

Remarks by George Okoth-Obbo, UNHCR Director for International Protection Services at the Symposium on “Advancing the Implementation of the United Nations Global Counter-Terrorism Strategy

17 – 18 May 2007
Vienna International Centre

Mr. Chairman,

UNHCR is not a mandated agency in the field of counter-terrorism. It has been entrusted with the mandate to ensure the protection of refugees. Refugee protection and counter-terrorism are however intersecting in ever-more critical ways.

Let me therefore thank you, Mr Chairman, the Secretary General’s Office, UNODC and the Government of Austria for this opportunity for UNHCR to highlight today the relationship between these two fields. I will also state UNHCR’s attitude to the United Nations Global Counter-Terrorism Strategy, the principal subject of this Symposium. I will focus on the issues that are pre-eminent in relation to legal compliance.

Today, some nearly 10 million people need protection as refugees across the globe. They are victims of massive abuses of human rights. Indeed, refugees are often among the first victims of terrorism whether at home or across borders. UNHCR thus of course supports legitimate efforts to combat terrorism. In this way, one among the roots of forced displacements will thereby be mitigated.

The concern we have had is that, unfortunately, evidently warranted efforts in battling this scourge have also had critical adverse impacts on the international protection of refugees. Asylum-seekers and refugees have been vilified, stigmatized or criminalized as themselves terrorists. Those from certain religions, cultures, regions or background are implicitly or automatically viewed as merchants of death rather than seekers of safety they have lost at home. Asylum itself is in the imagination of many a citizen equated with havens under which perpetrators of terrorism lurk and ply their invidious trade. A number of evidently necessary and legitimate policy, legal and practical steps in law and judicial enforcement have nevertheless been applied so broadly or otherwise strictly that this same diminishing effect on asylum and protection space is the result. Thus:

- ✚ Asylum-seekers increasingly find it difficult to gain access to territory or to asylum procedures.
- ✚ Detention and forced return to the country of origin is being resorted to more frequently and without regard to the risk of persecutory danger.
- ✚ A raft of broad policy, legal and administrative instruments, particularly to exclude or remove refugees or asylum-seekers with greater facility, is being resorted to and applied, even on a collective basis, as opposed to the principle which normally requires proof on a case by case basis.

Mr Chairman, UNHCR does not believe that CT measures need necessarily lead to the erosion of the domain, fealty to or practice of refugee protection. On the contrary, the implementation of those measures in a manner that is compliant with the rule of law and standards of international law, human rights and refugee law will not only preserve, but also underpin and even expand asylum. The legal and policy machinery of asylum itself has inbuilt instruments the likewise proper use and application of which will help secure State and public safety and security goals.

In the full version of UNHCR's paper prepared for this Symposium, which will be distributed separately, these interconnections are explained in detail. For now, I would like to underscore the following key messages in the context of the objectives and priority issues with which this Symposium is seized.

First, UNHCR welcomes the UN Global Strategy on Counter-Terrorism. Genuine asylum-seekers, refugees and the system of asylum and refugee protection as a whole have all to gain from societies in which no one has to fear the kind of lurking, inordinate risk and danger that modern terrorism represents.

Secondly, as the measures set out in this Strategy are implemented, asylum space and the protection rights of asylum-seekers and refugees should be respected and preserved. The key here is due diligence and compliance. UNHCR thus strongly supports the emphasis in the Strategy on compliance with international law, human rights law, refugee law, and humanitarian law. In respect of international refugee law as such, the most vital touch points of States' compliance which UNHCR urges are:

- ✚ Admission to the territory and non-rejection at the borders
- ✚ Admission into due procedures
- ✚ Proper and fair determination of claims and need for protection
- ✚ Assurance of basic standards of treatment, above all protection against forcible return to a territory where refugees and asylum-seekers might face persecution (non-refoulement) and non-recourse to detention on an automatic basis.

Thirdly, UNHCR would like to underscore that asylum-seekers do not come before asylum states and host populations only as claimers of rights. They indeed bear duties themselves towards those States and communities, most notably to comply with national laws and regulations established for public order and good. The record shows that by far the decisive cross-section of refugees and asylum-seekers are law abiding members of the communities in which they find themselves. Those who abuse the laws established for public good and order or the institution of asylum should feel the full force of the law as anybody else. And let it be underscored that a duly managed system of asylum does not protect terrorists from prosecution. On the contrary, international refugee law does provide for the identification of those who have committed heinous acts or serious crimes and their exclusion from the protection the system provides.






Fourth, and building on the point just made, the instruments of the refugee protection regime, when applied duly, judiciously and in a justiciable manner, are veritable in meeting the interests of states in that juncture where asylum obligations might intersect with those of countering terrorism. These include the due determination of refugee status; grant of that status only upon clearly established criteria; exclusion from that status of those who have committed egregious crimes; the cancellation of the status of those who subsequently exhibit invidious intentions or purposes; the ability of States to remove from their territories such persons under due process; the proper management of borders; exchange of information with due regard to protection priorities; and capacity building.

Fifth, as we have heard throughout this Symposium yesterday and today of the imperative to combat incitement and stigmatization, so also does UNHCR urge for priority to be assigned to stemming the vilification, criminalization or stereotyping of asylum-seekers and refugees. Rather, that they are themselves escaping persecution and danger, and need the empathy and support of the States and people among whom they find themselves, needs to be given fulsome recognition and prominence.

Finally, I wish to reiterate that while UNHCR is not formally a member of the CTITF, we have collaborated and will continue to work closely with the Task Force and other entities in different ways on matters relevant to the intersection between refugee protection and CT measures. In particular, we have co-operated with the Executive Directorate of CTC, UNODC and the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms on questions relating to how the respective standards and principles can be co-hered. All this will continue.

Mr Chairman.

UNHCR also collaborates and works with States on a day to day basis to ensure the proper application of the obligations owed to asylum-seekers and refugees, while also assuring national security priorities. Let me underline that UNHCR will continue this necessary and appropriate collaboration with all players and stakeholders. It looks forward to continuing these contacts and efforts in the implementation of the Global Strategy, and to follow up with special interest some of the challenges that have been highlighted yesterday and today, particularly:

-  A common definition of terrorism
-  The need for clear implementation mechanisms of the Global Strategy
-  Identification of review mechanisms
-  The adoption of measurable benchmarks against which performance should be assessed
-  An integrated and coherent approach and avoidance of duplication of tasks.

Thank you very much for listening to me.

UNHCR
18 May 2007