to restructure its programs to work in areas that are underserved.

Could this long running displacement crisis come to an end? We are cautiously optimistic but much needs to be done and that's one reason I'm going there is because I don't want the exploding crises in Syria to sort of drown out any kind of discussion about other protracted crises that are out of the news and then end any kind

of progress that the U.S. could be involved in or could help stimulate towards people going home.

In coordination with our U.S. Agency for International Development colleagues, the U.S. government continues to support humanitarian organizations working in major IDP countries such as Syria, the Democratic Republic of the Congo, Sudan, Iraq, and elsewhere. It is an uphill challenge. The latest global estimates suggest that more than 6 million new IDPs fled their homes last year alone.

As you will no doubt note from this list, these major IDP countries are also significant sources of refugees who are subject to international protection via the Refugee Convention. Protection is not legally extended to IDPs. You can imagine the challenges these differences pose to governments and human rights advocates like our colleague the Special Representative on Human Rights of IDPs. An individual's right to redress may at times be dependent upon the sight of a border to which a person moves after being uprooted.

So, despite the necessity of attending closely to crises, PRM is also doing important policy work, including our preparations for the high-level dialogue of migration and development that, as I said, will take place at the United Nations in early October. The high-level dialogue is a good opportunity to take stock on where we and other countries stand on international migration. It is a chance to examine ways to enhance the wellbeing of migrants and consider measures that all countries, developed and developing, can agree upon. We are working closely within the U.S. government with other agencies to identify issues we hope to advance during the high-level dialogue.

One area that may be ripe for discussion is supporting the protection of migrant workers' rights and core labor standards such as freedom from forced labor,

freedom from exploitative of child labor, and freedom from discrimination. We can promote freedom of association and the right to collective bargaining.

Another area that we all should be able to agree upon is maintaining robust human rights protections for migrants such as promoting measures to counter human trafficking, strengthening measures to combat xenophobia and hate crimes and acknowledging that many women are migrants and seeking ways to protect women and girls who are especially vulnerable to human trafficking and other abuses.

Last fall, I became concerned when negotiations on the high-level dialogue modalities resolution got knocked down in New York, with unproductive arguments over U.N. institutional and procedural issues. We will lose a good chance to advance the migration agenda if discussions continue along these lines. While there seems to be a sense among some in New York that international migration issues pit the developed versus the developing countries, this does not have to be the case.

According to the World Bank, in 2012, 44 percent of international migration was south-south migration. What that says to me is that developed and developing countries have more in common as migrant-receiving countries than many might realize.

A few months later, after this Modalities Resolution breakdown, in February, I co-chaired at the U.N. with Mexico's permanent representative Ambassador Luis Alfonso de Alba an International Organization for Migration sponsored roundtable on the human rights of migrants. And this event was well received with a big turnout and showed that our two countries, which were on opposite sides of the modalities debate, can come together to discuss and identify areas of mutual concern.

One topic that interests me and I think all countries can rally around is

the issue of migrants and crisis. Special Representative to the U.N. Secretary General for Migration and Development Peter Sutherland has championed this issue. Migration crises can rise from a number of circumstances.

In the last few years, we have seen significant migration displacement as a result of the Haiti earthquake, recent flooding in Thailand, natural disasters like Hurricane Sandy here in the United States, nuclear disasters like Chernobyl and Fukushima and of course violence and civil unrest as in Libya and Syria. These crises produced large migrant outflows affecting migrant sending, transit, and receiving countries. They also created large numbers of IDPs, some of whom may later become migrants and they do not fit well within existing legal policy and operational frameworks for the protection of refugees and IDPs. They require whole of government approaches in response to these kinds of crises, and that was one reason we were looking at the whole of government approach that the Swiss have adopted.

The humanitarian assistance that PRM provides is just one small part of this response and it would be great if the high-level dialogue could spark a discussion about how well we might improve procedures to protect migrants caught in these situations.

I have a sense I'm probably going on a little too long.

MS. FERRIS: You have two-and-a-half more minutes.

MS. RICHARD: Okay. Well, let me throw out some questions and we have potential responses.

What are the roles of sending transit in destination countries and assisting migrants stranded as a result of one of these sudden onset situations and what role should governments, international organizations, employers, and civil society play?

Are there some underlying principles we can agree to, such as not discriminating in the delivery of disaster relief to migrants on the basis whether they're documented or undocumented?

Are there best practices out there or can we agree to what best practices we should encourage sending transit in destination countries to adopt?

In our discussions inside PRM, what we're focusing on is preparedness, what governments can do and should do ahead of time, establishing immigration policies and operational toolkits that prevent unexpected migration flows as a consequence of crises. A strong foundation and protection principles, this completely comes out of our work with refugees and it makes perfect sense to me that would be important for an effective and humane response to crisis-induced movements. And, finally, coordination on many fronts is critical for an effective migration response. Coordination within governments and effective international coordination.

So, these are just some ideas to begin considering. There are many international migration ideas ripe for progress. I hope the high-level dialogue will allow us to discuss these issues frankly and collegially with an eye towards improving the lives of those who make the decision to migrate and their families while ensuring countries of origin and destination receive the full benefits of migration. Thank you.

MS. FERRIS: Thank you very much, Anne.

We'll turn now to Claude Wild. Ambassador Wild, welcome.

AMBASSADOR WILD: Thank you, Madam Chair, Beth, Madam Assistant Secretary Anne, Special Rapporteur Chaloka, ladies and gentlemen. Thank you very much for hosting Switzerland, also, all this panel. Switzerland that I represent here. We have a longstanding relationship with Brookings and we intend to continue this

relationship.

Subject of today, I will go straight into it. Before I come to Switzerland, let me throw at you some general remarks and some facts about what we mean when we speak about migration. Migration is a complex phenomenon that has intensified under the effects of globalization. Migration poses challenges, but migration -- and this is less known -- also provides opportunities for the development of countries of origin and for the prosperity of host countries. I would like to give you a few examples of these challenges and opportunities in the category of challenges that international migration and displacement poses.

