

39th Meeting of the Standing Committee of the
Executive Committee of the High Commissioner's Programme
Geneva, 25 – 27 June 2007

**Agenda item 3: International Protection: Introductory statement by George Okoth-Obbo,
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Thank you Mr Chairman
Distinguished Delegates, Ladies and Gentlemen,

It is my pleasure to introduce the Note on International Protection, contained in document EC/58.SC/CRP.11. As the Committee knows, the Note provides an annual review of the global state of international protection. It is structured around the six goals of the Agenda for Protection, the framework established five years ago to guide the global delivery of international protection. The Note I will be introducing today is, in this respect, of some historical significance. It is the last in the five year time frame of the Agenda. What will happen now to the Agenda and, in that context, the reporting format of the Note, are thus over-arching questions for this presentation to the Committee.

The report also coincides with a steep rise for the first time in five years in global refugee numbers that had otherwise been declining steadily. Today, there are some nearly 10 million refugees worldwide, 2 million more than the figure this time last year. The system of international protection formalized under the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and the mandate of UNHCR thus continues to be as vital as at any time before. In terms however of the commitment by States to their international and humanitarian obligations to those who are forced to seek safety away from their home countries the Note shows that there was both progress and setbacks. I will highlight the most important aspects of this mixed picture.

Let me start with **Goal Number One** of the Agenda, **Strengthening the implementation of the 1951 Convention and its 1967 Protocol**. The Note shows that these instruments continue to provide the essential global framework for predictable protection response. For its part, UNHCR sustained its efforts to strengthen the implementation of this regime as elaborated in detail in paragraphs 14 to 28. Among others, it welcomed the coming into force in Kenya for the first time ever of a refugee-specific law; the approval of similar legislation in Sierra Leone; and the commitment by the Government of Kazakhstan to draft the same. Two new global instruments, the Convention on the Rights of All Persons with Disabilities and the International Convention for the Protection of All Persons from Forced Disappearance should also have a reinforcing effect for protection in the displacement sphere.

Mr Chairman, beyond this, I cannot be unqualified in UNHCR's satisfaction with the consistency, practice and compliance by States with the protection standards of the Convention and Protocol. The number of countries in which the Office is undertaking refugee status

determination, a primary State responsibility, is, at some 80, by far too large. The refusal of admission to asylum-seekers has continued to be reported during the period under review. Even more regrettably, recognized refugees were forcibly returned to the very territories they had fled for fear of their lives and safety. Moreover, a consistently harmonized interpretation of the 1951 Convention criteria is yet to be achieved. Among the most important examples, the plight of Iraqi asylum-seekers in some European countries has illuminated both the restrictive and widely varying approaches in the determination of asylum claims of even similar caseloads. In many of these States, there were extremely low rates of recognition, even for Iraqis from the central and southern parts of the country, who were thus left with no, or only limited, protection.

Any satisfaction with the progress that has been achieved in underpinning the pre-eminence of the 1951 Convention and its 1967 as the foundation for refugee protection thus goes hand in hand with calls which UNHCR has continued to make for greater adherence to and implementation of those instruments. Many a State thus needs still to take much bigger and vital steps to achieve full and inclusive implementation of these instruments. UNHCR of course appreciates that there are legitimate and pressing national security stakes to which States must be attentive. Nevertheless, I would urge that these need not be considered as inherently irreconcilable with the basic tenets of protection laid out in those instruments.

Mr Chairman, this leads me to **Goal Number 2** which concerns the **Protection of refugees within broader migration movements**. The Assistant High Commissioner for Protection will shortly provide a much fuller overview of this subject in presenting the paper on "UNHCR's Activities in Relation to the Asylum-Migration Nexus". So, let me confine myself to some rather specific issues. First, the drama of sea arrivals and, in that context, of ensuring disembarkation and the safety lives at sea remains critical. As a key player of the international humanitarian community, UNHCR cannot be blind to human safety in these situations, particularly when among those lost at sea may be persons in need of international protection. Secondly, there continues to be a general lack of recognition for the protection risks some survivors of trafficking could face if returned to their homes. The absence of systematic mechanisms, including for determining the best interests of children or to identify and deal properly with survivors of trafficking is notable in this respect.

