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International Protection
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Mr. Chairperson, distinguished delegates, dear colleagues,

I am pleased to introduce this year's Note on International Protection. Rather than walking you through the text, I would like to reflect on a number of challenges identified in the Note that need to be tackled collectively. Before doing so, however, I wish to highlight, with a broad brush, a number of positive developments and emerging trends. In the past year, we have made some progress in facilitating durable solutions, on statelessness issues, in strengthening tools and partnerships to increase accountability to persons of concern and in improving the dissemination of protection information.

The number of IDP returns in 2009 – some 2.2 million – was the highest in more than a decade. Tanzania granted citizenship to 155,000 Burundian refugees, bringing to an end a long-standing refugee situation. The United States of America also granted citizenship to 55,300 refugees last year. With respect to asylum, many countries continue to host millions of refugees generously, in some instances for decades. Pakistan, the Islamic Republic of Iran and the Syrian Arab Republic come to mind immediately, but also Kenya, Chad, Germany and Jordan. Industrialized States granted asylum to some 130,000 refugees and others in need of protection last year. More countries than ever before have been actively encouraging livelihood strategies, recognizing that refugees can be a resource and not just a 'burden' and welcoming the contributions, often untold, they make to the economy and social systems of host countries. Donor countries have equally generously continued to support UNHCR's programmes around the world.

Resettlement is another success story. Given the greater preparedness of resettlement countries and improvements in UNHCR's own capacity in this area, UNHCR was able to triple its resettlement submissions in the last six years from 39,000 submissions in 2004, to 128,400 in 2009. Resettlement departures also doubled in the same period from 42,000 to 84,000. A total of 21 States cooperated with UNHCR in providing resettlement places under annual resettlement programmes in 2009. Although resettlement

benefits only a small proportion of the world's refugees, I cannot over-emphasize the strategic value of resettlement in creating protection space, as well as for the pursuit of comprehensive solutions strategies. Yet, at the same time, only 251,000 refugees went home in 2009; the lowest number for voluntary repatriation in twenty years. This sadly reflects the ingrained nature of conflict in some parts of the world.

UNHCR's stronger engagement in statelessness issues is yet another positive trend. More than 3.5 million stateless people acquired or formally confirmed a nationality between late 2004 and 2010. Just last year Zimbabwe and Bangladesh removed legal provisions which discriminated between men and women in their right to transmit nationality to their children. These positive examples follow a global trend where more and more countries are introducing gender equality in their nationality legislation, in particular regarding the right of women to transmit nationality to offspring.

Since the introduction of the cluster approach for IDPs in 2005 as part of the humanitarian reform process, UNHCR has made strides in deepening its engagement with IDPs. Last year, the number of internally displaced protected and/or assisted by UNHCR was the highest on record. A total of 15.6 million IDPs (out of an estimated 27 million globally) were receiving assistance under arrangements in which UNHCR was either a lead agency or a key partner. UNHCR is the lead agency for the Protection Clusters in 21 of 31 country operations in which a Protection Cluster has been formally established, and co-lead agency for two of the other ten. The year 2009 also saw the adoption of the African Union Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa – the first binding treaty to address IDP protection issues. The African Union is to be commended for this important initiative. The Convention has been signed by 25 Member States but will only enter into force once ratified by 15 AU Member States. Let me also point out that in some contexts we have found that support offered in response to natural disasters has facilitated and strengthened relations with Governments on refugee matters or provided an entry point for more involvement with conflict-induced internally displaced.

Another important trend has been a stronger orientation towards accountability to populations of concern combined with a multiplication of partnerships in the area of protection. There are more links and partnerships in the field of protection today than ever before, involving Governments at all levels, UNHCR, NGOs, other UN agencies, as well as – most importantly – persons of concern. We have worked hard to expand partnerships with people of concern and enable them to become agents of their own protection by deepening participatory and community-based

approaches as well community mobilization activities. While more remains to be done, the recent AGDM evaluation confirmed that the age, gender and diversity mainstreaming initiative has made a positive impact on persons of concern, on UNHCR staff and on Government and NGO relations. Through the SCHR Peer Review on Accountability to Disaster-Affected Populations (January 2010), UNHCR confirmed that it has systems and procedures in place to ensure the Office acts in an accountable manner towards those it serves. The Humanitarian Accountability Partnership (HAP) also confirmed that UNHCR could qualify for HAP certification if formally requested.

There is a huge protection community out there in the digitalized world that continues to look to UNHCR for protection-related materials. UNHCR's *Refworld* site has gone from having a database of 72,000 documents in 2007 to 126,000 documents today. This works out to 54,000 new documents or approximately 18,000 per year. The site is extremely popular. In April 2010, *Refworld* saw the number of document views increase to 4,635,541 or about 159,977 document views per day. We also had 130,000 unique visitors. In May, we had an additional 400,000 page views more than in April, meaning the same number of people are using *Refworld* more frequently. In the past year, we have also established the RSD Community of Practice, an internal electronic platform to enable RSD decision-makers in UNHCR to exchange readily information concerning best practices.