For example, the pressure that is put on host countries that are immediately neighbors of a crisis situation, take for example the countries in the Middle East, they host about 1.3 million Syrian refugees since the beginning of the crisis. This is one aspect, one challenge. Then the protection of IDPs generated by conflict or catastrophes. Again, Syria, 4 millions of persons, Somalia as I take it has more than 1 million internally displaced persons for a total population of 9 million. This is also a huge challenge.

Then another type of challenge, migration generates sadly human trafficking. The number of victims of human trafficking, we see it because we see them come into Europe, mainly sub-Saharan migrants who are desperate to start a new life in Europe. The numbers of human trafficking, people that are into human trafficking is currently increasing.

Then we have a very national challenge also that can also affect our societies. How do we perform with the integration of migrants into our host societies, especially during time of financial crisis, for example.

So, these are some different challenges that we have.

On the other hand, and I have to say policymakers mainly focus on challenge, but if we look at opportunities, one has just to site some of the facts.

For example, the World Bank estimates that remittances from migrants to their families in developing countries amount to more than \$400 billion U.S. dollar for 2012. This is far exceeding official development assistance. The official number of the OECD for official development assistance for the same year is \$1.25 billion. So, there is a development effect that is caused by remittances.

The other aspect, I look at the history of my own country. Since the Second World War, we have had 2 million migrants entering Switzerland and creating also a big part of the prosperity we have generated since then. And let's just look at our even older history. I mean, if we are good at banking and at watch-making today is because at some time we have accepted the Huguenot refugees from France that brought banking at the watch-making from Paris to Switzerland and then we hosted them and thanks to their skill, we developed a national economic virtue and it helped our prosperity. So, one has to have these two dimensions in mind when we speak about global governance of migration problematic.

Now, how does Switzerland go about with that? The complexity of migration is reflected in Switzerland's various migration policy interests. It is, for example, in our interest to encourage regular migration, as I said it before, as a means of stimulating our economy, but we also have an interest and even more an obligation in providing protection to refugees and IDPs according to our international commitments and humanitarian tradition. This is even in our constitution.

So, on the other hand, our national legislation obliges also to take steps

to ensure that irregular migrants eventually return to the country of origin. This is quite delicate because this policy of return has to be implemented with respect of the dignity of the persons we have to return to their country of origin. Let's not forget that they often migrate out of desperation and the least you can do if you are obliged to return them to their country because they are irregular, is to do this policy of return with dignity.

So, these challenges and opportunities as well as different interests and obligations have to be balanced in what I would call a smart mix of coherent migration policy. Now, what is it, a coherent migration policy?

First, we have to have the honesty to recognize that migration policy must face both migration challenges and opportunity. It must reflect the complexity of migration and combine foreign and domestic viewpoints.

Second, the current coherent migration policy requires close coordination and cooperation between all national agencies, departments, and offices concerned with migration issues. It must not be implemented in silos. Often, it is too much the case, but if you want to have a migration policy that is a 21st Century migration policy, you have to quite the silo and have a whole of government approach because it's too important an issue to be dealt annually in silos with subcategory by subcategory.

Third, you have to establish a close partnership between Switzerland in our case and countries of origin as well as countries of transit and destination. Combined with a balanced consideration of the interest of all stakeholders, if you engage a country for a dialogue about migration, the country of origin has other interests than you might have as a country of destination and you have to find here the common interest in order to address this migration issue.

So, what I just said means that when you design a migration policy, you

have to attach to it a foreign policy dimension. That's why me as a diplomat, I am dealing with this also migration part of Switzerland foreign policy.

Fourth, the last I mentioned, if you have a foreign policy dimension to it, you have to concrete instrument and specific focus. For us, the most important instruments are the following: First, we establish international and regional dialogues on migrations. Second, we establish bilateral migration partnerships. Third, we establish programs to protect refugees in the region of origin. And, fourth, we assist voluntary return and reintegration programs for migrants that are in an irregular situation in Switzerland and have to return to their country.

These are the four instruments that we are engineering into actual programs. Then you have transversal aspects when you deal with migration issues. You have to prevent irregular migration where there is an aspect of prevention, not just of bringing people back, but how can you prevent irregular migration? Combatting human trafficking, human trafficking is really wherever you find flows of migrants, you will find human trafficking, you will find a mafia that makes money out of this person that wants to move out of desperation and that is also a dimension we are following to promote the potential of migrants and especially the diasporas that is already in our country for the development of their countries of origin. No ledger of skills transfer and remittances.

Let me now just delve a little bit if I have time still into two of these examples that we are experiencing on the ground. Protection in the region is one approach that we have. As I said to you before, most -- and Anne said it also -- the burden of forced migration that comes out of a crisis like Syria, most of the burden is covered by the neighboring countries, which often are also fragile countries or countries that are in development. So, the burden they carry is really, really a high burden and it's

even at risk of sometimes also destabilizing these countries.

So, for example, Lebanon, Jordan, Turkey, and Iraq have seen some 25,000 Syrian refugees every week. Flooding, so, what can we do to help them cope with that situation?

In Yemen, for example, also a country that is at the bottom list of GDP worldwide has last year more than 107,000 people cross over its territory mostly from Ethiopia and Somalia.

So, the idea here is really to help this country with capacity building in order that they can provide the first refuge for these people that leave the crisis and that they also develop laws that will guarantee that they not just host the refugees, but they host and have the capacity to treat them well according to international standards, and here, they need the help of rich countries like Switzerland.

And, so, in doing that, we fulfill our obligation of protection because the protection commences once the refugee is safe, but there is also an objective of prevention of further migration which then would become irregular in a way because a political or a humanitarian refugee is safe once he is out of the crisis and if he moves along irregularly or through human smuggling into our countries, the risk that he's not recognized as a true refugee is there, so, we also have while we are helping the country of first asylum, we also do some prevention for further migration towards Europe, for example.

