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Executive Committee of the High Commissioner's Programme
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Mr. Chairman,

PROTECTION MAKES A DIFFERENCE. IT CAN MEAN THE DIFFERENCE

For the last several days this Committee has discussed main refugee challenges. The statistics are part of them, with close to 32 million people of concern to UNHCR, some 11 million of them refugees. Delegations have reflected together on many of the bigger operations, from Darfur and Iraq, to Colombia, Sri Lanka or Afghanistan. There has also been comment on ongoing themes of interest, including the asylum/migration nexus, IDP clusters, reduction of statelessness or protracted refugee situations. Some of you have drawn attention as well to emerging global issues, including climate change, with declining resources and increasing competition for them, environmental degradation and rising costs of various sorts, likely to drive millions more into displacement.

Of course, protection is about all of this; yet it is not properly captured in such a list. Protection is first and foremost about people. Refugees are individuals: not statistics, nor themes, nor operations. At the centre of why UNHCR exists are people and their struggles, each one as individual as the next. Protection is, at its most basic, the protection of their rights, their security and their dignity of person.

This Committee often returns to the meaning and effect of protection. All my contacts with displaced persons underline that UNHCR's protection mandate matters dearly to these people - as I am sure the 11,254 individuals assisted between January and June this year by UNHCR in Sri Lanka to apply for birth certificates and national identity cards would agree. So too would the Somalis who manage to make it to the reception centres in Yemen; the raped woman in Darfur assisted when having to face the judicial system as offender, not victim; the Iraqi refugees released from host country jails, having been locked up as illegal immigrants; the Zimbabwean displaced benefitting from the much improved border reception arrangements in South Africa; or the displaced in Georgia stuck between the front lines and convoyed to safety. SGBV is not a set of initials but an intolerable reality for many women, and indeed for children. Protection strategies which at the very least diminish its occurrence and aid the victims can make a world of difference, for example, for the eight-year old Iraqi girl, victim of sexual abuse by her relatives, who was found by UNHCR in a juvenile detention centre in the host country, was released on our representations, and is now under care in a UNHCR safe house. Such individual cases unfortunately are not the exception.

In all such examples, protection support, advocacy and interventions can make the difference for people between hopelessness and a future. The authority of the voice of the High Commissioner, and the power of UNHCR's protection presence, constituted through more than 6,300 staff in some 120 countries, is not to be underestimated; nor too, the significance of

functioning asylum systems, international refugee law globally respected and applied, and underpinned by fair national legislation.

Protection of refugees is UNHCR's core mandate. In simple terms the protection function is about realising access to protection and then about ensuring its adequacy. UNHCR's protection activities focus on promoting responsive and fair national protection systems; a functioning, supported and well-funded international protection framework; and solutions which are appropriate and available on a responsibility-sharing basis.

At the best of times these are not easy objectives to realise. So, how to characterise the past 12 months? I would take the middle ground and describe them as not the worst, but certainly not the best, of times. I will group my following comments under the main objectives just outlined, beginning with:

RESPONSIVE NATIONAL ASYLUM SYSTEMS

The Note on International Protection looks at how protection problems have been encountered and addressed, by States and by UNHCR and partners, for the preceding 12 month period. It puts this analysis in the context of its human rights framework, this being the 60th anniversary of the Universal Declaration of Human Rights, which gave voice to, among others, the right to seek and enjoy asylum, the right to leave and return to one's country and the right to an effective nationality.

The Note reports many positive developments. When it was first introduced to the June Standing Committee, emphasis was put on the fact that many States have honoured and delivered on their humanitarian and human rights responsibilities to provide asylum and protection. Millions of refugees have been able to enter, to stay and ultimately to find the appropriate solution. Last year more than 700,000 were able to return home, while close to 100,000 persons are benefiting from resettlement opportunities made available by an ever growing and diversifying group of resettlement providers. New laws in a number of countries have extended the rule of law in displacement situations, including through more enlightened provisions in key areas such as sexual and gender-based violence. The right to a nationality has been underpinned through serious efforts on the part of States to ensure the necessary documentation is available to formally record births, deaths or marriages.