The reduction of these gaps require concerted efforts of all the different actors in a spirit of burden sharing and international solidarity to ensure that protection needs are met. The Regional Guidelines for Special Protection in Cases of Repatriation of Child Victims of Trafficking recently agreed in the Americas is a good example. Others include the efforts evolving under the auspices of the Ten Point Plan, which will be elaborated upon by the Assistant High Commissioner.

Turning to **Goal Number 3, Sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees**, the situation of Iraqi refugees in the Middle East and North Africa region has not surprisingly commanded the greatest attention. As

is now recognized, two million Iraqis have sought asylum in this region, the majority of them in Syria, with 1.4 million and Jordan with 750,000.

Exceptional good will, humanitarianism and tolerance have meant that the staggering numbers could nevertheless be welcomed notwithstanding the tremendous odds and challenges. At the same time, the limits of a system that relies solely on empathy is showing its limits. The April 2007 International Conference on Iraqi Displacement here in Geneva thus called attention to the pressing need to define and firm up in a predictable manner the essentials of a likewise reliable protection system. This framework would also set out the range of collaborations and partnerships to underpin the relevant standards and obligations and ensure their implementation. Needless to say, efforts in countries further afield from the region in which Iraqis are also seeking asylum, to ensure that their international protection needs are duly recognized, including through resettlement, will also have a symbiotic and synergetic effect.

The efforts in the Americas region taken in the context of the Mexico Plan of Action, particularly the "Cities of Solidarity" programme, should prove instructive. Here, UNHCR has worked with municipalities and NGOs to promote their role in the Plan. Framework agreements signed with cities and towns throughout the region have expanded protection networks, strengthened reception capacity for asylum-seekers and refugees and facilitated access to services and self reliance. As for UNHCR itself, we have continued our efforts to build partnerships with Governments and other partners as well as the refugees themselves through various initiatives, including the Office's Strengthening Protection Capacity Project (SPCP) which will continue to be a vital strategy for promoting burden and responsibility sharing. UNHCR's staff deployment schemes have also continued to work well. For instance, since the beginning of 2007, the International Rescue Committee (IRC)/UNHCR "Surge" project has deployed 31 staff to 19 countries. Meanwhile, the Division of International Protection Services is developing a protection staffing strategy that will enable objective determination of the number and profile of protection staff required in a given operation and help ensure greater strategic complementarity between UNHCR staff and other additional workforce arrangements. As of 2008, the Division expects to have a dedicated protection workforce management unit to help streamline and strengthen efforts in this regard.

Mr Chairman, **Goal Number 4 concerns Addressing security-related concerns more effectively.** The situations in Eastern Chad and Darfur have continued to highlight the destabilizing impact of a tenuous security situation for UNHCR's work and of course for the affected persons themselves even more acutely. In Eastern Chad, as the Committee knows, continued fighting has now placed some 120,000 IDPs and 230,000 Sudanese refugees at risk. In Darfur, protection efforts have been hampered and further displacements resulted. In these situations, the recruitment of refugee and other displaced children into armed groups is a particular protection risk. UNHCR has continued to search for innovative ways of addressing this problem, including programmes to keep youths productively engaged, the separation of armed elements from refugees and the internment of combatants. Last September, the Office provisionally released the Operational Guidelines on Maintaining the Civilian and Humanitarian

Character of Asylum. Feedback is now being solicited from field operations, including those in Algeria, Chad, Colombia, Ecuador, Kenya, Pakistan, Thailand, Uganda and Yemen.

Paragraphs 49 to 51 of the Note describe the steps the Office has taken in preventing and responding to sexual and gender-based violence (SGBV), including the promotion of the SGBV standard operating procedures issued in July 2006 to all country offices. Without going into details of these and other initiatives elaborated in the Note, let me highlight that the High Commissioner specially authorized an additional USD 3,750,000 to be spent uniquely in reinforcing SGBV prevention and response activities in no less than 16 countries. The projects range from awareness raising initiatives and support for shelter to actions to combat survival sex by providing school uniforms and livelihoods training.