So, we focus on the Middle East, we focus on Yemen, and we focus on the Horn of Africa. Horn of Africa is very sensitive because it produces a lot of IDPs, but also refugees and the biggest refugees that reach Switzerland, they come from Eritrea. That's why we are very concerned about the way they are channeled towards

Switzerland first and if they reach, for example, Sudan, that they get the standards that they deserve once that are in Sudan. So, protection in the region is a real area where there can be more international cooperation, more rules for better cooperation.

Another instrument that we have innovated is the migration partnership and the migration partnership is really the new philosophy how a country of destination can, together with a country of origin, really talk about migration problems, and find solutions that are fit for Switzerland's interest and for the country of origin's interest.

For example, Nigeria. Huge country of West Africa. In 30 years, it will be the third most populated country in the world after India and China. It will be Nigeria, and with a huge population that is above 50 percent under 30-years-of-age. So, a huge also willingness to go up north and find a better place in Europe.

So, how do we go about with Nigeria, especially when we have to send back some irregular migrants that have ended in Switzerland to Nigeria because there is no political crisis in Nigeria that would give them legitimate cause for having political asylum in Switzerland?

So, our interest is to have an agreement that we can send the irregular migrant back, but their interest is also that we open channels for legal migration and for helping maybe regions that are specifically prone to send migrants to develop development activities in this country, and through this partnership we were able to address for a country that normally -- because it's a rich country, Nigeria produces oil, so, it's not among the traditional recipient for foreign aid, we were able to despite this fact enter into development programs for particularly poor regions of Nigeria who are producing a lot of migrants.

We were also in this dialogue that brought us together actually through

the migration dialogue we have now very intense, very frequent and very high-level political consultations with Nigeria. We were also able to help them ratify the Kampala Convention on IDPs in Africa. Assist them, give them capacity so that they would agree to ratify this convention, which they did last year, and now we will continue the assistance in order that they implement it so we can actually do something for the IDP by having such a huge country like Nigeria designing policies and all that is starting from a migration partnership that we have with them. And, so, this is a very promising way of doing migration policy bilaterally also.

Let me just end by saying, as Anne has mentioned, the high-level dialogue in the U.N. that will be in October. This global challenge and opportunities of migration really need that we have a good global governance about what wording are we using when we're speaking about migration, what instruments, and what fears that are in the room because if you speak about migration, some country might fear that you interfere with their population, especially if you address IDPs and so on.

But migration is so sensitive that it's actually not dealt with in the U.N. It's dealt outside the U.N. You have the Global Forum for Migration and Development that works very well. It's a coalition of the willing based in Geneva that produces a standard best practice and gets the global governance discussion going on, but we have a chance now and it happens every six years, that the U.N. is addressing the issue at the high level and Switzerland thinks we should really take the chance and make the best out of this high-level dialogue to also give a universal comprehension, understanding about what are the best practices, what are the standards that we need to really come to grips with this incredible challenge of the 21st Century and the high-level dialogue -- and I'm concluding -- gives us an opportunity to recognize at the U.N. level that an efficient

migration policy has to be comprehensive, should be based on partnership and on cooperation and that it should not only be focusing on immigration, integration, and return issues, which is often the case in western destination countries, we focus on that, but that it has to include protection of displaced persons. By the way, this is also an obligation we all have under international humanitarian law and under the application of the human rights principle that we adhere here. Thank you very much.

MS. FERRIS: Thank you very much, Claude.

And we turn now to you, Chaloka, to look at a human rights perspective on displacement and migration.

DR. BEYANI: Thank you very much, Beth, Secretary Anne, Ambassador Claude. I'm happy to be here. I think I was last here in March, so, I'm becoming something of a more regular presence at Brookings, which is very, very good.

My mandate works on the human rights of internally displaced persons, but I'd like to situate the discussion in the broader context of migration in order to draw parallels as well as differences between migrants, refugees, and internally displaced persons and then to show some of the human rights trends and parallels that underlie both what Secretary Anne and Ambassador Claude have spoken about.

To deal with my question is actually to deal with populations on the move, whether you call them migrants or refugees or internally displaced persons, but I'm also very cognizant of the needs to make sure that the legal distinctions between those categories are not blurred by the broad umbrella term of migration. And there are serious reasons that will come out as I go on related to that.

But take the International Labour Organization estimation that in the context of migrants, thereabouts of 85 million persons who live outside their country of

origin. UNHCR would indicate there are about 14 to 15 million refugees the world over. In relation to IDPs, you have about 27 to 28 million conflict-related displaced IDPs, and if you add natural disasters, you have an additional 50 million or so. And if you add all those figures together, it gives you an idea of the catastrophe that we're dealing with under the umbrella term of migration.

But here in dealing with migrants and refugees, if I take those first of all, the sense is that both of them involve transboundary movement. So, for that reason, they're very visible internationally. The destination countries as both the assistant secretary of state and Ambassador Claude have indicated clearly have an interest in the movement of migrants and refugees, whereas IDPs remain in the country in which they are. The visibility is not that much and you're dealing with the politics of the country of origin versus the international system, but there are certain humanitarian needs and responses here as regards these populations. Take Syria as an example at this point in time.

But migrants are always perceived either as being voluntary because they move on a voluntary basis or they may be perceived as involuntary where the source of movement perhaps is economic-related and conditions of livelihood in the country of origin cannot actually sustain them anymore and they, therefore, turn to look for greener pastures. They may also be documented or undocumented. Documented in the sense that they've got valid passports and visas. They may be undocumented in a sense that they procure the documents illegally or they don't have them or they had valid documents which have sense expired, but they've remained in the country in which they are anyway and therefore become undocumented and all of these obviously give rise to specific problems of being unlawfully present in the country in which they are.

