

Check against delivery

**42nd Meeting of the Standing Committee
Agenda Item 3**

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Refugee protection has had something of an uphill battle over recent years. There have been both successes and setbacks in equal measure, as the Director of the Division of International Protection Services will soon present to you. The challenge of protecting refugees continues to grow as conflicts proliferate, together with the factors that provoke them - from intolerance, bad governance and disrespect for human rights, to related issues like environmental degradation and increased competition for diminishing resources. We are warned increasingly of the indelible “footprint of climate change” and “looming water wars”. New terminology is entering the displacement lexicon with some speed. The talk is now of “ecological refugees”, “climate change refugees”, the “natural disaster displaced”. This is all a serious context for UNHCR’s efforts to fulfill its mandate for its core beneficiaries, that is refugees fleeing persecution and violence or trying to return in precarious situations of peace, persons without an effective nationality, and IDP populations for whom we have particular responsibilities. The mix of global challenges is explosive, and one with which we and our partners, government and non-government, must together strike the right balance.

I cannot but reflect back to an earlier also disturbed period, when the organisation was challenged to take stock of the evolving international environment, the surge in transnational crime, the changing face of migratory movements and the need against these to question and re-validate the protection objectives of our work and the framework of law and principles for it. As many of you are aware, this provoked the two year Global Consultations Process which culminated, in 2002, in the endorsement by the Executive Committee and by the UN General Assembly of the Agenda for Protection.

I believe that the Agenda has been a significant advance in global objective setting. The question is, whereto from here, 5 years on in an ever-evolving global protection climate. I want to offer some general reflections on this, before passing the floor to George to make his introduction of the Note on International Protection for 2008.

THE AGENDA FOR PROTECTION

We assess the Agenda to have made a serious and positive contribution to improving the protection environment. Certainly the voices of those who had at the time been seeking to pull out of the 1951 Convention framework have quietened. UNHCR’s efforts to clarify and update understandings of refugee law and protection principles, through the second track of the Global Consultations

and the Guidelines which have flowed therefrom have found their way into the judicial and asylum practices of countries. The revival of interest in comprehensive solutions planning, some rehabilitation of the local integration solution, and recognition of the importance of the strategic use of resettlement, were all objectives of the Agenda.

To take only some additional examples, the SPC project, renewed interest in addressing protracted situations, the creation of UNHCR's resettlement service, and asylum and migration related initiatives including the 10 point plan, all found their impetus in the Agenda. UNHCR's 10 Point Plan, with which I remain directly engaged, is an effort to unpack migration problems, based on the philosophy that the best response to the asylum migration nexus is one geared not to the phenomenon of migration as such, but to the different and various persons on the move. The Plan is moving markedly from the strategy to the implementation phase but the better management of boat arrivals, as the situation on the shores of Yemen serves as a reminder, is not yet in hand. On the basis of the 10 Point Plan, we have been working on suggestions for a "rapid response mechanism", which would come into play on disembarkation in a place of safety, and entailing profiling, responsibility sharing and cooperation arrangements.

Also on the plus side, the Executive Committee has agreed, albeit not without difficulty I have to note, some important protection conclusions, notably those on groups at risk, leading to quite concrete outcomes. I am particularly pleased to draw your attention to the revised version of the Heightened Risk Identification Tool, circulated at the back of the room, which enhances our effectiveness in identifying refugees at risk by linking community based, participatory assessments and individual assessment methodologies. Our recently launched *Handbook for the Protection of Women and Girls*, draws heavily on the conclusions on *women and girls at risk* of 2006 and last year's conclusion on *children at risk*.

All this said, the potential of the Agenda has still to be fully realised, in our assessment.

Finding asylum on acceptable terms can be a matter of chance. The specter of xenophobia continues to loom large in many regions of the world. Asylum systems remain under review, with deterrence and migration control as driving considerations. Due process of law is frequently compromised. More than five million refugees remain in exile in protracted situations, and accompanying this, perhaps, there is a sort of "displacement fatigue", with the danger that the long-term displaced in effect be "written off" as casualties of conflict, or victims of history. Amongst the ambitions still to achieve, is an increase in the availability of resettlement places sufficient at a minimum to match our enhanced referral capacity.