With respect to **Goal 5, Redoubling the search for durable solutions**, significant returns home of refugees have continued, in particular to Afghanistan and countries in Africa, particularly Angola, Burundi, the Democratic Republic of the Congo, Liberia and Sudan as detailed in paragraph 57 of the Note. Many of these countries are still emerging from the ravages of long-running conflicts, meaning that return is often to areas where peace, reconstruction and reconciliation still very much need to be consolidated and basic infrastructure established after decades of war. The sustainability of these returns therefore remains a key question. It is not sufficient only to secure the safe return of the refugees or IDPs, although this is difficult enough in itself. Crucially, conditions should be put in place that will enable them to stay home, and the reintegration activities of the Office have thus remained a special focus of UNHCR's work in these cases.

As for local integration, it will be recalled that in 2005, the Executive Committee adopted Conclusion No. 104 which reaffirmed its importance of that strategy for comprehensive durable solutions. As explained in more detail in the Note, progress was achieved on this strategy in a number of countries, including in Central Asia and West Africa. In the latter case, Governments have shown receptivity to the possibility of refugees obtaining alternative status pursuant to the legal frameworks of the ECOWAS organization pertinent to the free movement of peoples in that region. UNHCR is strongly supporting these efforts. It has also encouraged refugee-hosting countries elsewhere to explore possibilities of enabling refugees, particularly those in protracted situations, to integrate locally as part of a broader burden and responsibility-sharing framework.

If I may say a few words now about resettlement in regard to which, as distinguished delegates know, the Agenda calls for expanded opportunities. In this respect, Mr Chairman, UNHCR has welcomed the commitment of Romania, Paraguay and Uruguay to become resettlement countries as reported and explained in more detail in the Note. In addition, the Annual Tripartite Consultations on Resettlement which will take place later this week will include discussions with European Union States on the prospects of increasing the overall number of resettlement places in the Union. Member States not yet resettling refugees will be encouraged to join in the effort. Meanwhile, UNHCR has continued to press for solutions for the impediments to

resettlement arising from policy, legal or administrative measures taken in light of national security priorities.

Finally, with regard to **Goal 6, Meeting the protection needs of refugee women and refugee children**, the Executive Committee's Conclusion No. 105 of October last year on women and girls facing risks marked an important change of approach in the initiatives to meet their protection needs. It signaled a move away from the perception of the women and children as inherently vulnerable groups to a focus on the different risk factors, whether individual or rooted in the wider protection environment. These had to be identified, responses specifically tailored for them and acted upon.

The Conclusion has been applied in devising a women and girls at risk identification tool on a pilot basis. By adapting and broadening its scope to identify individuals at risk across age, gender and diversity, it became possible to propose individual and broader responses ranging from enhancing information sharing to reforming dispute resolution systems. The approach will continue to be developed. Meanwhile, the need for a similar framework and focus in the approach for children at risk has also been recognized. Thus, a draft Conclusion on the subject is the subject of consultations with Executive Committee members. UNHCR very much hopes that this Conclusion will come to finality in a way which will preserve and give prominence to the fundamental principles underpinning the protection of children of concern which we consider to be absolutely vital for the framework.

Mr Chairman, in May 2006, UNHCR released a provisional edition of the Guidelines on the Formal Determination of the Best Interests of the Child and reported that a final version would be issued early in 2007. This timeline has now been set back to early 2008 as implementation was unfortunately slow to start. It has however gained pace now, and the postponement will allow more countries to share lessons learned and provide inputs for a final version.

Concerning the mainstreaming of age, gender and diversity, the Office has reported before that its Accountability Framework was introduced in mid-2006 to strengthen Representatives' and senior managers' accountability for AGDM. An assessment of a pilot project in field locations and at Headquarters recommended in early 2007 that the Framework should be rolled out throughout UNHCR, subject to modifications necessary to increase the framework's relevance to advocacy-based operations. On this basis, the roll-out has now taken place.

Mr Chairman, before I come to conclude, let me say a few words about statelessness and UNHCR's work in the protection of internally displaced persons. With regard to statelessness, there has been notable progress in implementing the Office's statelessness mandate over the past year. Addressing statelessness is now firmly imbedded in the Global Strategic Objectives of the Organization, those of its Regional Bureaux and in Country Operations Plans. UNHCR Headquarters and Field offices are working to operationalize the benchmarks outlined in the Executive Committee Conclusion adopted in October last year, for instance on improved modalities for the identification of stateless populations and reporting statistical data more

systematically. The Office is also stepping up its coordination with sister UN agencies. Soon, the High Commissioner will sign a joint framework with the Director General of the UN Fund for Population Activities (UNFPA) for the realization by both agencies of cooperation in addressing statelessness.