But all of this in relation to migrants and refugees, the whole point about transboundary movements and crossing an international boundary is the Westphalian model of statehood in which you have territory or control and the state determining who enters its territory and who stays out and visas become an important aspect of that method of control. And visas by definition are available to those who have the means to look after themselves in the countries in which they are and the vast majority of the involuntary migrants we're speaking about are not eligible to get visas because they can't demonstrate that once they enter the country they'll be able to look after themselves, and, hence, you have illegal entry, you have trafficking and smuggling as alternatives to the regular immigration system. And, yet, the perspective of human rights is that immigration controls must be exercised consistently with human rights, whatever that means. At least do not discriminate on the face of it, again as to migrants other than the economic issues that are taken into account.

With regard to refugees, it's a whole different ballgame because it was recognized from the 1920s, 1930s, right up to the end of the Second World War and the formulation of the 1951 convention related to refugees that they were intended to be a privileged category in the post Second World War circumstances. So, for that reason the convention made an exception that those who come directly from countries of origin and even if they made an illegal entry would not be penalized for making an illegal entry. That has brought about all kinds of dynamics.

First of all, migrants have sort of taken advantage of the refugee system because they know that if they come to the board and say I'm a refugee, they may not be turned back immediately. On the other hand, this has burdened the system of immigration on the part of states and instead of states actually investing in processes and

procedures that would separate out refugees and migrants, states have continued to treat migrants and refugees within the same immigration system which has caused, I think, huge problems from my point of view. There are also issues of cost, of course, which perhaps states don't actually think that it is necessary to invest into new additional systems of how you try and separate out and therefore unburden the immigration system as it were.

But whatever the case might be, I think the important thing to look at from the point of view of human rights is what is the response towards those who are vulnerable as migrants, whether lawfully present or unlawfully present or refugees or internally displaced persons because the element of vulnerability in terms of livelihoods, in terms of human rights, and in terms of treatment is something that cuts across all those three categories, and here we've had some, I think, fairly interesting results.

We know that there's been a response in the context of trafficking and smuggling because it simply doesn't happen the way it is, it's a billion-dollar industry every year. There are networks that feel this and that use the same means as in drug-trafficking, the same parts, the same roots. So, it's a huge underground business, if you like, in suffering and exploiting those that are actually suffering. And here the European Court of Human Rights has made some important pronouncements. Against France, Cyprus, and Russia protecting migrants from being trafficked and from being held in slavery-like conditions, that this is unlawful, it's slavery, it's servitude, it's control, it's an exercise of ownership on the part of the traffickers against other human beings and have acted therefore to liberate some of those that are held in these kind of circumstances.

And I can spare you the facts, but quite clearly in the context of trafficking, you have exploitation and continuing exploitation and exertion of authority by

the trafficker over the trafficked, which is how it often works about, and the circumstances in one of the cases that the European Court of Human Rights had to deal with, you have a cabaret singer from Russia, and they're told well, go to Cyprus, there is a huge entertainment industry there, you'll make your money. They agree and go there and they find that they're actually held under lock and key every day and they also serve as prostitutes and they're taken to specific bars to sing and eventually they report to the authorities that this is what is happening and the authorities, the police say well, okay, come the following day with the manager and the traffic person, which is the naiveté of the police because by the following day, the cabaret singer is found dead in whatever circumstances and then an issue about responsibility arises. But at any rate it is the country in which the person has been trafficked that has responsibilities in terms of providing protection against the victims of trafficking.

In the context of the inter-American system of human rights, here we have had some fairly innovative approaches towards the protection of ordinary migrants in the first place; especially migrants who are exploited by virtue of an illegal presence, employed and the employers know that these people are illegally present. So, if they are not paid, they can't go to the police or unions and complain that we have not been paid because the threat then will be you'll be exported or deported from the country in which you are.

And to try to stem this, and this is in the context of illegal migration between Mexico and the United States, the inter-American system came up with this innovative idea that never mind whether someone is documented or undocumented or illegally present or not, but it is the protection of the occupational rights to employment that matters and look at that element that is actually quite critical to them. Their rights as

being persons who are illegally present, of course, may not be consistent with human rights, but there are those aspects where human rights has to protect them.

Against further exploitation such as working in circumstances where they're not being remunerated because the employers know that if they complained about that, they would be shown the door and that was quite sort of innovative and overreaching, but it also creates, I suspect, other problems about extent to which not just rights of employment, but rights that relate to health, for example, can be protected.

And the dilemma is if a migrant has a contagious disease, it's in the interest of the receiving state to give them treatment. Otherwise, the population also gets affected and, yet, most receiving states also say well, there's a balance in terms of cost between our own population and migrants on the other.

So, I'm not suggesting that there be a tradeoff since human rights does not actually speak in terms of tradeoffs, but I think it's important to identify those aspects of migrants that need protection regardless of the overall situation in which they are in the context of the country in which they are.

More recently, the inter-American system has also held that transit countries that actually stop migrants from moving from the country of origin to the country of destination would act unlawfully where they detain migrants for those purposes, that there's freedom of international movement, this is not your business, it is the business of the country of entry and maybe the country of origin rather than the countries of destination acting more or less as police persons for other states.

And the final aspect which has come from the inter-American system as late as April of this year was the deportation of Haitians from the Dominican Republic in circumstances that the system thought it was inhumane, there was a system of

discrimination against them, and, therefore, halted the deportations.

So, we see human rights in some small respects coming I think to support those who are vulnerable in areas of vulnerability, specifically in matters of either work or in matters of transit or in matters of deportation or in matters of trafficking for that matter. But states haven't taken this lying down, especially states of destination.

As you're aware, in Europe, the main debate is between states party to the European Convention on Human Rights and the European Court of Human Rights, where it refuses states to deport foreign nationals for a variety of reasons. Some of the reasons have to do with family ties and acquired rights that once migrants have lived in a country for a while, they actually have certain acquired rights and especially if they have children, marital relationships, then it's important to take the broader family unit into account rather than the migrant as such.

But the challenge here, of course, is more about how human rights is an inclusive concept and how in its inclusivity reaches out to migrants, as well, who are not nationals of the states and then states reacting and saying well, we don't want human rights to get that far, and, therefore, we think that the European court should defer to states in those kinds of issues and let states determine the circumstances in which deportations might take place.