As always, though, there has been another side, represented by the still disturbing number of refugees today who do not enjoy the rights which refugee law formally guarantees them. UNHCR's ability to extend protection is challenged in many regions by the absence of political will to support it and the disinclination to recognise that asylum is a non-political and humanitarian act. Asylum is viewed through the security prism in many parts of the world. This has meant denial to specified groups of access to the existing asylum procedures, with forced return or refoulement a repeated occurrence. The Office has had to confront some very difficult concerns which merit reflection by the ExCom. When are assurances of safety given by governments sufficiently reliable to proceed with return of asylum seekers has been one of them. When can induced return nevertheless meet the voluntariness standard was another. In a number of current operations, it is clear that return decisions are as much conditioned on the unsustainability of asylum as they are on the evolving situation at home. Return to situations seriously compromised by past ethnic cleansing continues to test the organisation. Diverging interpretations of the refugee definition is a perennial problem. Particularly worrying are interpretations of the 1951 Convention which serve to exclude its application to an entire group on the basis of nationality, paying no heed to the non-discrimination approach of the Convention.

Racism and exclusion are a global concern seemingly on the rise. There is a resurgence of anti-foreigner sentiment in a number of countries with otherwise a solid reputation of long standing support for asylum and refugees. Intolerance has many faces. Intolerance is obviously not solely linked to refugee arrivals, but it is part of the asylum equation, in subtle and not so subtle forms. It impacts border control measures, refugee status decisions, resettlement and integration programmes, and the sustainability of refugee and asylum policies in many countries. Unprovoked and lethal attacks against foreign communities of the sort witnessed from South Africa to the Ukraine, is one example. More subtly, intolerance takes the form of laws which criminalise certain types of immigrants, including asylum-seekers who have arrived irregularly, stripping from them basic due process of law protections, including their right to complete their asylum process and exhaust all local remedies before deportation. This has gone hand in hand, in a number of countries, with a widespread re-characterisation of asylum-seekers and refugees. There are many distinctions made today. We have illegal asylum-seekers, bogus asylum-seekers, economic asylum-seekers, failed asylum-seekers, not to mention overstayers, and the pervasive illegal migrant. The vocabulary may be various, chosen to suit the national priorities and mood, but it adds up to a single image – that of a marginal, dishonest and therefore unwelcome person. The proliferation of labels has been described¹ as a “messy political response to a confusing problem” for receiving states, which is serving to badly distort the refugee concept.

Protection developments can be regionally quite particular. It is truly unprecedented that 27 sovereign states commit to building a Common European Asylum System. We have endorsed this effort, as well as the proposal to set up a European Asylum Support Office. We look forward to playing an active role in such an office.

In Africa, UNHCR programmes have traditionally centred on large-scale movements and camp based responses, with refugees protected and assisted on the basis of *prima facie* group determinations. Urban refugee claimants are, though, a growing phenomenon, calling for adjustment in our programmes, and the asylum arrangements in host states, to underpin the sustainability of the local systems. A particular concern is the lack of integration of asylum laws and structures into the mainstream of the national legal system, with refugee laws operating in isolation from the immigration, administrative and constitutional law frameworks. There are also laws without implementing regulations to support them. When it comes to effectively assisting these groups, there are regularly difficulties, both for host states and for UNHCR, in accessing urban refugee populations. UNHCR’s revised guidelines on urban refugees will shortly be issued for some discussion during the High Commissioner’s upcoming December Dialogue on Protection Challenges.

In other parts of the world it is not the adequacy of the framework but the absence of one which has been the bigger problem. In the region covered by the MENA Bureau, there is a marked reluctance on the part of most states formally to commit to the international legal framework for refugee protection, with accession to the 1951 Convention and its 1967 Protocol limited to seven states. Of parallel concern is the fact that states which have acceded have taken only limited steps to develop their domestic asylum systems. The strong and deeply rooted tradition of hospitality in these countries unfortunately goes hand in hand with a reluctance to establish more formal legal frameworks. This has meant, in a number of countries at least, an over-reliance on UNHCR as the protection provider.