This leads me to turn now to eight long-standing and new challenges which I will present in the form of questions. I hope that in the debate today and the international protection segment of the Executive Committee in October we will be able to brainstorm further about the way forward.

First, how do we, collectively, address racist and xenophobic attitudes? The manifestations of racism and xenophobia are often not against refugees or asylum-seekers, per se, but against non-nationals in general. Fear of the other as 'the other' is frequently used in politics for short-term and populist gains. This is the same fear that breeds discrimination and even violence against people who are different because of their colour, gender, creed, minority status or sexual orientation. When used politically, it can wreak havoc – as history and more recent events have sadly taught us. It is also often the cause of forced displacement. In the asylum context, it has had the effect of diminishing protection space through the branding and stigmatization of refugees and asylum-seekers and spurred restrictive laws, policies and practices. Addressing this issue and opening up societies and communities towards the other seems to me the single most important protection challenge today. UNHCR issued a Strategy Note last year on *Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance*, and

we have worked with NGOs such as Human Rights First, with OHCHR, ODIHR and the Commissioner for Human Rights of the Council of Europe in reflecting upon a strategic way forward. We need joint efforts by all stakeholders as well as pro-active and creative approaches to promote cohesive and diverse societies.

A second challenge is how to ensure that asylum is preserved as a humanitarian and non-political act? Last year witnessed a number of grave instances of *refoulement*. When refugees are forcibly returned, they remain of concern to the international community given the particular nature of refugee status. A fundamental principle, and indeed core value in international refugee law, is respect for the humanitarian and non-political nature of the grant of asylum. This flows from its deeply humanitarian character, which lies beyond and above the realm of politics. Concerted efforts are needed to reaffirm the humanitarian nature of asylum, as well as the principle of *non-refoulement*.

Third, how do we adapt to the changing (and in some situations shrinking) humanitarian space? While the need for protection is increasing, the space within which humanitarian actors such as UNHCR operate is shrinking. As conflict and causes of displacement become more complex, so does the nature and scope of UNHCR's role of providing protection to persons of concern. A blurring of traditionally distinct spheres has changed perceptions about humanitarian workers and increased the risks they face. Some have paid the ultimate price. In 2009, in the space of six months, three UNHCR staff lost their lives in separate attacks in one operation. Balancing the imperatives of staff safety and of uninterrupted humanitarian action is an increasingly delicate exercise and continues to vex operational planning and delivery.

A fourth challenge, which last December's Dialogue on Protection Challenges brought into sharper focus, is how to ensure that the requisite attention is paid to refugees in urban areas and the internally displaced outside of camps? As you can see from our recently issued statistics for 2009, the number of refugees living in urban areas now outnumbers those in camps for the first time. We are in the process of identifying and disseminating a number of good practices in urban operations. One example is the launch of a new text messaging service which will allow for the quick dissemination of short information bulletins to registered refugees in Iran. The new project grew from discussions between the Iranian authorities and UNHCR on how best to enhance communication with refugees. The new programme will help inform refugees about crucial issues which affect them, from registration updates to education and medical services. The urban refugee policy will be the subject of a special thematic session during next week's NGO Consultations, which will explore models for innovative partnerships between local and international NGOs, as well as for protection and

assistance in urban settings with particular emphasis on community based models and self protection initiatives.

During the month of July, DIP, DPSM and PDES will join forces to organize a workshop with staff from the seven cities designated as pilot sites for the urban refugee policy. The workshop will enable us to identify the types of technical and other support that we need to provide from Headquarters, using a multifunctional team approach. The workshop will also enable us to begin preparing for the Real-Time Evaluations that will be carried out towards the end of the year and provide critical inputs to ensure that revised plans for 2011 begin to align operations with the letter and spirit of the urban refugee policy. We recognize that implementation of the policy will be incremental in nature. We are also deepening our engagement with UN Country Teams in creating synergies with UNDAF initiatives aimed at local populations. Finally, we are working in the frame of the Inter-Agency Standing Committee to draw attention to the situation of IDPs outside of camps and explore approaches to better meet their needs.

Fifth, how do we ensure that there is greater engagement by Governments in processes to identify refugees on their territory? UNHCR conducts RSD under its mandate in over 50 countries, often in complex circumstances. UNHCR offices registered 119,100 applications out of a total of 922,500 international protection claims in 2009. This represents a 62% increase compared to 2008. As far as asylum applications are concerned worldwide, UNHCR's share alone was 13% in 2009 compared to 8% in 2008. RSD activities obviously fulfill an important protection function since mandate RSD generally provides the basis for subsequent interventions such as prevention of *refoulement*, the provision of humanitarian assistance or the implementation of durable solutions. Nonetheless, it also represents an anomaly since UNHCR's involvement in RSD should be the exception rather than the rule. Many of UNHCR's largest RSD operations are in States that have signed the 1951 Convention. More needs to be done to develop and strengthen national RSD systems. Where States are unable to assume responsibility for RSD, the support of national authorities for UNHCR's own RSD operations is crucial. Different levels of operational engagement could be envisaged, ranging from joint exercises to register and document asylum-seekers and refugees, to collaboration to promote respect for documents issued by the Office.