Two more aspects here under the European Convention. You'll be aware that in 2012, there were some Somali and Eritrean migrants from Libya who were on a boat destined for Italy and the Italian Navy intercepted them at sea. They had a readmission agreement with Libya, sent them back to Libya, and Libya was in the process of sending them back to Somalia and Eritrea when non-governmental human rights organizations sought an injunction from the European Court of Human Rights and

the European Court held that Italy had actually violated their rights first by intercepting them at sea and secondly by deporting them to Libya and not building into the foreseeability of risk that eventually they would go back to Somalia and Eritrea. But if that did at least create some effect, then the next decision probably put the cat amongst the pigeons because here the U.K. was again trying to deport migrants from Somalia and Eritrea and the court said no, you can't. If you deport them, these people are going to end up in IDP camps and refugee camps and that amounts to inhumane and degrading treatment.

Now, IDP camps and refugee camps are a mode of protection of individuals. So, where does that actually take us if from the point of view of human rights, this is seen as inhumane and degrading? Should we be looking at the models outside of camps and settlements? Question marks. There have also been some cases from the African system whereby West African nationals being deported by other states have been halted. If that takes care of migrants, then how about refugees?

And, as I said, these are different because of the way in which the system originated. They have lost the protection of the country of origin or they're no longer willing to remain under the protection of that state. And although that standard has remained but it has changed over time, when it originated in the 1920s, it's because the Soviet Union denationalized and expelled all those persons who had lived outside of the Soviet Union for at least five years after the Bolsheviks came into power.

I.e. they're counterrevolutionaries, they'll sabotage the revolution, so, we don't want them. It was a process of exclusion, which is how the Nansen System came in play and then the Armenians followed in 1926, expelled and exterminated by Turkey for the most part and also had to come into the system of protection. And then it was

fairly easy because you could identify the categories. These are Armenian and Russian refugees of Armenian and Russian origin, no longer under the protection of their countries of origin and need protection.

But from the 1930s to the 1950s right up to the end of the Cold World War, there we saw not so much the issue of exclusion and also cutting away persons from the whole concept of belonging, which is what the Bolsheviks did and the Armenians did. Here, we see the beginning of Nazi German from the 1930s, anti-Semitism rising and the idea of persons actually fleeing, i.e. Jews were beginning to flee and escape from Germany, which introduced a different element, the element of flight in the notion of refugees, which is inherent that you have to have access to safety and cross an international boundary in order to reach other states for the reasons of safety and territorial control.

And the 1951 Convention was built on that premise that the idea of flight was built into a well-founded fear of persecution on certain stated grounds and that if those were demonstrated, then, of course, the person would come within the scope of international protection with status and that status carried certain rights and responsibilities to states and like ordinary migrants, which we have looked at, and would show that this was a different category of people.

And when I look back at the origin of that system, I'm always now tempted to say that in the era of globalization, refugees were actually the first global citizens because they could go to any state and say I need protection, I'm at risk, I don't have protection where I come from anymore, I don't wish to remain under the protection of the state X and re-conceptualizing that I think is a fairly powerful kind of symbol.

Even as we look at globalization as a phenomenon that also causes

dislocation even in the context of ordinary migrants as well as refugees. And here we have both protection in the context of entry, protection of the context of removal or non-refoulement and, again, we've had quite a good sizable portion of protection both at the national level as well as at the regional level, but the main element here is that the duty of protection is at the level of the state and there is a state responsibility aspect much towards nationals of other states who no longer can be protected by that state as it were.

The African System and the Inter-American System added something different, i.e. large numbers of persons fleeing because of cross violations of human rights or because of wars of national liberation as refugees. But the point I think to emphasize there is that inasmuch as we speak of migration and migrants, we see that refugees are not ordinary migrants, there is something about them that actually deserves special protection and that that protection from the time and the circumstances of the Second World War is a resilient aspect and it still tells us something about protecting those who are actually vulnerable in circumstances where they have to flee in order to be alive or in order to be safe.

IDPs are different, of course. They don't have status as refugees have. Being displaced within a state is a situation. It's a state of affairs, but the reason why the system originated and it was inherent from the practice of the Second World War, population transfers, exchanges in some respects, but it was during the Cold War and towards the end of the Cold War that it became quite clear that this was a population that became vulnerable because it was being coerced to leave where they lived normally for political or other reasons. So, they're actually targeted and uprooted.

So in the context of refugees you have flight because there's a fear, and you know that state agents are coming up to you and you flee or there is the conflict, and,

so, you leave your places of natural habitat. But in the context of IDPs, there's something more fundamental happening here, which is that by reason of identity, whether it's religious, ethnic, racial, or political, populations are targeted specifically either for eviction, killing, removal, or whatever the case may be, but the element of being uprooted and being coerced or obliged to leave is an important aspect and this is what informed the IDP regime from the 1990s onwards and to articulate a system that would best respond to this, and, yet, the contradictions were quite clear.

How do you have international protection for persons that are displaced within the state? What does this do for the rights to seek and enjoy asylum? Is this a system of containment because we don't want people to leave their borders? And all those issues I think were debated in the 1990s and it became quite clear that there are those in the context of either claims of containment that do not wish to leave their own countries and they remain where they are.

As we speak, just quite close to the border with Turkey, there are IDPs from Syria who have crossed that boundary. They can see it. It's 500 meters away, but they've chosen to stay within their own territory and there's some good reasons why people make those choices and the important thing is to make sure that people who remain in those circumstances are not actually left in a situation of vulnerability.

And, hence, the Guiding Principles were then formulated to provide a soft law approach, extrapolated from hard law, international human rights law, international humanitarian law, and by analogy international refugee law, the element of compulsion to some extent, their approach to durable solutions, the language is very similar. So, you can see the influence of international refugee law there.