There are comparable problems to contend with elsewhere, including in parts of Asia, where some governments remain reluctant to make the necessary distinctions between refugee arrivals and

¹ More labels, fewer refugees” Zetter, Journal of Refugee Studies, Vol 20, no. 2 June 2007

other irregular entrants. The fear continues that establishing formal asylum procedures could create a pull factor, would be too expensive to run, and will anyway provoke problems with neighbouring countries. In this regard, there has been a notable overall deterioration of the protection environment in Central Asia. Although RSD mechanisms and procedures exist in all countries – except Uzbekistan, political sensitivities are a barrier to access for asylum seekers from neighbouring countries. In other parts of Asia, including in many countries in Southeast Asia, refugees have no official status other than that of illegal immigrants, with most governments still preferring to rely primarily on UNHCR to determine refugee status, assist refugees and identify solutions for them.

UNHCR does not downplay the challenge of disentangling refugee and migration issues, which has remained as complex as ever. This is a global problem which equally impacts sea, land and air borders, even if sinking boats and drowning people leave the most immediate and dramatic impression. UNHCR sees a need for this Committee to return to the issue of rescue at sea, if for no other reason than to recognise that the sea is no more “no man’s land” than anywhere else where people get themselves into serious difficulty and need assistance. If ever a stark reminder is needed, one need only turn to the monthly statistics on loss of life at sea in failed attempts by asylum-seekers to boat to safety. On 28 September, at least 52 Somalis died when the boat smuggling them across the Gulf of Aden broke down and the knife-wielding crew abandoned it on the pretext of traveling to the Puntland port of Bossaso to get assistance. They never returned, leaving the passengers adrift for 18 days without food or water. Meanwhile, a few days earlier in another part of the world, a French patrol frigate had alerted Italian officials to having sighted 6 corpses floating in the Mediterranean, while Maltese officials were reporting the uncertain fate of a fibreglass boat with about 35 people on board.

A process for delivering an adequate and effective response, without compromising the responsibilities at stake, is needed. It is vital to ensure that persons seeking asylum can have access to the territory of states where protection can be sought. While such safeguards are often present in controls at land and air borders, this is not always the case at sea borders and is most often not the case at all in the context of the increasingly prevalent “virtual” or “offshore” border controls. Foreign search and rescue zones seem to be becoming a new point of reference when it comes to deciding where disembarkation and first asylum should happen. This is starting to compete with the more traditional criteria of flag state and coastal state responsibilities and has been hailed by some² as a new form of extra-territorialisation of migration control, or as “jurisdiction shopping” in order to alter the locus of international protection obligations. Some guidelines from this Committee could be a positive contribution here.

Amongst the other nexus issues still calling for some clarification is the vexed problem of secondary movement. Refugees are not, formally speaking, required to seek protection in any pre-defined country or region; nor are they acting unlawfully by arriving to seek protection in a state which has not pre-authorised their presence. That being said, movement by refugees and asylum-seekers from a country where protection is readily available and accessible to them is not generally to be encouraged. There is a need to dampen smuggling and trafficking practices, as well as reduce pull factors which distort asylum burdens and responsibility-sharing, adding to the imbalance in asylum responsibilities. It is recognised by the Office that these are good reasons for UNHCR’s own programmes to discourage so called “asylum shopping”, which means that they should be structured to provide appropriate disincentives for onward movement which would otherwise be provoked by purely personal convenience. With this in mind the Office is reviewing its own operating procedures when it comes to secondary movements lacking a protection justification. This could lead to changes in our approach to refugee status determination, to where

² See DIIS Working Paper 2008/6.

or when we process for resettlement, the timing and levels of assistance made available, and our approach to readmission. We are particularly reviewing our operational consistency between and within regions, from registration to solutions. Any changes in processes and procedures will however have to take into account the fact that there will be occasions, probably numerous, where secondary movement is validated by compelling protection considerations, which need to be assessed in all cases, wherever the claimants present themselves. This requires greater clarity as to what constitutes compelling protection concerns for onward movement and what are justifiable reasons for not having sought the protection of the first country of asylum. The feasibility of reinstating these prior protection possibilities will also have to be a relevant consideration in the individual case.

