

45th Meeting of the Standing Committee of the Executive Committee of the High Commissioner's Programme,

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Introductory statement by George Okoth-Obbo, Director, Division of International Protection Services for Agenda item 3(a), “Note on International Protection”

Madame Chairperson,
Distinguished Delegates
Ladies and Gentlemen,

It is my pleasure to introduce the Note on International Protection contained in document EC/60/SC/CRP.9 before you. The Note is structured around six themes, namely, the Office's efforts in protecting persons of concern in emergencies; improving access to international protection; ensuring refugee protection within mixed migration movements; strengthening implementation of the 1951 Refugee Convention; preventing and responding to statelessness; and securing durable solutions for persons of concern.

Across all these themes, the Note once again presents to the Executive Committee a picture which is mixed. On one hand, it underlines the resilience of the international protection system which continues today to secure protection, dignity and solutions for the 10.5 million refugees worldwide of concern to UNHCR; the 14.4 million Internally Displaced Persons benefiting from the services of the Office; and the estimated 12 million statelessness persons who are the subject of UNHCR's activities in this field. Yet, on the other hand, there is also a very sad and preoccupying narrative in the Note of asylum-seekers, refugees, stateless persons and internally displaced persons the world over being treated extremely badly, and of the transgression of the core standards of protection and basic humanity even as a matter of deliberate State policy.

In regard to the **protection of persons of concern in emergencies**, the Note reports on the thousands of people who have been forcibly displaced due to conflicts which have extended from South and Southwest Asia through the Middle East to the Horn of Africa. The protection needs that UNHCR has had to address in these situations vary and range from access to territory, sexual and gender based violence, basic social and community requirements to prospects for solutions. The Note nevertheless calls particular attention, above all, to the overriding dilemma of what is commonly referred to as shrinking humanitarian space. On one hand, humanitarian workers are being deliberately put in harm's way at a level never witnessed before. Some 260 of them were killed, kidnapped or seriously injured during the period under review, including UNHCR staff member Aleksandar Vorkapic who, together with four other UN workers and at least another 18 people, was killed in the suicide bombing attack against the Pearl Continental Hotel which took place in Peshawar earlier this month. This was the

second UNHCR staff member to have lost his life in Pakistan in recent months following the death of UNHCR driver Syed Hashim who was shot in February 2009 in the incident in which our colleague John Solecki was abducted and held captive for two months.

While these risks to the safety of humanitarian workers put the viability of humanitarian programmes, including protection delivery, at stake, there are also more and more examples of failure, refusal or inability to adhere to basic standards of international protection. These stresses upon protection range from refusal of admission onto territory, the securitisation of asylum, violations of the principle of non refoulement to abusive detention of asylum-seekers and refugees, some of this done, as I said earlier, as a matter of State policy. Perhaps at no other time have we faced, as we do today, the question: “whither protection?”. For its part, UNHCR remains committed to responding to the protection needs of the millions of displaced people in all regions of the world who come before this system. Yet, without sufficient security for our staff, and a baseline adherence to the tenets of the protection system, there can be no predictability in either that response or the effectiveness with which it should be delivered.

Madame Chairperson,

The part of the Note which examines **access to international protection** amplifies the concerns I am stressing about due diligence. There is an account there of, among others, asylum-seekers and migrants who have been forcibly returned without an assessment of their international protection needs; of instances of interception, “push backs” and other forms of denial of entry at borders and into procedures; of the detention of asylum-seekers for extended periods of time for the reason alone of seeking asylum; of sexual abuse and exploitation, including trafficking; and many others. These problems become particularly compounded in situations of **mixed migratory movements**, the third major theme of the Note. The Note has outlined UNHCR’s efforts in working with Governments and other partners to translate protection concepts and objectives into concrete actions at borders and in managing the intersection between asylum and migration in a protection sensitive manner. In this respect, our partnership with, among others, the International Organization for Migration (IOM) and the Office’s work pursuant to its Ten Points Plan known to this Committee have been and will continue to remain crucial. The Note calls for the continuing support of States and other partners for UNHCR’s work in this area as a whole.