A sixth major challenge is how to enhance protection space, including in countries where UNHCR is not directly engaged in conducting refugee status determinations or in delivering material assistance, but where the Office seeks to exercise its supervisory role, through monitoring, capacity building and various forms of protection advocacy? Preserving protection space even in sophisticated legal environments is

becoming increasingly complicated, and there continue to be asylum systems that are ineffective despite substantial investment in capacity building. We welcome the fact that many countries, especially in Europe, have worked closely with us over recent years to improve the quality of asylum decisions. However, in many places the quality of asylum decision-making remains a central preoccupation. Other protection concerns range from ineffective or non-existent protection safeguards at the border, to the absence of adequate reception arrangements or alternatives to detention, to compulsory returns to situations of ongoing conflict and to countries which do not have functioning asylum systems. In view of the large number of children seeking asylum alone, particularly in Europe, we are devoting considerable attention to child-sensitive asylum processes, and intend to develop guidelines for determining the best interest of the child in the context of individual asylum determinations. As part of our effort to narrow the gap between law and practice in the area of refugee protection, we are continuing our practice of making strategic interventions in national and regional courts. Interventions are designed to inform courts of UNHCR's positions and provide authoritative guidance in line with the Office's supervisory responsibilities. We are reaching out more to legal communities around the world as part of our global strategy for judicial engagement.

On a very practical level, allow me to draw your attention to the fact that as of 1 April of this year Convention Travel Documents both for refugees and stateless persons, like national passports, need to comply with new international standards adopted by the International Civil Aviation Organization (ICAO). Early this year, the Assistant High Commissioner for Protection wrote to all States Parties in this respect, stressing the need for compliance. According to our latest survey, several dozen States have started to issue ICAO-compliant documents while others intend to do so shortly. We therefore wish to encourage those that have not yet done so, to take the necessary steps to upgrade refugee and stateless travel documents, not least in an endeavour to mitigate the risk of trafficking.

The seventh challenge is how to strengthen our Age, Gender and Diversity mainstreaming approach? UNHCR is currently developing a set of concrete actions that will constitute a corporate plan of action to bring to full fruition AGD mainstreaming. The next phase of the AGDM will focus on three areas: a) full integration of the AGDM into the entire operations management cycle; b) further development of the 'diversity' dimension; and c) UNHCR championing and acting as catalyst for social change. The question that comes to mind is what are the best practices in this field and what examples can Governments and NGOs share when implementing their own AGD approach? You will have noted from UNHCR's Statistical Report that sex and age-disaggregated data are more available in countries where UNHCR is

operationally active and less so in industrialized countries with established asylum systems. Lack of birth registration in many camp situations and some urban contexts is another preoccupation to which I referred at the March Standing Committee. With 18,700 unaccompanied or separated children having filed an asylum application in 2009, the number is at its highest ever since we started obtaining proper data. The recently published study *Trees Only Move in the Wind* on Afghan unaccompanied asylum-seeking children in Europe is a sad testimony and must prompt us to act. We hope we can soon organize consultations on its findings with Governments, UNICEF, IOM and others, to take this further forward.

Eighth, how do we ensure that statelessness issues attract the international attention they deserve so that solutions can be found? The number of State Parties to international statelessness instruments is still low: At present, the 1954 Convention on the Status of Stateless Persons has 65 States Parties, while the 1961 Convention on the Reduction of Statelessness has only 37. A number of States have indicated that they plan to accede to these key international instruments, and we look forward to working with them to complete the necessary steps. More work also needs to be done to secure better baseline data about the estimated six million stateless persons that are currently not listed in our statistical report. Too often, the plight of stateless persons is ignored because no procedure is in place to identify them and resolve their plight. Despite the clear positive trend I highlighted in my opening, more than 30 countries still discriminate between men and women in the area of nationality. In a concerted effort on our part to increase awareness, for instance, through training and the issuance of a strategy note in March this year, we hope that we can together step up with you efforts to make a strong push on statelessness in the context of next year's 50th anniversary of the 1961 Convention on the Reduction of Statelessness. We started preparing for this last month by convening an expert meeting in Prato, Italy, on the concept of stateless persons under international law and the issue of *de facto* statelessness. Much more, however, remains to be done.

Mr. Chairperson,

Forced displacement and statelessness issues are unquestionably matters of concern to the international community. This is manifest in the establishment of a global legal and policy framework providing for refugees, stateless persons, returnees and IDPs, as well as the creation of UNHCR, mandated to provide international protection. The international protection function – a unique feature in international law – can only be effectively discharged if it is underpinned by genuine commitment to international cooperation, responsibility-sharing and respect for international rules and standards. We shall together commemorate UNHCR's 60th anniversary in

December of this year and the 60th anniversary of the Refugee Convention and 50th of the Reduction of Statelessness Convention in 2011. Marking these anniversaries provides an opportunity not only to reflect upon what we have achieved but also upon how the world and the nature of displacement have evolved. It is also an opportune moment to recall and reaffirm core principles and commitments, consolidate and revitalize the existing protection framework and architecture, and identify measures to address the gaps that have emerged.