We continue to encourage states to be as self critical as we hope we are in the area of protection performance. Over the last few months, UNHCR has been reviewing reports provided by states on their implementation of the Agenda for Protection. The Agenda is over five years old, UNHCR has reported annually on its efforts to fulfill responsibilities vested in it by the Agenda, but it has not been so easy to obtain an overview of activities by others. In response to a recent effort by the Office to systematise the process of state reporting, so far 42 states have cooperated with this exercise. These included 1951 Convention signatory, but also non-signatory states, notably Bangladesh, as the aspirations of the Agenda are equally relevant to states that remain outside the Convention framework. This was much appreciated. A brief overview of responses has been circulated for information. The responses suggest that it has clearly been seen by a significant number of states as a useful exercise in self evaluation and reflection. For a smaller number, the process actually did materialise into a national consultation around protection objectives, which was one chief purpose for us in launching the reporting matrix. In Yemen, for example, a round-table brought together relevant government agencies, UNHCR and other experts for the first time to review refugee protection challenges in a comprehensive manner. Other states like Burundi and the Sudan also organised discussions on the basis of the Agenda matrix report.

We hope that states will come to approach reflecting on their use of Conclusions with the same enthusiasm. It might be interesting to go a little deeper with this Committee into why there is a certain antipathy on this score. We recommend a close reading of the report prepared earlier this year by an independent consultant on the utility of Conclusions. In fact, it is a pity that this report will not have the benefit of being formally considered by ExCom, given that it was produced in follow-up to a direct request from this Committee. The report confirms the value of the Conclusions as the underpinning in many systems for policy, jurisprudence and protection practices, and amongst other things strongly supports their more active dissemination and use by states. It hence came as a surprise to learn that consultations around this report have only provoked interest in how UNHCR works with the Conclusions. Refugee protection is first and foremost a state responsibility. Implementation of Conclusions similarly, except those which are particular to UNHCR alone, which most are not. Perhaps the Committee could reflect a little further on how to make implementation of Conclusions genuinely a cooperative state/UNHCR effort.

The Agenda for Protection was one contribution to ensuring the second of the objectives I mentioned at the beginning of my comments, i.e.: A FUNCTIONING AND FUNDED GLOBAL PROTECTION FRAMEWORK, to which I now turn.

UNHCR does recognise that, in fulfilling their Convention obligations, governments have many interests to reconcile. These must obviously include the security of their populations, the integrity of borders, the protection of the environment and the prosperity of the country as a whole. These interests are, though, only well served by proper implementation of the international protection regime by all states, and damaged where non-implementation becomes a chronic problem.

With close to 150 adherents, the universality of the 1951 Convention and 1967 Protocol framework is a reality. Failure by some states parties to perform up to Convention standards is detrimental to the interests of those states who take implementation seriously and comply. It can disturb burden sharing, distort the operation of the system internationally, provoke secondary movements and complicate responsibility-sharing arrangements. Non-implementation also impedes UNHCR's own capacity to assist and be a protection partner of host states.

How to achieve the ambition of strengthened implementation of the Convention, including through enhanced supervision mechanisms, was discussed in detail during the Global Consultations on International Protection. It was agreed at the time that this was but the beginning of the process, with further review being endorsed as desirable. It may well be timely to revert to the variety of suggestions retained by the Consultations expert panel. This could even be the subject of a future Dialogue of the High Commissioner?

UNHCR is not the primary protection provider in helping the system to function as it should. We cannot substitute for national protection systems in any meaningful way. That we are still called upon to do so, as is represented in the statistics on mandate status determination, remains of some concern. UNHCR's share in global asylum applications has been growing over recent years – from 7% in 2003 [61,800 claims] to a peak of 15% in 2006 [91,500 claims]. Although this has leveled out somewhat, figures for 2007 still put UNHCR's mandate status determination at 12% of the overall total.

If not the primary provider, UNHCR is, though, the system's main oversight body. The authority of the positions of the High Commissioner and the advice of his Office stems not only from the legal instruments themselves [article 35, Statute] but also very practically from our experience on the ground, where the refugee experience is actually lived. UNHCR's supervisory role is unique in that it finds its expression in a formal statute, it is reinforced through a legally binding international convention, and it is facilitated through UNHCR's very operational character. UNHCR is both an overseer of what is delivered, and a deliverer in its own right. These are two distinct but mutually reinforcing aspects of our mandate, which have important implications for the authority and expertise we bring to what we do. UNHCR's guidelines are actual, not virtual, just as they are rooted inescapably in the force of law. We would argue that this merits very serious reflection when there is an inclination to disregard them for whatever reason.