As the Note makes clear, all this is about strengthening the **implementation of the 1951 Refugee Convention**, the Note’s fourth theme. Here, the Note highlights several examples of the progress that has been achieved in the past 12 months, for instance the passage of new refugee legislation and the operationalization of refugee eligibility boards in a number of countries. Unfortunately, it also draws attention once again to examples of insufficient engagement by a number of Governments in protection response and delivery. In

other cases, such engagement is characterized by restrictive interpretations of the refugee definition, widely divergent recognition rates for the same or comparable caseloads, and objectives of deterrence and national security leaping ahead of those of protection. Working to ensure consistency and coherence in meeting protection needs has thus continued to be a crucial part of the work of the Office during the period under review, including the Guidelines we have issued on the eligibility for refugee status of asylum-seekers from Eritrea, Iraq and Sri Lanka and the Guidance Notes we have put out on how asylum claims raising the issue of female genital mutilation (FGM) and those arising from sexual orientation and gender identity should be treated. The Note also highlights UNHCR's increased focus on protection and solutions for refugees in urban contexts, a subject on which, Madame Chairperson, I had hoped that we would have been reporting here today the finalization and issuance of UNHCR's new policy which has been in development for some time now. That has however not quite happened yet, for the reasons which I will be ready to explain further in the question and answer segment of this item, during which I would also refer to the forthcoming High Commissioner's Dialogue at the end of this year which will focus on the subject of displacement and urbanization.

Madame Chair, for its fifth theme, the Note highlights the efforts of the Office over the last year to **prevent and respond to statelessness**, a problem which affects an estimated 12 million people globally. In several states, statelessness has been better identified, stateless persons have been registered as a first step to the acquisition or reacquisition of a nationality, birth registration has been enhanced, and legislation introduced to prevent and reduce statelessness. Yet, millions of others continue to face major hurdles in securing recognition of their nationality or citizenship rights. All too often, they are simply invisible. UNHCR continues to take this part of its mandate with all seriousness and, as we shall elaborate later in the agenda item covering the Progress Report on Statelessness, we see in the Office's new budget structure, which has a specific pillar on statelessness, new opportunities to enhance and reinforce our work. Underpinning these opportunities is the support of States and of the other stakeholders and partners, including NGOs, which will continue to be pivotal if we will be able to move forward in a more decisive manner.

The Note concludes with UNHCR's particular focus over the last year on **securing durable solutions for persons of concern**. Madame Chairperson, so as to systematize the efforts of UNHCR, States and other stakeholders in these respects, a Conclusion of the Executive Committee on protracted refugee situations is considered to be very important. UNHCR is pleased that Executive Committee Member States and the Office have begun informal consultations on this proposed Conclusion, which we hope to, among others, establish common understandings of protracted situations and a framework for initiatives to be taken on the basis of international solidarity and burden sharing to further solutions for them.

Madame Chairperson,

As I come to conclude now, please allow me a few words of a personal nature. In 8 days' time I shall be changing functions to become the Director of UNHCR's Regional Bureau for Africa here at our Headquarters. Over the last three years, it has been my honour and privilege to work, in my capacity as the Director of International Protection Services, with the Bureau of the Executive Committee, including that which you head today Madame Chairperson, and with the Governments, NGOs and other partners represented in this meeting of the Standing Committee in furthering protection and solutions for those whom we are mandated to serve. I wish to thank you, one and all, for the support and cooperation that I have received from you in this period. Allow me also, Madame Chairperson to extend to my supervisor, guide and indeed teacher over these past three years, Ms Erika Feller, our Assistant High Commissioner my thanks for all her support and inspiration in continuing to bat for protection.

My new responsibilities will continue to be very much about protection and solutions for the persons of concern to UNHCR in the Africa region, even if our discourse may not all the time be centred, as it has been these past three years, on law, doctrine, or jurisprudence. It will be my determination to work for these goals and objectives with the same determination, commitment and energy as I have done these past three years as Director of International Protection. Madame Chairperson, I look forward to being able to count on the support of the Executive Committee and its Bureau.

Thank you all once again.
Thank you Madame Chairperson.

22 June 2009.