But still the qualitative difference remained. These are persons within

states and the human rights approach which informed the Guiding Principles then focused on the idea of state responsibility, either responsibility of the state of origin as opposed to the responsibility of the receiving state in the context of refugees or to some extent migrants, but this time tackle the problem at its source and state X would have a responsibility in relation to its own population. So, it turned the whole thing upside down, even as much as we see that these may be migrants of a certain sort of another.

But the interesting thing is that the Guiding Principles which are said to be soft law have also acquired a hard edge to them. The African Union Convention on IDPs transformed the Guiding Principles again into binding obligations. The Great Lakes Protocol is doing the same thing, and, so, here, we have actually a circle that has grown and become full circle from hard law to soft law and now going back to hard law, and I think that's a challenge in the context of the international measures that are being taken and by 2005, the Guiding Principles were recognized as the guiding framework.

So, how do we then deal with this mixture? I think the international system has remained fairly compartmentalized. Migrants, of course, are neither here nor there, but the International Organization for Migration has a strong claim and stake in relation to migration and migrants. Generally, the United Nations' High Commission for Refugees has remained very solidly focused on refugees. In the context of IDPs, of course we have a collective approach, the Interagency Standing Committee, and my mandate as a focal point, but this is where we actually haven't met more serious, concrete institutional inroads towards protecting persons displaced within states and I think we still have to deal with the reality that some of the states in which they are still effective states and you have to deal with those states in order to get the populations in terms of access and also in terms of protection and assistance.

So, to conclude, although migration, yes, is migration about the movement of persons between states and also within states, as we move towards coherent migration policies, I think it's important also to articulate policies that speak to the main aspects or categories of migration, but because the policy is flexible, it also has to reach out I think to prevention in some respects in the countries of origin both in relation to migrants, refugees, and IDPs because this is something that international refugee law does not do. It simply responds to what's happening and protecting those, but by using human rights and by using policy, at least we have the means to actually get back to the source of the problem and begin to engage the problem with the responsibility of those states and the receiving and other states or states that have a standing clearly are interested in that.

And, so, the main differences here is, of course, I'm a voice for those whose human rights are violated and displaced and Ambassador and Secretary, we reinforce each other from the point of view of the responsibilities of states and responding to the same issues, but in slightly different ways. Thank you very much.

MS. FERRIS: Thank you, Chaloka, and thanks to all of you. (Applause)

Time is limited. I hope to have a little discussion among the three of us, but maybe what I'll do is just throw out some questions and then add some more questions from the audience that you can respond to.

Anne, I wonder if you want to talk a little bit about the relationship between policies on migration and refugees, IDPs. You talked about some of your work with refugees, IDPs, for which you're well-known, and then some of your work on migration, but is there a connection between what you're saying at the high-level dialogue and your policies towards refugees? Just hold that thought and we'll get some more

questions that you can decide to obscure that question or answer it fully.

And, Claude, I wonder if you could talk a little bit about how Switzerland deals with this question of irregular migration. You talked about protection in the region as a way of dissuading irregular migrants, but sometimes it's the only way for persecuted people to get out is to buy a false passport or to pay a smuggler. I mean, the world is full of historical examples of people who have done desperate things in desperate situations and how do you protect the people who are truly fleeing persecution and using these means?

And then, Chaloka, maybe we could talk a little bit more about Syria that I think all of you mentioned. Yes, you've got refugees and you've got IDPs, but it's really much more complicated. You also have large numbers of Palestinians inside Syria and Iraqi refugees, some of whom have gone back and I think IOM estimates 100 or 150,000 migrant workers some of whom are displaced. How do we sort through? Life is complicated. People move for a whole variety of reasons and does it make any sense to try to sort these out?

But before you have a chance to respond to those questions, let's pick a few more. And we have microphones. We'll do one, two, three. Yes? And if you could introduce yourself, please.

MR. MANHART: Good afternoon, thank you. Great presentation. My name is Dustin Manhart and I just have some experience working with older adults and just had a question.

Anne, you had mentioned LGBT, you talked about human trafficking.

MS. RICHARD: You're going to ask me a question as an older adult?

(Laughter)

MR. MANHART: No.

MS. RICHARD: That's what you're doing to me today.

MR. MANHART: No, no.

MS. RICHARD: I used to be young and promising and so charming.

(Laughter)

MR. MANHART: You still are, you still are. And, actually, the question's for all of you, and Anne, in particular. I was just curious as to what maybe practices that you're employing within your agency or your department working with refugees, migrants who are older adults maybe who are disabled and then maybe what the Swiss are doing and then just things that you have seen out there in the field.

MS. FERRIS: Thank you, and we'll take two questions at the back, please.

MS. LOPEZ: Yes, so, my name is Adriana Lopez. I work at Kids in Need of Defense.

And my question is related to, so, we talk about the differences of migrants and refugees and the different systems that exist. In the United States, we've been experiencing an increase in the number of unaccompanied children. So, I want to know perhaps what Europe is experiencing, if they're experiencing an increase, as well? What sort of protections have been put in place? And what lessons can the United States draw from those protections that have been put in place and also focusing on the returning to reintegration, which has also been talked about a little bit, but I assume for adults.

MS. FERRIS: Okay, was there another hand back here? Okay, we'll take this one over here then.

MS. CALABIA: Dawn Calabia from Refugees International.

Chaloka, you mentioned that we have a system with OCHA and the Interagency Standing Committee. I wonder if you think we're going to really get progress in getting U.N. agencies to put their core budgets into this kind of work and not just earmark contributions, particularly on a protection question for IDPs. Thank you.

MS. FERRIS: Okay, have we got another question? We'll take this one here and then we'll give you a chance to respond.

MS. TRIX: I'm Frances Trix from the Wilson Center and I'm especially interested in IDPs, and this is slightly a historic question. I worked a lot with Kosovo. And I'm very interested in what kind of pressure you can put on a state to improve how they treat IDPs because we watched this through the '90s and it ended up with the Kosovars declaring independence and I saw things just getting worse and worse.