Funding protection is a perennial challenge, or rather having donors appreciate that protection should be prioritised as an investment which not only is necessary but also brings tangible dividends. Protection is actually both tangible and intangible – quantitative and qualitative – in its results. It is as much what is not seen as what can be itemised and counted. This is part of the problem. Understandable as it is, it is also difficult to countenance that solidly conceived protection programmes run into serious funding difficulties. Food, shelter and basic health services satisfy accountability requirements by being measurable and all bring, of course, protection dividends. So too, however, does international presence and monitoring in unsafe areas, detention visits, administration of justice programmes, training and sensitisation initiatives. The difference is that one set of activities satisfies audit requirements more easily. The other is more qualitative, perhaps less immediate, more of a longer term investment. But also protection delivery can be measured. This year's edition of *Measuring Protection by Numbers*, which will be launched shortly, is testament to this fact. We expect that our reporting on protection will exponentially improve as we roll out new protection planning and management tools in the years to come.

Welcome funding does though come in from a number of reliable protection donors. UNHCR is currently implementing a two-year project around the 10-Point Plan of Action, thanks to generous funding from the European Commission. Activities to strengthen protection capacity in host states through the SPC project have attracted over USD 13 million from nine donors and private-sector contributions. I want to mention also the recent grant of close to USD 500,000 from the United States Government to expertise UNHCR and its partner agencies involved in best interest determinations (BID) for child refugee claimants. The grant is closely linked to the implementation of UNHCR's May 2008 BID Guidelines. Some 54 UNHCR country offices reported that BID determinations were regularly part of their operations in 2007, with at least 12 operations already having established multi-agency BID panels.

UNHCR's activities in the protection area must, to put it simply, be seen to be value for money. It would be wrong to assert that there is no room for improvement. We expect that the reform process will bring major dividends for protection over the coming period. For one, it should help to ensure that the ratio of protection staff to protection challenges, needs and beneficiaries, is as optimal as possible. The Global Accountability Framework should give us a chance to clarify protection responsibilities across the board, that is in relation to all functions performed by the Office. The consolidation of the training functions is, *inter alia*, intended to instill a protection angle into all management training, and will make a big contribution to embedding a culture of protection throughout the organisation. With the SPC project, FOCUS and the Global Needs Assessment coming together as a coherent whole, protection based programming will, we hope, become a more consistent reality.

More immediately, my office has been working closely with DIPS and the IGO to stimulate some necessary improvements. Age, gender and diversity are now integral to UNHCR's programme planning, to very positive effect, we assess. AGDM assessments put refugees at the centre of decision-making concerning their own protection and welfare and ensure a solid and agreed basis for the definition of problems and the design of responses. They are instructive reading, as is illustrated, for example, by one recently completed AGDM report, covering six European countries. Headed "Being a Refugee", it elaborates the lives and realities of refugee communities under a range of telling sub-headings, such as: "Xenophobia makes refugee lives miserable"; "System not equipped for children"; "Detention stricter than for criminals"; "Life in refugee centres: Between boredom and conflict"; or "The limbo of subsidiary protection". These are the realities for many, as are too the "glowing examples" reported, like the new laws which made a difference, or the initiatives to address the particular needs of children and women in the asylum process.

Other areas we have identified for performance improvement include advocacy and promotion on behalf of stateless persons within our competence. If the work is not as high profile as a refugee emergency, it is nevertheless very meaningful for the beneficiaries. One example is our ongoing work in Sri Lanka to assist the stateless of Indian origin to access the citizenship rights now available to them under Sri Lankan law. The first obstacle we encounter in most countries is actually lack of sufficiently detailed knowledge about the extent, much less the gravity, of the local situations. Mapping the contours of statelessness has long been supported by this Committee and UNHCR is considering an initiative designed to promote more coherent and consensual understanding of the problem at the national and regional levels. We will soon be able to draw on our new software, FOCUS, to facilitate our own planning and programming support, both to our offices and to our counterparts and partners. Conclusion 106 of this Committee called on UNHCR to broaden its partnership base, which we have made conscientious efforts to do over the preceding months, particularly with OHCHR, UNICEF and UNFPA, as well as with regional entities like the Organisation of American States, with whom we have now an MoU, and the

African Union. I repeat our call to new states to accede to the 1954 and 1961 Statelessness Conventions, while welcoming Austria and Finland for having become the latest state parties to one or other of them.