The Agenda's concern about a certain culture of neglect and denial when it comes to violence against women and girls is still valid. I make it a practice to meet with women refugees during all missions who relate a litany of concerns: for example about the negative and sometimes very tragic consequences, like

self-immolation, of forced, under-age marriages, of double victimisation of rape victims, or of lack of livelihoods opportunities and survival sex. Again this is unfinished business, so to speak.

The Agenda was drafted and negotiated as a living document, to be used as a tool to instrumentalise protection in areas of clear need. It was not intended as a blueprint for but a catalyst to action. It was directional, not prescriptive, in its aims. UNHCR was not solely, even primarily, its intended audience. States have the first responsibility for delivering protection to refugees and are asked in the Agenda to undertake a number of quite specific efforts linked to its goals.

The Agenda is being followed by UNHCR, as has been regularly reported. Implementing the Agenda for protection, just as protection itself, is a core responsibility for UNHCR, but not alone, by any means. UNHCR is a catalyst and facilitator, acting on the basis of its mandate. States are primarily responsible. Information on how governments have ordered their own priorities with the Agenda would much assist us to marshal the collective effort more effectively and facilitate truly comprehensive strategies to tackle contemporary protection dilemmas. Our attempts to encourage states to be as transparent have met with in-principle support, but generated not very much by way of specific information. It is, of course, not so easy to evaluate protection in the broad, partly because the end result is often avoidance of something happening rather than the reverse. It can also be a longer term activity. A general malaise with reporting is probably another reason, as is the existence of some uncertainty about how to go about the task.

We would like to reach a point where reporting on the Agenda's implementation is as genuinely a joint undertaking as was its drafting. To facilitate this, we have recently circulated to states a suggested reporting matrix on the Agenda. Hopefully it will produce a solid overview of what is being done other than by us, and at the same time through a not too onerous process. That was our intent in producing it. We are also encouraging states to take profit nationally from the process, for example by using the information as the basis for holding a national dialogue on asylum and global protection dilemmas. This could help to improve understanding of the circumstances that generate refugees, the reasons why they flee, the challenges confronting countries in receiving and assisting them, and the need for structured but open-hearted responses. Such a dialogue could actually mobilise support for national strategies.

In conclusion:

The Global Consultations Process and the Agenda for Protection were in part a response to the existence of protection gaps. The Agenda brought to an end a phase of reflection and objective setting. The High Commissioner's Dialogue on Protection, set to become an annual event, contains the seeds for the next phase. The first of the High Commissioner's Protection Dialogues, held in December last year, was similarly preoccupied with protection gaps. We have been taking steps to follow up on the first Dialogue. The office is well into a series of multi-stakeholder regional meetings around implementation of the 10 point plan. The *Conference on Refugee Protection and International Migration in the Gulf of Aden*

organised by UNHCR in Yemen is one example in this regard. In addition, there has been consultation with a number of the participants who expressed interest in the issue of contemporary protection gaps, notably the IFRC and NGO counterparts. As requested, the office is now exploring with whom and when to convene an informal working group to look more in-depth into what gaps are at issue and how to foster better cooperation and partnership to bridge them. While our own mandate has limitations here, we will play the “convenor role” asked of us.

Getting the right people around the table is of course but part of the task. Ultimately what is required is a multitude of interventions across a broad spectrum of activities. And every step counts. Just as a single protection deficit can lead to multiple protection risks, so too can a single response provoke multiple improvements. For example, the collection of firewood often exposes women to serious risk of arrest, harassment and or assault, especially when venturing outside proscribed perimeters. Investment in the fabrication of high efficiency clay stoves can have the effects of halting harmful environmental practices, increasing income earning potential, and at the same time significantly reduce security risks faced by women. I end on this positive note: protection interventions do not necessarily entail significant financial commitments in order to deliver weighty dividends.