With regard to UNHCR's protection activities on behalf of internally displaced persons, the experience over the last twelve months in implementing the inter-agency Cluster Approach has been both inspiring and instructive. For sure, there are a number of challenges with the clusters which still have to be addressed, including, not least, in respect to co-ordination itself. The clusters are however showing that they offer a better framework for predictability, accountability and the authority for action which flows from this. The Office is at the same time coming to understand much better the investments it must put into establishing a core cadre of staff that will be able not only to respond functionally to IDP protection operations but, particularly, to exercise co-ordination, strategic and management leadership. To be clear, the core team of experienced senior protection officers established under the inter-agency Protection Standby Capacity Project ("ProCap") has proved its worth. Other standby rosters have also worked to increase the number of protection personnel available to support IDP operations. However, it is evident that the Office needs a critical mass of staff with the right profile and skills sets on a standing and predictable basis. To this end, the Division of International Protection is developing a Thematic Learning Programme on IDP protection management to enhance its response capabilities. It is also leading the development of an Inter-Agency IDP Protection Handbook, the first draft of which is set to be released by August this year.

I can conclude now Mr Chairman. The overview I have provided above shows that, as the Agenda for Protection comes to the end of its five year cycle, it has proved its vitality as a framework for enhancing the resilience of the global asylum system. At the same time, it is just as clear that much remains to be done to mitigate the stresses and setbacks that have figured within this system. That the framework of the Agenda, in its present form or a changed one, will continue to be required in these efforts seems also clear enough. UNHCR will be pleased to have the input of the EXCOM member States and other partners on how to move forward now. At the Standing Committee meeting in March this year, we made a number of proposals in this regard, but it was clear that further discussions were necessary.

Let me, in this connection, report on two matters of interest to the Committee in their own right but which are also relevant to the future of the Agenda. First of all, the Field Protection Reference Group on Protection Policies which the Office has informed EXCOM about previously is now scheduled to meet in the second week of September 2007. It is recalled that this is a group of some 20 UNHCR field Representatives and senior staff who will come together with Headquarters in bringing their experience, wisdom and perspectives to bear on the elaboration of the Organization's protection policies. The future of the Agenda is evidently one among the issues in respect of which the input of the Group will be critical.

Secondly, we are also now taking definitive steps for the first meeting of what was referred to as “the High Commissioner’s Forum” when he proposed it at the Executive Committee meeting in October last year, and which may now move forward under the title “High Commissioner’s Protection Dialogue”. The “Dialogue” will provide the opportunity for the High Commissioner to sound out State and other stakeholders in an informal and flexible manner on issues of topical interest. Our plans thus far to stage the “Dialogue” have faced some difficulty in firming up a time suitable for all stakeholders and which would allow for a meeting both distinct from, yet also synergetic enough with the other established fora, notably the Executive Committee. In any case, the question of the future directions of the Agenda for Protection could also benefit from initial soundings which could take place within the forum.

As for the other issues arising from the Note and my overview on which UNHCR will benefit from the views of States and other partners, let me finish with the following:

- ✚ The imperative to preserve and assure protection space even in the context of heightened security measures (including counter terrorism and border and migration management to stem irregular population movements).
- ✚ The attention which must continue to be devoted to building formal and/or essential protection systems where they presently do not exist.
- ✚ Where such systems have already been formally established, the necessity to enhance the legal, institutional, functional and operational capacities of Governments to assume more fulsome responsibilities for protection management and oversight particularly in the fields of registration, refugee status determination and protection delivery.
- ✚ The need for UNHCR to strengthen its capacity for its work in protecting IDPs as the lead for the Protection Cluster.
- ✚ The similar need in respect of the Office’s mandate for statelessness.
- ✚ The challenge of securing comprehensive durable solutions in situations of fragile peace and security.

Mr Chairman, Distinguished Delegates, Ladies and Gentlemen, thank you very much for listening to me.

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