Partnership, particularly with NGOs, is a key concept generally when it comes to protection. It is the concept which underlies UN cooperation and coordination on behalf of internally displaced persons, in the form of the so-called Cluster Approach. UNHCR is committed to being a responsible and predictable participant in all Cluster arrangements, at the field level first and foremost but also at the global level. This commitment, as you have heard from the High Commissioner, remains strong. From the protection perspective not least, the advantage is that it is instrumental in propelling a common approach and can bring diversity of experience and the comparative advantages of different partners into the common effort. This will be realised where it boosts operational capacity and effectiveness, not where it suffocates it through a proliferation of meetings, over-emphasis on funding issues and additional bureaucratic layers. The Cluster Approach is about leadership, predictability, accountability, preparedness, coordination and results. It must not be allowed to become about process and bureaucracy.

Rule of Law is an objective to which UNHCR is committed and around which the organisation programmes a variety of initiatives heavily dependent on partnership. For decades now, we have supported the provision of legal advice and assistance to persons of concern – from asylum-seekers in their interface with national legal systems to refugee returnees to help them access their legal rights on return. Identity documents, housing restitution or compensation issues, citizenship matters or representation in legal proceedings have figured strongly. In conflict and post-conflict areas we are promoting a more coherent inter-agency approach which we have recently been discussing with partners, both within a broader UN context, and in particular with DPKO. We see great promise in consolidated legal aid coordination centers, which are one focus of our planned cooperation. UNHCR has very recently signed off with partner UN agencies on a promotion package for the new UN Convention on the Rights of Persons with Disabilities. We are also actively developing a partnership with the Committee for the Convention on the Elimination of Discrimination against Women (CEDAW), and are planning with them a joint seminar to examine the particular relevance of the Convention to women of concern to UNHCR. Hopefully this will result in a general recommendation from CEDAW on the topic.

I want now to turn to the third area for our protection interventions: SOLUTIONS IN THE CONTEXT OF BURDEN SHARING.

As some of you may remember, there have been a number of tentative, but ultimately shelved, attempts, including over the years by this Committee, to articulate general benchmarks for responsibility sharing, which pave the way for equitable and consistent responses to refugee situations globally. The reasons are clear. Burdens and responsibilities are unfairly spread, with a majority of refugees in countries without the resources to meet their needs. The 1951 Convention is predicated on international solidarity, or the notion that states should address refugee problems collectively, sharing responsibilities to balance the burdens. The system survives tenuously, however, on undependable funding and promises of cooperation. Countries in regions of origin protest that they cannot be expected to admit massive numbers of refugees to whom they become legally obligated on the basis of no more than discretionary grants which ebb and flow with political, budgetary and other considerations.

This is obvious when it comes to protracted refugee situations (PRS). There are over 5 million people currently trapped in longer term exile, including for periods which can stretch over decades. The information note on the problem, submitted to this session of ExCom, explains

succinctly why such situations are so serious. Since the discussion on the matter in the Standing Committee in June, high level visits to protracted situations have continued, notably those of the High Commissioner to Pakistan and Iran. The Bureaux are now working more concretely on the activities they will be pursuing to realise the objectives of the High Commissioner's initiative on protracted refugee situations, which will form part of the next Dialogue on Protection Challenges, to be held in December this year.

The PRS initiative has to be developed in the context of burden and responsibility sharing. To host significant numbers of refugees year after year can be a burdensome responsibility, which impacts on local communities in many ways. International aid, particularly when focused on care and maintenance, is a partial response only. The initiative is about realising responsibility-sharing more creatively, stabilising protection and re-orienting assistance towards sustainable livelihoods and more tangible benefits for host populations. It is also intended to open up solutions for more people. Clearly there needs to be a mix here, with a primacy on the solution of return, but with resettlement and sustaining local stay both having to be a part of any response. Greater ingenuity is required to bring tangible benefits to host communities. The initiative currently under elaboration in Pakistan, which would create a "carpet village" where Afghan carpet weavers can practice their profession while transferring their skills to their local hosts is a fine example.