MS. FERRIS: Okay, let's give our panelists a chance to respond. The first to respond gets to pick and choose which questions you want to answer. (Laughter) Anne, I see you're eager to respond.

MS. RICHARD: I'm eager to respond. Thank you, Beth.

The way my bureau handles migration issues and handles our refugee and IDP responsibilities is quite different and a big reason for that is we get funding from the U.S. Congress to give to partners in the international humanitarian assistance world to do good work all around the world in terms of protection and aid. And, so, that's the biggest effort behind the bureau, behind the staff at the bureau, and that's what we're known for and we have a fairly good and I think deserved reputation for that.

In terms of migration, we have a very small unit that is not funding major international organizations. There is a little bit of a linkage to some of the work at the

International Organization for Migration, but we're also funding IOM for some of our refugee and IDP work. So, but mostly it's involved conversations in the international level, international fora, international meetings along the lines of the Global Forum for Migration Development, the high-level of dialogue on migration developments this year. And, so, what it requires when done well is to pull together viewpoints from throughout the U.S. government interagency and to get an interest from other government agencies, Department of Homeland Security, Labor Department, USAID, International Organizations' Bureau, State Department, perhaps folks that are fighting trafficking, get them to align with us, work with us, and then take a common U.S. government approach to the rest of the world.

That sounds so sensible. It's very hard to do because on any particular day everyone in all of these offices, including my own, are chasing after urgent crises. And, so, to have us all focus on these sort of more broad, long-term, global trends issues, it can be quite challenging to get people to come together on that.

So, that is the most superficial answer to your question. I mean, I think it's worth thinking about some more and giving you a more careful answer another day, but certainly the way the U.S. government tackles these issues is quite different.

MS. FERRIS: Right.

MS. RICHARD: Even when they're in one bureau that has refugees and migration in its title.

On the question of older adults, which I'm caring more and more about with every passing day, every passing year, we have seen that the emphasis on looking at refugee communities not as just a group of identical sort of cookie cutter approach and separating out the needs of women and of girls and boys and children, of adolescence, of

youth is helping also give us a look at the elderly and also the disabled and also as we were talking a few minutes ago about people with different sexual orientations and gender identities.

So, I was really pleased, for example, in the Haiti response when food was being distributed. Real care was taken that older people be helped to bring their food back to where they were living and not just expected to take a heavy bag, walk a few feet, and then be robbed of what they had. And, so, I think there is a great deal more care being taken in building in protections for the most vulnerable in society into how we deliver our aid. And a lot of it is common sense stuff, but it means that you have to look at a group of people and see there are different needs and their different sort of status within a society.

MS. FERRIS: Okay, Claude?

AMBASSADOR WILD: Well, thank you. On the same subject maybe and also joining both of your questions, prevention, you had this question of whether it's good or bad to also have an objective of prevention of further migration. You have to see two situations. If you flee because of a crisis like Syria, your first intent is not to reach Europe to get a job. You have to save your life, save your family's life, and then you will stop in Lebanon or maybe in Jordan and here it is our first duty is the protection duty to make sure that this first safe stop is made out of dignity. And that you can maybe stay here two months, three months, six months, one year until the crisis in your country is finished and return. And here while doing effective protection in the region and I didn't have time to elaborate before, but when you help Lebanon or Jordan to really build up their capacity, it is also making the difference between children, women, older in camps having the right legal basis for providing more than just the first humanitarian help

because if the condition in the camps are maybe safe for your life but not safe for staying for six months because they are just appalling because you don't get enough food, you get raped, or you are under all kinds of internal pressure, then you will move along and you become another type of migrant.

So, under the serious protection in the region aspect, we look at all of this. Humanitarian response, but also enables the states that receive these refugees to really deliver a dignified answer. And the best model here that we try to promote is to have refugees hosted into host families and to give incentive to this family that often are also just above the level of poverty. First, they are tremendous in their generosity. I mean, we could learn a lot from what these persons are doing in Jordan, in Lebanon for people that suffer. They have really opened their homes, they open their heart, but they need to be also empowered to do that in a sustainable way.

So, all that is into the philosophy of protection in the region and the side effect of it is it has also a prevention of further migration, but I would say the prevention effect is in more if you migrate from a country that is not necessarily in crisis, but is poor, because you want a better future then the probability that you will do anything, smuggle drugs just to finance your passport to Europe or end up into the hand of smugglers or traffickers, this is much more difficult to prevent and the one way of preventing it is engaging into migration partnership so with a country of origin that is not necessarily in crisis, but might have a segment of population that is poor, you can start to build up joint policy to really focus the targets, the core target population and build up smart development projects targeted at potential migrants.

So, on the question about the young people that are migrating whether we have also that in Europe, I don't have the figure. What I see is that young people are

often used as drug mules because they are not adults so if they are caught, so, they will be --

MS. RICHARD: The penalties are not as harsh.

AMBASSADOR WILD: The penalties are not harsh because they are juvenile. The mafia knows that and they target the 17-year-olds Nigerians or Cameroon people or so on that are desperate to enter into the European job market, as irregular often, and, so, they finance, they wait to go over by just carrying some drugs and if they succeed, then they often stay in the business of drug-dealing. If they don't succeed, they get caught, but they are released very soon because they are minors.

So, that's what we see and whether we have an increase of young people migrating under the age of 18, I cannot be accurate on that, but under the age of 25, but these are adults, definitely. Definitely, I mean, the consequences of also the Arab Spring and the new liberty to move in societies that struggle economically. So, there's a European dream of getting a job and it's closer to go from Libya to Switzerland than from Switzerland to Finland.

And, so, North Africa is really a neighbor area of Europe and we have to design now smart policies in order to tackle the economic development of this region because if it doesn't provide a future for the youths, we will have to deal with it under the label of migration. And, so, that is a challenge that comes out of the Arab Spring, but the Arab Spring has also a lot of opportunities.

MS. FERRIS: Thanks.

Chaloka, and I notice that there are two specific questions in IDPs, how to press governments to support or protect IDPs and what to do about these budget lines to make sure and then I note that we're running short of time.