I want to make specific mention, at this point, of an important project with which I am directly involved, i.e. the Women Leading for Livelihoods (WLL) initiative. With the twin goals of improving short-term protection and longer-term prospects, the WLL generates projects to underpin the economic independence and empowerment of refugee women and girls. WLL links women of influence and means to women refugees in an entrepreneurial relationship. A "newish" initiative, it has already produced tangible results, due to support from important donors, notably Princess Haya of Jordan. In fact, the contribution from Princess Haya enabled the first income generation project created for Chechen refugees in a remote Georgian village to be used to meet the immediate needs of the displaced from South Ossetia. This was an unforeseen, but great "knock-on" effect.

On the theme of more creative burden sharing, livelihood initiatives can take many different but equally valid forms. There is a close link between the health of working animals and that of their refugee owners. Many refugees rely on their livestock as their only form of sustenance, through milk or meat, or as their chief means of transportation and work. The ownership of a donkey can mean the difference between whether a child can go to school or not. Such dependence is often quite absolute and not to respect and protect this is to deprive refugee families of the means to sustain themselves. Regrettably this is rarely properly reflected in the development of livelihood initiatives and the priorities of donors.

Resettlement is a tangible expression of burden sharing. I am pleased to report continuing progress, with more states agreeing to contribute to or to re-join the resettlement effort, resettlement quotas being increased, and contributions to resettlement taking on new forms, for example the resettlement transit arrangements agreed with, respectively, Romania and the Philippines. The support given by the Czech Republic to enable the urgent evacuation of specific refugee groups was a particularly welcome recent development. The needs nevertheless remain high, and beyond the present capacity available to UNHCR to meet them. For 2009, it has been assessed that 560,000 persons will be in need of a resettlement solution, with multi-year programmes having to be developed to respond to them.

We hope that the resettlement fact-finding mission to Syria and Jordan being organized by the European Commission in cooperation with UNHCR will result in the short-term in an European Union commitment to resettlement of Iraqi refugees and Palestinians who have fled Iraq and, subsequently, in the establishment of a broader EU resettlement programme. It is clear that migratory pressures affect some countries more than others, and within the EU, a mechanism for reallocation, on a voluntary basis, of persons in need of protection would help to relieve the pressures which are felt in a number of countries as a result of their geographic situations. Such a responsibility-sharing mechanism would however, as we see it, be distinct from resettlement from outside the EU of refugees who cannot find effective protection in the countries where they are staying.

Burden sharing would be well served by some concerted analysis of the evolving nature of the asylum response. Asylum is not, in itself, a solution, but rather an indispensable protection on the road thereto. It is a key first response to ensure protection and create the humanitarian space to pursue solutions. Within the 1951 Convention framework, asylum has closely accompanied the grant of refugee status. After 1951, many states therefore adopted the refugee definition as the main criterion for the grant of asylum, with the content of asylum offered being framed around the circumstances and needs of refugees.

However, it has become increasingly clear over more recent times that asylum is part of a range of responses suitable to an increasingly varied number of situations which do not fit one rigid paradigm. The legal implications of displacement driven by other than the classical drivers, that is persecution, human rights violations and conflict, have yet to be seriously thought through. When and how the asylum response may be relevant to displacement generated by climate change and major economic or migration disasters should benefit from review.

In conclusion, Mr. Chairman, I return to the theme of my opening remarks. The more one visits refugee situations, the clearer it becomes that we need less speculation about, and far more seeing and feeling what the refugee experience is all about and the space protection occupies here. I was recently in Serbia and Croatia in connection with the High Commissioner's protracted situations initiative. The challenge for the remaining refugees in these countries is getting back on their feet in a sustainable way after more than a decade of life in shabby refugee settlements and makeshift accommodation arrangements. In the midst of the still prevalent destruction left behind by war, one meets people living in partially reconstructed houses without water or electricity, sometimes within sight of signs warning of the presence of mines. In collective centres, in space you could barely turn around in, I talked with families without the wherewithal even to purchase adult sanitary materials for incontinent, bed-ridden elderly parents. For the many people waiting, hoping for justice, equity and decency to re-enter their lives in some meaningful way, it is protection, by the concerned states and as catalysed by UNHCR, that can bring security and dignity back into the equation. I suggest that two deceptively simple sentences well sum up the significance of international protection. Protection does make a meaningful difference. It can mean the vital difference.