DR. BEYANI: Sure, well, I'll be very brief. I would just start from where you prompted me, Beth, about Syria, and there's a lot that one can say about Syria. And we don't have the time, but purely in terms of IDPs and refugees, I think what Syria shows is that an ineffective system or lack of it in relation to IDPs obviously leads to increased refugee outflows and, hence, you have huge numbers of refugees in Lebanon, in Turkey, Jordan, as well, and which has played for consequences in terms of the demographics of the region and those populations. I think that having access to IDPs and knowledge in terms of needs, protection, and entry across border is quite critical in the context of Syria.

As regards Iraqi, Palestinian refugees, this is where IDP protection and refugee protection in country actually mix because in the context of international humanitarian law or the law governing armed conflict, those persons who were refugees before the war, continue to be internationally protected persons and should not be attacked. So, you have protection both for IDPs and for those who are already refugees, Iraqis and Palestinians, and then you have got migrants also that require protection, but the legal basis for that is more human rights. So, there's a lot more to say on that, but perhaps let me cut it short because of the time.

I think Assistant Secretary Anne answered the question on older adults and others are the same in the context of IDPs that we have what we call profiling and there's JIPS which is an entity in Geneva, very experienced in looking at assessing the needs of the elderly, women, as well as children in the context of protection, but you need statistical data, you need actually hardcore evidence of what the needs are, rather than simply assume that because you have an older population, this is what they need. So, profiling as the first line of protection, identifying and assessing needs, I think, is an

important issue.

Unaccompanied children, yes, certainly, they are being exploited, but in the context of the U.K., it's quite clear that many unaccompanied children arriving to seek asylum has grown and these are people below the age of 18 and the reasons are not quite clear. In some cases, I think there's evidence that families facing helplessness in the countries of origin actually put their children on planes or whatever. Go, whatever happens, I hope you have a better life somewhere. And in the U.K., when they arrive, first of all, they're identified, try to determine what the country of origin is, but in those circumstances, the movement is not direct, it will always be quite secular because people know that once the plane arrives anyway, there will be people at the door trying to see who is there and who is not and where has this come from?

So, the movement will be quite secular and it's difficult to tell immediately where they've come from. But then there are specific centers and shelters run by local authorities where unaccompanied children are taken to in terms of provision of necessities and needs, whilst assessing what is in the best interest of the child because of legislation on the protection of children.

There are a few instances where they are actually given protection as refugees because you can't tell, but they're given protection as children unaccompanied on that order.

Then IASC, this is a fairly important and loaded question, I suspect, because the question of cold budgets is quite critical to the way -- IASC is the Inter-Agency Standing Committee, by the way, a committee that was established in the 1990s after the established of OCHA to provide an interagency approach to coordinating humanitarian assistance to those in need and it's led by the emergency relief coordinator

and administered from the point of view of OCHA.

Now, the core budget's obviously an issue because if IDPs are not in the core budgets and there's no budget re-provision for them, then it's quite clear that the extent to which their needs will be met will be lacking. But then there's actually a failure I think to make budgetary provision for IDPs specifically because their approach tends to be there are all kinds of populations that are vulnerable and we look at vulnerabilities and providing assistance to all those in need and that if we start disaggregating IDPs, refugees, UNICEF, and children, it provides problems for the Inter-Agency Standing Committee which I think is basically an excuse actually because within each mandate of each agency, if that step were taken then some of the problems would be minimized.

The second aspect is that it is in the area of budgeting that there's rivalry amongst the agencies that compromise the Inter-Agency Standing Committee, and that stands in the way both in terms of raising emergency funds or it's from the same pool of donors that the agencies go to and in the 1990s to mid-90s, I remember it was a cut-throat business between them in terms of who is the lead agency and who does what. It's a little bit more stable now in terms of competition, but overall, I think that still underlies the issue.

And the issue of leadership of OCHA in coordinating assistance, of course, is still contested by some. There's a diplomatic understanding and nicety, but on the ground where it actually matters, each one of them digs into their sort of competence. This is my mandate. So, even if OCHA leads this exercise, but it doesn't stop me as agency X to have my budget re-provision supplied by special appeals. So, there's still some issues there to be had.

And IDPs in Kosovo, how do you put pressure on a state? I think over

the years my mandate has developed specific techniques from having dialogues with state, from having country visits and direct engagements, but I think it is now come to a state where states actually accept that IDP protection is important. They may have issues about when you go in and where, whether it's close to elections or whatever or which areas you visit, but they understand that unless the population is stabilized, there will not be political stability and the consequences of Kosovo declaring independence might be such one outcome because the populations that are displaced usually tend to have a specific political or ethnic or religious identity and they tend also to inhabit a discrete territory of the state. So, in the absence of an inclusive approach to them as displaced populations, cessation or independence might be the outcome. So, they do understand, I think, that message quite clearly and Kosovo has been a telling example, I think, of that.

But more lately what is actually working very effectively is the fact that ever since the Human Rights Council came into being and the fact of all states being examined by the Human Rights Council, they are quite keen before they are examined by the council to invite specific mandates, to go to their territories to actually show that they are cooperating and, therefore, they are meeting some of the requirements of the Universal Periodic Review mechanism and this is something that my mandate keeps an eye in terms of which states are reporting, which states have what displaced populations, and when is it strategic for the report to actually ask them for a visit, and there you get some positive results.

MS. FERRIS: When did this start?

DR. BEYANI: Well, the Human Rights Council was established in what, 2000 and --

AMBASSADOR WILD: Six.

DR. BEYANI: Six, so, since then at least, and after the first five years of everyone being peer-reviewed, I think the results are becoming more and more evident and more progressive.

MS. FERRIS: Okay, listen, I want to thank --

DR. BEYANI: But Kosovo is not part of that, of course, yes.

MS. FERRIS: Sorry, thank all of our panelists. Obviously, there's a lot more that could be said on these issues, but thank you very much for coming and thank you for your remarks. (Applause)

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